



ANALYSIS

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1955, No. 28

AN ACT to consolidate and amend the Rabbit Nuisance Act 1928 and its amendments. [17 October 1955] Title.

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

1. This Act may be cited as the Rabbits Act 1955.

2. In this Act, unless the context otherwise requires,—

“Board” means a Rabbit Board under this Act:

“Council” means the Rabbit Destruction Council under this Act:

“Crown land” means any land, other than Maori land, that is not alienated from the Crown in fee simple or for any less estate or interest:

Short Title.

Interpretation.
1928, No. 8, s. 2
1947, No. 47,
ss. 2, 15 (3)

“District” means a rabbit district under this Act:
 “Inspector” means an Inspector appointed under Part III of this Act; and, for the purposes of the exercise by or on behalf of any Board of any powers conferred on it by or under this Act, includes an inspector appointed by the Board:

1953, No. 94

“Maori land” means Maori land within the meaning of the Maori Affairs Act 1953:

“Minister” means the Minister of Agriculture:

“Occupier”, in relation to any land, means any person in actual occupation of the land; and includes the owner of the land; and also includes any other person in receipt of the rents and profits of the land, and any agent or trustee of an occupier.

PART I

RABBIT DESTRUCTION COUNCIL

Rabbit
 Destruction
 Council.
 1947, No. 47,
 s. 3

3. (1) There shall continue to be a Council to be known as the Rabbit Destruction Council, which shall be the same Council as that established by the Rabbit Nuisance Amendment Act 1947 and existing under the same name immediately before the passing of this Act.

(2) The Council, the members of which shall be appointed by the Governor-General on the recommendation of the Minister, shall consist of—

- (a) Two members to be appointed on the nomination of the North Island Rabbit Boards Association:
- (b) Three members to be appointed on the nomination of the South Island Rabbit Boards Association:
- (c) Three other members.

(3) Except as provided in subsection four of this section, every member of the Council shall be appointed for a term of five years, but may from time to time be reappointed, or may be at any time removed from office by the Governor-General for disability, bankruptcy, neglect of duty, or misconduct proved to the satisfaction of the Governor-General, or may at any time resign his office by writing addressed to the Minister.

(4) If any member of the Council dies, or is removed from office, or resigns, the vacancy so created shall be filled in the manner in which the appointment to the vacant office was originally made. Every person appointed

under this subsection shall be appointed for the residue of the term for which his predecessor was appointed.

(5) Unless he sooner vacates his office as provided in this section, every member of the Council shall continue in office until his successor comes into office, notwithstanding that the term for which he was appointed may have expired.

(6) The powers of the Council shall not be affected by any vacancy in the membership thereof.

4. (1) The Council shall from time to time appoint from among its members a Chairman and a Deputy Chairman of the Council. During any vacancy in the office of Chairman or whenever the Chairman is unable to act, whether by reason of absence or otherwise, the Deputy Chairman may exercise and perform all the powers and duties of the Chairman.

Chairman and
Deputy
Chairman of
Council.
1947, No. 47,
s. 4

(2) The Chairman shall preside at every meeting of the Council at which he is present. In the absence of the Chairman and the Deputy Chairman from any meeting of the Council the members present shall select one of their number to be the Chairman for the purposes of that meeting.

(3) The Chairman at any meeting of the Council shall have a deliberative vote, and in the case of an equality of votes shall also have a casting vote.

5. (1) Meetings of the Council shall be held at such times and places as the Council or the Chairman from time to time appoints.

Meetings of
Council.
1947, No. 47,
s. 5

(2) At every meeting of the Council five members shall constitute a quorum.

(3) Every question before the Council shall be determined by a majority of the votes of the members present at a meeting of the Council.

6. Subject to the provisions of this Act and of any regulations made thereunder, the Council may regulate its procedure in such manner as it thinks fit.

Procedure
of Council.
1947, No. 47,
s. 6

7. (1) The Council may from time to time appoint a committee or committees consisting of two or more persons, and may from time to time, with the consent of the Minister, delegate to any such committee any of its powers or duties.

Committees.
1947, No. 47,
s. 7

(2) Any person may be appointed to be a member of a committee under this section, notwithstanding that he is not a member of the Council.

Remuneration and travelling expenses of members of Council and committees.

1947, No. 47, s. 8

1951, No. 79, s. 10 (1)

Rep. 19

No. 4.

Officers of Council.

1947, No. 47, s. 9

Functions of Council.

1947, No. 47, s. 10

Rep. 19

No. 5.

Levy on rabbit skins sold in New Zealand.

1947, No. 47, s. 13

No. 2.

8. (1) There shall be paid to the members of the Council or of any committee appointed by the Council remuneration by way of fees, salary, or allowances and travelling allowances and expenses in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly.

(2) All payments under this section shall be made in accordance with section twelve of this Act out of the proceeds of the levy referred to in that section.

9. The Council may from time to time appoint such officers as it deems necessary for the efficient carrying out of its functions.

10. (1) The general functions of the Council shall be—

(a) To investigate the extent of the rabbit nuisance in New Zealand:

(b) To devise and promote measures for the purpose of destroying rabbits and generally to promote the control of the rabbit nuisance in New Zealand:

(c) To co-ordinate and generally to guide and supervise the activities of Rabbit Boards:

(d) To make recommendations to the Minister in relation to all or any of the foregoing matters:

(e) To make recommendations to the Minister as to the constitution, alteration, union, or abolition of rabbit districts:

(f) To make recommendations to the Minister as to the rates of the levy on rabbit skins provided for by this Act and as to the disposal of the proceeds of the levy.

(2) The Council shall have such other functions as are imposed on it by this Act or by any other Act.

Levy on Rabbit Skins

11. (1) For the purposes of this Act there shall be charged in accordance with this Act a levy on rabbit skins produced and sold in New Zealand, whether for export or for use in New Zealand.

(2) The rates of the levy shall be fixed from time to time by the Minister, who may fix different rates in respect of different classes of skins. Any such rate may

be fixed as a percentage of the price paid or payable by the purchaser of the skins or in such other manner as the Minister may determine.

(3) Every rate so fixed shall apply in respect of such period as the Minister determines.

(4) In fixing any rate and determining any period under this section the Minister shall have regard to the recommendations of the Council in that behalf.

(5) Notice of every rate so fixed and of the period in respect of which it is to be payable shall be published in the *Gazette* as soon as practicable after the fixing thereof.

(6) The levy shall be payable by such classes of persons engaged in or in connection with the sale of rabbit skins, and shall be paid and collected in such manner, as may be prescribed in that behalf by regulations under this Act.

(7) The Governor-General may from time to time by Order in Council make such regulations as may in his opinion be necessary or expedient for the purpose of giving effect to the provisions of this section. Without limiting the generality of the powers conferred by this subsection and by section one hundred and seventeen of this Act, regulations may be made under this subsection for all or any of the following purposes:

- (a) Prescribing the classes of persons by whom the levy shall be payable:
- (b) Providing for the licensing of persons carrying on the business of selling or dealing in rabbit skins:
- (c) Prescribing the sales or classes of sales in respect of which the levy shall be payable:
- (d) Prescribing the method of collection of the levy, and the times and places at which it shall be payable:
- (e) Requiring any classes of persons engaged in or in connection with the sale, purchase, or treatment of rabbit skins to furnish such returns and information in relation to rabbit skins as may be specified in the regulations, and specifying the authorities to whom such returns and information shall be furnished:
- (f) Providing that if the levy payable by any person is not paid within a time to be specified in the regulations there shall be added thereto, by way of additional levy, such amount, being an

amount not exceeding ten per cent of the amount in respect of which default is made, as may be specified in the regulations:

(g) Prescribing fines for the breach of any such regulation, not exceeding twenty pounds in any case and, where the breach is a continuing one, not exceeding two pounds for every day or part of a day during which the breach has continued.

(8) Any regulations made under this section may be made to apply either generally or with respect to any particular part or parts of New Zealand.

(9) All money payable by way of levy under this section shall be recoverable as a debt due to the Crown.

Application of
proceeds of levy.
1947, No. 47,
s. 14
1949, No. 16,
s. 6
1953, No. 72,
s. 13 (1)-(3)

12. (1) All money received by way of levy under this Act shall be paid in the first place into the Public Account to the credit of a Deposit Account.

(2) The money collected shall from time to time, without further appropriation than this section, be applied as follows:

(a) In payment of such sums as the Minister from time to time approves for the purpose of defraying any expenses incurred in the collection of the levy:

(b) In payment of such sums as the Minister from time to time approves for the purpose of defraying the expenses incurred by the Council in the performance of its functions, including salaries of officers of the Council:

(c) In payment of premiums payable in respect of contracts of insurance insuring members of the Council against loss from personal accident arising out of and in the course of the exercise of their powers or duties as members:

(d) In payment of fees, salaries, or allowances and travelling allowances and expenses payable to members of the Council and of committees of the Council in accordance with this Act:

(e) In payment of such sums as the Minister, on the recommendation of the Council, from time to time approves by way of contribution towards the expenses incurred in promoting, preparing, and maintaining any petition for the constitution of a rabbit district, in any case where for any reason the district is not constituted:

Page 13
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Sub-section

(f) In payment of any sums payable under paragraph (c) of subsection two of section twenty of this Act:

(g) Subject to the provisions of subsection three of this section, in payment of grants to Rabbit Boards under section seventy-seven of this Act.

(3) For the purpose of ensuring that money is available for the payment of the expenses and other sums payable under paragraphs (a) to (f) of subsection two of this section, there shall be retained in the Deposit Account established under subsection one of this section such sums as the Minister may from time to time determine.

PART II

RABBIT DISTRICTS AND BOARDS

Rabbit Districts

13. Every rabbit district existing at the passing of this Act shall continue to be a rabbit district under this Act.

Existing
districts.
1928, No. 8,
s. 29 (1)

14. (1) Any area of not less than ten thousand acres may be constituted a rabbit district under this Part of this Act:

Constitution of
rabbit districts.
1928, No. 8,
s. 30

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 six ratepayers.

1945, No. 40,
s. 68
1953, No. 72,
s. 2

(2) A petition praying that any area be constituted a rabbit district shall be sent to the Minister for presentation 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 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) The following provisions shall apply to every petition under this section, namely:

(a) The petition shall bear the date on which the first signature is affixed thereto:

(b) The signatures to the petition shall be verified by declaration in the following form: "I, A. B., of _____, hereby declare that the signatures initialled by me (or which I have marked [*Describing the mark*]) on the foregoing petition were affixed in my presence by the persons whose signatures they purport to be.—A. B.":

(c) It shall not be competent for any person to withdraw his signature from the petition after it has been received by the Minister on behalf of the Governor-General; and any act purporting to withdraw any such signature shall be null and void:

(d) The object and purport of the petition, and a statement of the intention to present it, shall be publicly notified at least one month before it is sent to the Minister for presentation to the Governor-General:

(e) No action on the petition shall be taken unless it is received by the Minister as aforesaid within twelve months after the date thereof.

(5) 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 the area a rabbit district.

(6) 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.

15. (1) The Governor-General, on the recommendation of the Minister made at the request of the Board, may by Order in Council alter and redefine the boundaries of any district by adding or excluding any area.

(2) Subject to the provisions of subsection three of this section, no area shall be added to any district under this section except with the consent of a majority of the persons in that area qualified to be enrolled on the rate-payers list for the district.

(3) If such consent is withheld and the Board considers it essential for the proper administration of its district that the area should be added it may, after giving public notice of its intention and allowing a reasonable time, as set out in the notice, for the lodging of objections, make application for the alteration of the boundaries of its district by the addition of the area, 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 such consent as aforesaid.

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

Alteration of boundaries of contiguous districts.
1928, No. 8,
s. 33

(2) An Order in Council made under this section shall describe the boundaries of any area thereby added to or excluded from a district, and shall also describe the altered 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 those districts.

(3) When the boundaries of any district are altered under this section,—

(a) All contracts then subsisting in respect of any part of the district severed therefrom and included in any other district shall be deemed to be contracts of the Board of that other district and may be enforced by and against that Board; and all rates then due in the part so severed shall be deemed to be rates due to the Board of that other district:

(b) The Boards of the 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 the

alteration of boundaries. Every such agreement shall be in writing, and shall be final as between the Boards.

(4) If the Boards do not agree, the Audit Office, 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 make an award as to the matters mentioned in subsection three of this section.

(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 money shall be paid or other acts or things done, including the payment by any party of the whole or any part of the expenses of the inquiry; and the person making the award may give such directions as may be necessary for giving full effect to the objects of the inquiry.

(6) Every such award shall be final, and to such extent as may be necessary for its operation and enforcement shall be deemed to be a judgment of the Supreme Court.

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

(8) Neither the Audit Office nor any other person appointed under this section to hold an inquiry and make an award 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.

17. (1) Subject to the provisions of this section, 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.

(2) No such Order in Council shall be made except on a petition from each of the districts proposed to be united, signed by a majority of the ratepayers in each such district, or on a resolution recommending the union passed by each of the Boards of the districts proposed to be united.

(3) If the general rates in the districts united are not levied on the same basis, the petitions or resolutions 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.

See Reprint
of Statutes,
Vol. I, p. 346

Union of
districts.
1928, No. 8,
s. 32
1947, No. 47,
s. 28

(4) Subject to the provisions of this section and of section nineteen of this Act, every such united district shall be deemed to be a district constituted under this Act, and the provisions of this Act shall apply thereto accordingly.

(5) On the union of two or more districts the following provisions shall have effect:

- (a) The Boards of the original districts shall be dissolved:
- (b) All real and personal property 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 money payable to the Board of any of the original districts shall become payable to the Board of the united district:
- (d) All 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.

18. (1) Notwithstanding anything in this Act, the Governor-General may by Order in Council, if he thinks fit so to do on the recommendation of the Rabbit Destruction Council made to the Minister,—

- (a) Constitute any area, being an area to which subsection one of section fourteen of this Act applies, a rabbit district:
- (b) Alter and redefine the boundaries of any rabbit district by adding or excluding any area:
- (c) Declare any two or more rabbit districts to be united and to form one district.

Provision for constitution, alteration, and union of districts without petition, etc. 1947, No. 47, s. 29
1949, No. 16, s. 8

(2) Where any recommendation is made by the Minister pursuant to this section it shall not be necessary for any petition or consent of ratepayers to be presented or obtained or any request, application, or resolution to be made or passed by the Board with respect to the subject-matter of the Minister's recommendation.

(3) Where any new district is constituted under paragraph (a) of subsection one of this section the Governor-General may, at the request of the Minister made on the recommendation of the Council, appoint such persons as he thinks fit to be members of the Board of the new district. Where members are appointed under this subsection the following provisions shall apply:

(a) No election of the first elective members of the Board shall be held:

(b) The members so appointed shall be deemed to be the first elective members of the Board, and every such member shall, unless he sooner vacates his office, hold office until the coming into office of the members elected at the next election of members of the Board held pursuant to this section:

(c) The first election of members shall be held on the date fixed for the general election of members of Rabbit Boards next following the date of the appointment of the members under this section:

Provided that if the appointment under this section is made within twelve months before the date fixed for that general election the said first election shall be held on the date fixed for the general election next following that general election.

Members of
Boards of
united districts
to remain in
office until
first election.
1947, No. 47,
s. 30

19. (1) On the union of two or more districts, and until the members elected at the first election for the united district come into office, the members of the Boards of the original districts shall be the members of the Board of the united district, notwithstanding that there are more members than the number prescribed by or under this Act.

(2) Pending such first election, the members so continuing in office shall appoint one of their number as Chairman, and failing such appointment the Chairman of the district having the greatest area shall be the Chairman.

Abolition
of district.

20. (1) The Governor-General may by Order in Council abolish any district, if he thinks fit so to do on the recommendation of the Rabbit Destruction Council made to the Minister.

(2) Where any district is abolished, the following provisions shall apply:

- (a) The Board of the district shall be deemed to be dissolved:
- (b) All money belonging to or payable to the Board and remaining after payment of the debts and liabilities of the Board shall be paid into the Public Account to the credit of the Deposit Account referred to in subsection one of section twelve of this Act, and shall be applied in accordance with that section:
- (c) If the money belonging to or payable to the Board is insufficient for the payment of the Board's debts and liabilities, the amount of the deficiency shall be paid out of such Deposit Account as aforesaid:
- (d) The Governor-General may by the same or any subsequent Order in Council, having regard to any recommendation of the Rabbit Destruction Council, make such provision as he thinks fit for vesting any real or personal property of the Board of the abolished district in the Crown or in any Rabbit Board or for the disposal of any such real or personal property and of the proceeds of any sale or other disposition thereof, and such other provision as he thinks necessary by reason of the abolition of the district.

21. No action taken under the foregoing provisions of this Part of this Act shall affect the rights or interests of any debenture holder or other creditor of any Board, or shall affect any special rate, and every such rate shall continue to be charged on the whole of the area on which it was charged before the action was taken and shall not by reason thereof become a charge on any additional area.

Creditors not affected by alteration or abolition of districts.

1928, No. 8, s. 35

22. (1) Any borough or town district lying wholly or in part within any rabbit district shall be deemed not to form part of the district.

Destruction of rabbits in boroughs and town districts.

1947, No. 47, s. 22

(2) Notwithstanding anything in this Act, the Board of the rabbit district shall be deemed to be charged with the administration of Part III of this Act for the purpose of enforcing the destruction of rabbits on land within any such borough or town district as aforesaid. For the

purposes of this subsection the provisions of that Part shall be read subject to the provisions of subsection two of section fifty-three of this Act.

Rabbit Boards

Rabbit Boards.
1928, No. 8,
ss. 37, 38

23. (1) For every rabbit district there shall be a Board, which shall be a body corporate with perpetual succession and a common seal and shall be capable of holding real and personal property and of doing and suffering all acts and things that bodies corporate may lawfully do and suffer.

(2) The Board shall be known as "The [*Name of district*] Rabbit Board".

Membership of
Boards.
1928, No. 8,
s. 37

24. (1) Except as otherwise provided in this Act, every Board shall consist of six members, of whom five shall be elected by the electors of the district under this Act and one, who shall be an Inspector appointed under Part III of this Act, shall be appointed by the Minister.

(2) In the case of a district containing less than twenty thousand acres the Board shall consist of such number of members, being not less than four nor more than six, as is fixed by the Governor-General in the Order in Council constituting the district. At least three shall be elective members, and one shall be an Inspector appointed in accordance with subsection one of this section.

Additional
members of
Boards in
certain cases.
1928, No. 8,
s. 37A
1953, No. 72,
s. 3

25. (1) Notwithstanding anything in this Act, the Board of any rabbit district containing not less than two hundred thousand acres may by resolution determine that the number of elective members of the Board shall be increased to such number, not exceeding nine, as is specified in the resolution.

(2) On the passing of the resolution, the following provisions shall apply:

(a) The number of elective members of the Board shall, while the resolution continues in force, be deemed to be increased to the number specified in the resolution:

(b) For the purpose of filling for the first time the additional offices thereby created, those offices shall be deemed to be offices in which extraordinary vacancies have occurred pursuant to

section forty of this Act, and the provisions of this Act and of the Local Elections and Polls Act 1953 shall apply accordingly. 1953, No. 16

(3) The Board may at any time in like manner rescind any resolution under subsection one of this section, or may from time to time further vary the number of elective members by reducing or further increasing that number, but so that the number shall not in any case be less than the number fixed under section twenty-four of this Act nor more than nine; and in any such case the following provisions shall apply:

(a) If the resolution is rescinded, or if the number of elective members is reduced, the rescission or reduction shall not take effect until the next general election of members of the Board, except to such extent as may be necessary for providing for the holding of that election:

(b) If the number of elective members is further increased, the provisions of subsection two of this section shall apply.

(4) A copy of every resolution under this section shall forthwith be forwarded to the Minister, who shall cause it to be published in the *Gazette*.

Ratepayers List

26. (1) The Secretary to the Board shall cause to be made a list to be called the ratepayers list.

(2) The ratepayers list shall be made—

(a) 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, on or before the first day of September in every year:

(b) In the case of a district in which the rates are levied on any other basis, on or before the first day of September in each year in which a general election of members of Boards is to be held.

(3) The ratepayers list shall be compiled from the valuation roll of every county in which any part of the district is situated, and, subject to the provisions of this Act, shall 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.

Secretary
to compile
ratepayers list.
1928, No. 8,
ss. 39, 40
1947, No. 47,
s. 31

Return of stock
where rates
levied on
stock carrying
basis.
1928, No. 8,
s. 41

27. (1) Where the rates within the district are levied on the basis of the number of stock carried on the ratepayer's land, no person's name shall be entered on the ratepayers list unless, on the date specified in subsection two of this section, there are carried on the land in respect of which his name appears on the county valuation roll—

- (a) At least one hundred sheep or lambs, or twenty head of cattle of whatever age; or
- (b) If both 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 the 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 the Secretary a written return of the number of cattle, of whatever age, and of sheep and lambs carried on his land on the 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 on the said thirtieth day of November 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 commits an offence against this Act who refuses or neglects to deliver or cause to be delivered such return as aforesaid within fourteen days after the date of the demand, or who makes a false return.

(5) If any person on whom a demand has been made pursuant to subsection two of this section 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 that person on the ratepayers list as the owner of such number of stock as he thinks fit, and shall notify that person accordingly. Nothing in this subsection shall relieve that person from any liability he may have incurred for a breach of the provisions of this section.

28. 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 where land rated on any other basis.
1928, No. 8, s. 42

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

Ratepayers list to be deposited for inspection.
1928, No. 8, s. 43

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

Hearing of objections and revision of list.
1928, No. 8, s. 44 (1)-(3)

(2) On the day fixed for hearing objections, a Magistrate shall hear and determine all objections lodged under this section, 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 corrected, inserted, or erased, as the case may be; and his decision shall be final and without appeal.

(3) When the list is so corrected it shall be signed by the Magistrate and, subject to amendment as hereinafter provided, it shall thereupon be conclusive evidence for the purposes of this Act that the persons named therein are ratepayers, and of the correctness of the other matters set out therein.

31. The ratepayers list shall come into force immediately after it is signed by the Magistrate, and, subject to amendment as hereinafter provided, shall be the roll of electors for the district until a new roll comes into force in like manner.

Ratepayers list to come into force when signed, and to be roll of electors.
1928, No. 8, s. 44 (4)

Amendment
of list.
1928, No. 8,
s. 45

32. (1) After the ratepayers list has come into force, and before the date fixed 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 the list the name of any person who then in fact possesses the necessary qualification but whose name is not entered thereon, and by erasing therefrom the name of any person who does not then in fact possess the necessary qualifications:

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 any 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 twenty-seven of this Act and makes the occupier of the land eligible to have his name entered on the ratepayers list.

(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.

(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.

(4) Any person aggrieved by any decision or act of the Board touching the ratepayers list may, not later than the day on which the roll of electors is closed for the purposes of any election or poll, appeal therefrom by lodging with the Registrar of the Magistrate's Court nearest to the place where the copy of the list is kept an objection in writing under his hand setting forth the grounds of the objection. A copy of the objection shall immediately thereafter be lodged with or sent by registered letter to the Secretary to the Board.

(5) All such objections shall be heard by a 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.

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

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

Elections and Appointments of Members of Boards

33. (1) Every person of the full age of twenty-one years whose name appears on the roll of electors 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.
1928, No. 8,
s. 46
1947, No. 47,
s. 32

(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, or, as the case may be, stock units, appearing opposite his name on the roll, such number of units being calculated as set out in section twenty-seven of this Act. The number of votes shall be as follows:

- (a) If the number of stock or stock units is not more than five thousand he shall have one vote:
- (b) If the number of stock or stock units is more than five thousand and not more than ten thousand he shall have two votes:
- (c) If the number of stock or stock units is more than ten thousand and not more than twenty thousand he shall have three votes:
- (d) If the number of stock or stock units is more than twenty thousand and not more than thirty thousand he shall have four votes:
- (e) If the number of stock or 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 basis of the rateable value of the land occupied by the ratepayer, an elector shall have 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.

(4) Notwithstanding anything in this section, if on any valuation roll from which the ratepayers list is compiled pursuant to section twenty-six of this Act two or more persons are named as the occupiers of any one property, then, for the purpose of voting at any election or poll under this Act, only the person whose name appears first on that roll in respect of that property shall be entitled to vote in respect thereof.

First election
of Board.
1928, No. 8,
s. 49

34. (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.

(2) Forthwith on his appointment the Returning Officer shall cause the ratepayers list to be prepared, and with respect thereto all the provisions of subsection three of section twenty-six and sections twenty-seven to thirty-one of this Act shall, with the necessary modifications, apply as in the case of the preparation of the list by the Secretary to 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 district according to the true intent and purpose thereof.

35. (1) 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 qualified persons to be members as are required, and every person so appointed shall hold office as if he had been duly elected.

(2) Notwithstanding anything in this Act, any person who is not an elector may be appointed and hold office as a member of the Board under this section if the Governor-General is satisfied that no elector, or an insufficient number of electors, qualified for appointment is available and willing to accept office:

Provided that the number of members appointed under this subsection shall not exceed half the number of elective members for the time being fixed for that Board.

36. (1) Where the total number of electors on the roll for any district does not exceed forty, but not otherwise, the following provisions shall apply with respect to the election of any member or members to the Board.

In default
of election
Governor-
General may
appoint
members.
1928, No. 8,
s. 50
1953, No. 72,
s. 4 (1)

Special
procedure
where electors
do not exceed
forty in number.
1928, No. 8,
s. 51

(2) If within the time limited for the receipt of nominations there is received by the Returning Officer a nomination paper in proper form 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.

37. (1) Subject to the provisions of this Act, 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 be held and taken under the provisions in that behalf of the Local Elections and Polls Act 1953.

Local Elections and Polls Act 1953 applied.
1928, No. 8, ss. 52, 53
1949, No. 16, s. 2
1953, No. 16

(2) Nothing in subsection one of 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.

See Reprint of Statutes, Vol. V, p. 360

(3) Notwithstanding anything in this section, provision may be made by regulations under this Act for the election of members of Boards, and for the taking of polls on proposals submitted to ratepayers, by a system of postal voting to be prescribed by the regulations.

38. Every member of a Board appointed by the Minister under section twenty-four of this Act shall hold office during pleasure.

Duration of office of member appointed by Minister.
1928, No. 8, s. 55 (2)

Disqualification and Vacancies

39. (1) Subject to the provisions of subsection three of section forty of this Act, the following persons shall be incapable of being elected to be members of a Rabbit Board or of being appointed to the office of an elective member of a Board:

Disqualification for election as member of Board.
1928, No. 8, s. 54

(a) A person who is not an elector or who does not possess a qualification as an elector:

- (b) An alien;
- (c) A mentally defective person within the meaning of the Mental Health Act 1911;
- (d) 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;
- (e) 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.

(2) Except as provided in this section, every elector of a district is qualified to be a member of the Board of that district.

See Reprint
of Statutes,
Vol. V, p. 743

Extraordinary
vacancies.
1928, No. 8,
ss. 54, 56
1953, No. 72,
s. 4 (2)

40. (1) The office of any elective member of the Board, or of any member appointed to the office of an elective member, shall become vacant, and the vacancy shall be deemed to be an extraordinary vacancy, if the member—

- (a) Dies; or
- (b) Resigns his office by writing delivered to the Secretary or the Chairman of the Board; or
- (c) Is absent without leave from four consecutive meetings of the Board; or
- (d) Ceases to be an elector of the Board's district; or
- (e) Becomes a mentally defective person within the meaning of the Mental Health Act 1911; or
- (f) Is adjudged a bankrupt; or
- (g) Is convicted of any offence punishable by imprisonment.

(2) Any extraordinary vacancy may at the request of the Board, instead of being filled in accordance with the Local Elections and Polls Act 1953, be filled by the appointment by the Governor-General of some qualified person to be a member of the Board; and every person so appointed shall come into office at the time of his appointment and, unless he sooner vacates office, shall continue in office until the members elected at the next general election of members come into office. Nothing in this subsection shall be construed to limit the powers of the Board under section six of the Local Elections and Polls Act 1953.

1953, No. 16

(3) Notwithstanding anything in this Act, where the vacancy is to be filled by appointment under subsection two of this section, any person who is not an elector may be so appointed and hold office as a member of the Board if the Governor-General is satisfied that no elector qualified for appointment is available and willing to accept office:

Provided that the number of members appointed under this subsection shall not exceed half the number of elective members for the time being fixed for that Board.

Chairman of Board

41. (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
of Board.
1928, No. 8,
s. 58
1947, No. 47,
s. 33

(2) During the selection of a Chairman at the first meeting of the Board of a newly constituted district the Returning Officer who conducted the first election of members of the Board shall preside. During the selection of a Chairman at any other meeting of a Board the Secretary shall preside. In any case of an equality of votes at any ballot for the purpose of selecting a Chairman the person so presiding shall determine the selection by lot in such manner as the Board directs.

(3) The Chairman shall come into office on his appointment and shall hold office until the appointment of his successor. He shall preside at all meetings of the Board and shall have a deliberative vote and, in the case of an equality of votes, shall also have 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 at that meeting, and while so acting he shall have all the powers of the Chairman.

42. (1) The Board may pay to the Chairman of the Board such annual allowance, not exceeding one hundred pounds, as may from time to time be fixed by the Board, but no alteration in the amount of that allowance shall take effect during the term of office of any Chairman.

Annual
allowance to
Chairman.
1928, No. 8,
s. 58A
1953, No. 72,
s. 5

(2) For the purposes of this section, a person re-appointed as Chairman shall be deemed to be a new Chairman.

Proceedings of Board

First meeting of Board of newly constituted district.

1928, No. 8,
s. 59 (1)

Meetings and procedure of Board.

1928, No. 8,
ss. 59, 60, 61
1953, No. 72,
s. 6

43. The first meeting of the Board of a newly constituted district shall be held at such time and place as the Minister may appoint.

44. (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.

(2) The first ordinary meeting of the Board of any district, not being a newly constituted district, shall be held not later than one month after the date of the general election of members.

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

(4) 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.

(5) At all meetings of the Board a quorum shall consist of half the total number of members when that number is even, and a majority of the members when that number is odd.

(6) Subject to the provisions of this Act, the Board may regulate its own procedure.

Proceedings not invalid by reason of vacancy in membership, etc.

1947, No. 47,
s. 34

45. No act or proceeding of the Board or of any person acting as a member of the Board shall be invalidated in consequence of there being a vacancy in the membership of the Board at the time of the act or proceeding, or of the subsequent discovery that there was some defect with regard to the election or appointment of any member of the Board or of any person so acting or that he was incapable of being a member.

Officers and Employees

Appointment of officers.

1928, No. 8,
ss. 62, 63

46. (1) The Board shall appoint a Secretary and a Treasurer, and may from time to time appoint such inspectors, overseers, and other officers and employees as it thinks fit.

(2) One person may be appointed to hold two or more offices or appointments under this section.

Functions and Powers of Board

47. Subject to the provisions of section fifty-three of this Act, the principal function of every Rabbit Board shall be to do all such acts and things as may appear to it to be necessary or expedient to destroy rabbits in its district, and to prevent the incursion or increase of rabbits therein.

Principal function of Board.
1947, No. 47, s. 15

48. (1) Subject to the provisions of this Act, any inspector appointed by the Board, and any other person authorized in that behalf by the Board, may for the purposes of this Act enter at all reasonable times on any land in the Board's district and—

Power to enter, inspect, and do work on land for purposes of Act.

1947, No. 47, s. 16

(a) Inspect the land:

(b) Do thereon all such acts and things as appear to the Board to be necessary or expedient to ensure the destruction of rabbits on the land.

1953, No. 72, s. 14

(2) The power of entry conferred by subsection one of this section shall not be exercised for the purposes of paragraph (b) of that subsection in respect of any private land except—

(a) After not less than five days' previous notice, in form 1 in the First Schedule to this Act, given on behalf of the Board to the person in actual occupation of the land; or

(b) On the expiration of a period of not less than ten days after the publication on behalf of the Board, in a newspaper circulating in the locality in which the land is situated, of a notice, in form 2 in the First Schedule to this Act, to the effect that the Board intends to destroy rabbits in an area, being an area in which the land is situated, which is sufficiently described in the notice to enable any person in actual occupation of the land reading the notice to identify the land as being within the area.

(3) For the purposes of paragraph (b) of subsection one of this section, the inspector or other authorized person may, after the expiration of the period specified in the notice given under subsection two of this section, but subject to the provisions of subsections four and five of this section, remove any livestock then on any land or part of any land that is referred to in the notice, or, as the case may be, that is within the area to which the

notice relates, to any other land or part occupied by the person in occupation of the first-mentioned land. In any such case the costs and expenses incurred by the Board in such removal may be recovered as a debt due to the Board from the person in occupation of the land.

(4) No livestock shall be removed under subsection three of this section except—

(a) After ten days' previous notice in writing given by the inspector or other authorized person to the person in occupation of the land; or

(b) Pursuant to an order of a Magistrate, if within the said period of ten days the person in occupation applies to a Magistrate under subsection five of this section to have his objection heard.

(5) Any person to whom notice is given under subsection four of this section, and who objects to the removal of the livestock, may apply to a Magistrate, within the said period of ten days, to have his objection heard and determined. On hearing any such application, the Magistrate may make such order as he thinks fit; and every such order shall be final and binding on all parties.

49. (1) Where pursuant to section forty-eight of this Act any work is carried out by or on behalf of the Board on any land other than Crown land, the whole or any part of the expenses incurred by the Board in respect of the work may, in the discretion of the Board, be recovered as a debt due to the Board from any occupier of the land.

(2) Any judgment under this section may be given in favour of the Board and enforced as if it were a judgment for rates; and, in the case of Maori land, the amount recoverable from the occupier may be recovered in the manner in which rates on the land may be recovered. For the purposes of this subsection, the provisions of section seventy-three and sections seventy-eight to eighty-four and Part II of the Rating Act 1925, and of any other enactment relating to the enforcement of judgments for rates or, as the case may require, to the recovery of rates on Maori land, shall apply, so far as they are applicable and with the necessary modifications.

(3) Where the mortgagee of any land pays any amount payable by the occupier in respect of that land under this section, or satisfies any judgment obtained against the occupier of that land under this section, the amount so paid by the mortgagee shall be recoverable by him from

Recovery of
expenditure on
land by Board.
1947, No. 47,
s. 19

See Reprint
of Statutes,
Vol. VII,
pp. 1006, 1017

the mortgagor and, until it is so recovered, shall be deemed to be added to and to form part of the principal sum secured by the mortgage and to be chargeable with interest accordingly from the date of its payment by the mortgagee.

50. (1) The power to do work conferred by section forty-eight of this Act shall not be exercised in respect of Crown land unless the Board first obtains the consent of the Minister.

Exercise of powers in respect of Crown land or Maori land with consent of Minister.
1947, No. 47, s. 17

(2) The Board may, if it thinks fit, apply to the Minister for his consent to the doing by the Board on any Maori land of any work pursuant to the power conferred by section forty-eight of this Act; and where that consent is granted the provisions of this section shall apply to the land to which the consent relates.

(3) The Minister may in his discretion refuse his consent to the doing of the work under this section, or may grant his consent either unconditionally or upon or subject to such terms and conditions as he thinks fit.

(4) Where pursuant to this section any work is carried out by or on behalf of the Board on any Crown land or Maori land to the satisfaction of the Minister, all expenses which the Minister considers have been reasonably incurred by the Board in respect of the work shall be defrayed out of money from time to time appropriated for the purpose by Parliament.

51. The amount of all expenses paid by the Crown in respect of any Maori land may be recovered by the Crown in the manner in which rates on the land may be recovered; and the provisions of Part II of the Rating Act 1925 and of any other enactment relating to the recovery of rates on Maori land shall apply with the necessary modifications.

Recovery from occupier of Maori land of expenses paid by Crown.
See Reprint of Statutes, Vol. VII, p. 1017

52. (1) The skins and carcasses of all rabbits caught or destroyed by any inspector or officer or employee of the Board on any land in its district shall belong to the Board, which may, subject to the provisions of this Act and of any regulations under this Act, sell or dispose of the skins and carcasses in such manner as it thinks fit.

Skins and carcasses of rabbits destroyed by Board to be property of Board.
1947, No. 47, s. 20

(2) The net proceeds of the sale of any skins or carcasses under this section shall form part of the general funds of the Board.

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Board may be authorized to administer Part III of this Act within its district.

1947, No. 47,
s. 21

53. (1) The Minister may, on the recommendation of the Rabbit Destruction Council, authorize any Board to administer within its district the provisions of Part III of this Act instead of exercising the powers conferred by section forty-eight of this Act.

(2) Where any Board is authorized to administer the provisions of the said Part III, the following provisions shall apply:

(a) References in that Part to the Crown (except in section ninety-nine) shall be deemed to be references to the Board:

(b) References in that Part to a person authorized by an Inspector shall be deemed to be references to a person authorized by the Board:

(c) All money received pursuant to section ninety-four of this Act shall be paid to the Board and shall form part of the general funds of the Board.

(3) The Minister may at any time, on the recommendation of the Council, revoke any authority given by him under this section.

(4) Any authority so given, and any such revocation, shall take effect on a date to be fixed in that behalf by the Minister.

(5) Where the Minister gives or revokes any authority under this section he may cause notice of the giving of the authority or of the revocation to be published in the *Gazette* and in a newspaper circulating in the Board's district, specifying in the notice the date on which the authority or revocation is to take effect.

(6) On the taking effect of any such revocation the Board shall cease to be charged with the administration of Part III of this Act, and the Board and the inspectors appointed by the Board shall cease to have any powers under that Part, except for the purpose of recovering any expenses incurred in the destruction of rabbits before the revocation took effect.

54. (1) The Board shall have power to purchase and to sell or otherwise dispose of goods or substances intended to be used for the destruction of rabbits or for the prevention of the incursion or increase of rabbits within its district.

(2) The Board shall also have power to sell or otherwise dispose of poison or poisonous substances to any other Rabbit Board.

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Power of Board to purchase and sell goods intended to be used for destruction of rabbits.

1935, No. 3
1953, No. 72,
s. 12

(3) Without limiting in any way the general powers conferred on it by the provisions of subsection one of this section, the Board may, for the purpose of exercising such powers, apply for and be granted a licence under the Poisons Act 1934 to sell poison, or a licence under the Arms Act 1920 to deal in ammunition, notwithstanding anything to the contrary in either of those Acts.

Reprinted 1954,
p. 1489
See Reprint
of Statutes,
Vol. III, p. 163

(4) For the purposes of the Poisons Act 1934, a sale by the Board to any person of any poison intended to be used for the destruction of rabbits or for the prevention of the incursion or increase of rabbits within its district shall be deemed to be a sale by wholesale.

(5) No licence under the Poisons Act 1934 shall be granted to the Board to sell poisons other than poisons for the time being specified in the Third Schedule to that Act.

55. All powers conferred on Boards by this Act for the purpose of destroying rabbits may in like manner be exercised by the Board for the purpose of destroying hares.

Power to
destroy hares.
1947, No. 47,
s. 23

56. (1) If at any time it appears to the Council that a Board, by an unreasonable failure or refusal to exercise any of the powers conferred upon it by this Act, is not properly carrying out the destruction of rabbits or the measures necessary to ensure the effective control of the rabbit nuisance in its district, the Council may recommend to the Minister that the elective members of the Board be removed from office and that other members be appointed in their place.

Failure of Board
to destroy
rabbits or
effectively
control rabbit
nuisance.
1947, No. 47,
s. 24
1953, No. 72,
s. 4 (3)

(2) Where any recommendation is made by the Council under this section, the Governor-General may, on the recommendation of the Minister, remove the elective members of the Board from office and appoint as many fit persons as are required to be members in their place. The persons so appointed shall, subject to the provisions of section forty of this Act, hold office and be deemed to be elective members until the coming into office of the members elected at the general election of members next following the date of their appointment.

(3) Notwithstanding anything in this Act, any person who is not an elector may be appointed and hold office as a member of the Board under this section if the

Governor-General is satisfied that no elector, or an insufficient number of electors, qualified for appointment is available and willing to accept office:

Provided that the number of members appointed under this subsection shall not exceed half the number of elective members for the time being fixed for that Board.

Rabbit-proof Fences

Power of Board to provide rabbit-proof fences.

1928, No. 8, ss. 85 (1) (a), 92, 97

1947, No. 47, ss. 40, 41

57. (1) The Board may purchase or erect and maintain rabbit-proof wire netting fences on or near to the boundary of its district, or convert any non-rabbit-proof fence on or near to such boundary into a rabbit-proof wire netting fence and maintain it as such.

(2) The Board may erect and maintain rabbit-proof fences, or convert any non-rabbit-proof fence into a rabbit-proof wire netting fence and maintain it as such, on any land in its district, including any Crown land, wherever it thinks most convenient.

(3) For the purposes of this section, the Board may, without compensation, after giving or causing to be given to the occupier of any land not less than twenty-one days' notice in writing of its intention,—

(a) Enter on and occupy such parts of the land as are necessary for the erection or conversion of any such fence, together with land not exceeding six feet in width on each side along the entire length of the fence for the purpose, if necessary, of erecting protecting fences; and

(b) Clear the bush for a width not exceeding twelve feet on each side along the entire length of the rabbit-proof fence.

(4) The Board may at any time, on like notice and in like manner, enter on any such land and remove any rabbit-proof fence purchased or erected by it, or remove any material used by it in the conversion of any fence into a rabbit-proof fence.

(5) The Board may at all reasonable times enter on any such land for the purposes of maintaining or repairing any such rabbit-proof fence or of keeping the bush cleared as aforesaid.

(6) The powers of entry conferred by this section may be exercised on behalf of the Board by any member or officer or employee of the Board or by any person authorized in writing by the Board.

(7) The Board shall have and retain property in and ownership of all rabbit-proof fences purchased or erected by it within or outside its district, and of all material used by it in the conversion of any fence into a rabbit-proof fence.

(8) Notwithstanding anything in this section, the Board may at any time, by resolution, decide to abandon any rabbit-proof fence owned by it, or any material used by it in the conversion of any fence into a rabbit-proof fence; and thereupon the Board shall cease to have any property in or ownership of the fence or material. In any such case the Board shall cause notice in writing of the abandonment to be given forthwith to the person in actual occupation of any land on which the fence or any part thereof is situated and, if to the knowledge of the Board that person is not the owner of that land, to every owner known to the Board.

58. (1) Any Board erecting any rabbit-proof fence on any land pursuant to this Act shall be deemed to have authority to enter on any road traversing the line of the fence or bounding any such land, and to continue the construction of the fence across the road, or across any bridge on the road, with swing-gates, but so as not to interfere unnecessarily with public traffic.

Authority to
continue fences
across roads.
1928, No. 8,
s. 98

(2) Where any swing-gate is erected pursuant to this section, the Board shall cause to be fixed upon each side of the gate, and to be maintained thereon, a notice board with the words "Public Road", and a statement of the penalty for damaging or leaving open the swing-gate, legibly painted on it.

(3) Every person commits an offence against this Act who wilfully damages or destroys or leaves open any swing-gate erected under this section.

(4) Every person who damages or destroys any swing-gate erected under this section, whether or not he is guilty of an offence against this section, shall be liable to pay to the Board the whole cost of restoring or repairing the

damage, and the amount thereof shall be recoverable as a debt due to the Board.

Protection of
fences from
damage by wild
pigs.

1928, No. 8,
s. 99 (3)

59. (1) For the better protection of rabbit-proof fences, any inspector of any Board, or any person authorized by the Board in writing, may—

(a) Enter at all reasonable times on any land for the purpose of seeing whether there are wild pigs on the land:

(b) Require any occupier of any land to destroy any wild pigs on his land in the same manner as an Inspector may require an occupier to destroy rabbits under Part III of this Act.

(2) For the purposes of enforcing the destruction of wild pigs under this section, the provisions of Part III of this Act shall apply, so far as they are applicable and with the modifications set out in subsection two of section fifty-three of this Act and all other necessary modifications.

Board not liable
under Fencing
Act 1908 in
respect of
rabbit-proof
fence.

1928, No. 8,
s. 93

Reprinted
1954, p. 1367

60. Nothing in this Act shall be construed to make the Board liable to keep any rabbit-proof fence in repair or to contribute under the Fencing Act 1908 towards the cost of the erection or repair of any rabbit-proof fence by any other person.

Houses for Employees

Power to
provide houses
for employees.

1928, No. 8,
ss. 85 (1) (b),
(1A), (4), 85A

1947, No. 47,
s. 39 (1)

1949, No. 16,
s. 4

1953, No. 72,
s. 11

61. (1) The Board shall have power to purchase, take on lease, or otherwise acquire houses with or without land, or to purchase sites and erect houses thereon, for the use of its employees.

(2) Any house or land purchased by the Board under subsection one of this section may be purchased on terms providing for the payment by the Board of the whole or any part of the purchase money, with interest thereon, by instalments extending over a period not exceeding twenty years. The purchase of any house or land in accordance with this subsection shall for the purposes of the Local Government Loans Board Act 1926 be deemed to be the borrowing of money, and the provisions of that Act shall, so far as they are applicable and with the necessary modifications, apply accordingly.

Reprinted 1954,
p. 1477

(3) For the purpose of facilitating the acquisition of land by the Board for the purposes of this section, the Governor-General may, on the application of the Board and at its expense in all things, take under the Public Works Act 1928 any land, or any particular estate or interest in land (whether for the time being subsisting separately or not), or any easement over any land (whether for the time being subsisting or not). Notwithstanding anything to the contrary in the Public Works Act 1928, the effect of a Proclamation issued for the purposes of this section shall be to vest the land, estate, interest, or easement, as the case may be, in the Board instead of in Her Majesty; and all proceedings subsequent to the issue of the Proclamation in respect of compensation, or otherwise for the purpose of complying with the said Act, shall be taken against the Board, which shall be deemed to be the respondent and shall be liable in respect of the taking to the same extent as Her Majesty or the Minister of Works would have been liable if the taking had been for the purposes of a Government work.

See Reprint
of Statutes,
Vol. VII, p. 622

(4) The Board may sell, lease, or otherwise dispose of any land, or any part of any land, or any house, purchased or erected by it under this section and no longer required for the use of its employees.

Borrowing

62. (1) For the purpose of providing funds for the purchase or erection of rabbit-proof fences, or the purchase of houses or the purchase of sites and erection of houses thereon for the use of its employees, or for any other works it is authorized to undertake, the Board may from time to time borrow money, subject to the provisions of this section and of the Local Government Loans Board Act 1926.

Borrowing
powers of
Board.
1928, No. 8,
ss. 85 (2), (3),
86
1949, No. 16,
s. 5
Reprinted 1954,
p. 1477

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

REP. 19
No. 8.

(3) The amount that may be borrowed by the Board in any one financial year shall not exceed in the aggregate the sum of five thousand pounds; and the total amount borrowed by any Board and outstanding at any time shall not exceed the sum of fifteen thousand pounds.

See Reprint
of Statutes,
Vol. V, p. 360

Special procedure for consent to loan where number of ratepayers does not exceed forty.
1928, No. 8, s. 88
See Reprint of Statutes, Vol. V, p. 360

63. (1) This section shall apply in any case where the prior consent of the ratepayers to the raising of a loan by any Board is required or demanded or resolved to be obtained under the Local Bodies' Loans Act 1926, and where the total number of ratepayers who will be liable to be rated in respect of the loan does not exceed forty.

(2) Instead of the taking of a poll under the Local Bodies' Loans Act 1926, a majority in number of the ratepayers liable to be rated who also possess in their own right a majority of the votes exercisable at a poll by all of such ratepayers may, by notice in writing under their hands 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.

(3) The receipt of any such notice by the Chairman shall have effect as the due carrying of the proposal to raise the loan.

(4) As soon as may be reasonably practicable after receiving the notice, the Chairman shall send to the Minister of Finance, for publication in the *Gazette*, a certificate under the hand of the Chairman—

(a) Stating that the formal poll has been dispensed with at the request of the ratepayers:

(b) Specifying the total number of ratepayers signing the request, the total number of votes possessed by them, the total number of ratepayers liable to be rated for the proposed loan, and the total number of votes possessed by the ratepayers liable to be rated:

(c) Declaring the proposal to raise the loan to be carried.

(5) The Chairman shall also cause a similar certificate to be published in a newspaper or newspapers circulating in the district.

(6) Every certificate published in the *Gazette* pursuant to this section shall be conclusive evidence that the consent of the ratepayers of the district to the raising of the loan has been obtained, and that all proceedings and things in relation thereto have been lawfully taken and done.

(7) If the Chairman knowingly inserts or causes or allows to be inserted any false statement in any certificate published under this section, he shall be deemed to have committed an offence and shall be liable to a fine not exceeding five hundred pounds.

Rates and Rating

64. (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.

General rate.
1928, No. 8,
s. 65
1953, No. 72,
s. 7

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

(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 twopence in the pound on the capital value of that land; but the total amount payable by any one ratepayer shall not exceed one shilling an acre of his holding.

(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.

(5) Where in any 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 1925, 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 which before its addition to the district formed part of any other rabbit district, and which is liable for any general rate made for that year by the Board of that other rabbit district.

See Reprint
of Statutes,
Vol. VII,
p. 977

Power to levy differential rates.

1928, No. 8, s. 67

1953, No. 72, s. 8 (1)

65. (1) The Board may levy any such rate on a graduated scale according to a classification made, under this section, of the land on which the rate is to be levied.

(2) Before making a rate under this section in any year the Board shall, by resolution, classify all land in its district.

(3) In classifying the land in its district the Board shall have regard to—

(a) The degree in which different pieces of land are affected by rabbits:

(b) The degree of benefit derived or likely to be derived by any piece of land from the operations of the Board in destroying rabbits on that land or on any other land:

(c) The risks of infestation or reinfestation of any piece of land by rabbits from any other land:

(d) The extent to which steps have been taken by or on behalf of the ratepayer to reduce or control the number of rabbits on his land or the movement of rabbits to or from that land:

(e) Such other circumstances of whatsoever nature as the Board considers relevant.

(4) The rate shall be made and levied on each class of land in such proportions as the Board appoints.

(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 the rate 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) That the classification list has been completed; and

(b) Of the proportions in which the rate 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 at reasonable times at that place for a period of not less than twenty-one days.

(7) Any person aggrieved by the classification or by the fixing of the proportions specified therein may appeal against it on either or both of the following grounds, namely:

(a) That the land of the appellant, or any other land in the district, has not been fairly classified:

(b) That the proportion of the rate imposed on any class or classes of land is too great or too small.

(8) A notice of appeal setting out the grounds thereof shall, within seven days next after the expiration of the period of twenty-one days appointed for the inspection of the classification list, be filed in the Magistrate's Court nearest to the public office of the Board by the person aggrieved, and a copy thereof shall within the same seven days be lodged by that person at that office.

(9) The appeal shall be heard by a Magistrate at such convenient time and place as the Magistrate appoints on the application of any party, and not less than three days' notice of that time and place shall be given by that party to the Secretary to the Board and to every other person affected by the appeal.

(10) On the hearing of any such appeal the Magistrate may confirm the classification list or cause it, or any matter therein, to be amended in such manner as he thinks reasonable, and he shall sign the list so confirmed or amended; and the determination of the Magistrate shall be final and conclusive.

(11) Every classification list sealed with the seal of the Board, or signed by a Magistrate in the case of any such appeal as aforesaid, 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) Where in any year the Board proposes, pursuant to subsection five of section sixty-four 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 the supplementary classification list.

Special rates.
1928, No. 8,
s. 69

See Reprint
of Statutes,
Vol. V, p. 360

66. (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 money 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 apply accordingly.

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

(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.

(4) When in any district the general rate is levied on the basis of the number 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 twenty-six of this Act 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.

(5) Notwithstanding anything in sections twenty-six to twenty-eight of this Act, 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 the 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 twenty-six to twenty-eight and of the omission of their names from that list; and for the purposes of the levying of the 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 subsection three of section twenty-six and sections twenty-nine to thirty-two of this Act shall apply thereto. During the currency of such loan, and for the purposes of the levying of the special rate in connection therewith, the main ratepayers list and the supplementary list made under this subsection shall be deemed to be the valuation roll of the Board's district.

67. (1) For the purposes of the making and levying of rates, the ratepayers list from time to time prepared and signed under this Act, with any amendments lawfully made therein, shall be the valuation roll for the district.

Ratepayers list to be valuation roll for district. 1928, No. 8, s. 66

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

68. On application being made in writing to the Board by any ratepayer, the Board may in any year, with the approval of the Minister given on the recommendation of the Rabbit Destruction Council, remit the payment of any rates by that ratepayer, either wholly or in part. No such recommendation shall be made by the Council unless it is satisfied that hardship would otherwise be caused to the ratepayer.

Power to remit rates. 1928, No. 8, s. 67A
1949, No. 16, s. 3

69. Except as otherwise provided in this Act, the provisions of the Rating Act 1925 shall apply to all rates made under this Act.

Rating Act 1925 to apply. 1928, No. 8, s. 68
See Reprint of Statutes, Vol. VII, p. 977

Change of Rating Basis

70. (1) Subject to the provisions of this Act, the Board 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.

Basis of rating may be changed on poll of ratepayers. 1928, No. 8, s. 71

(2) Subject as aforesaid, 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,

pursuant to this section, 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.

(4) In any other district there may be submitted to the ratepayers, pursuant to this section, 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 require.

(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.

Special list
in district
rated on
stock carrying
basis.
1928, No. 8,
s. 72

71. (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 to 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 subsection three of section twenty-six and of sections twenty-seven to thirty-two of this Act 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.

Ratepayers
list to be roll
for purposes
of poll.
1928, No. 8,
s. 73
1947, No. 47,
s. 32

72. The ratepayers list for the district shall be the roll of ratepayers for the purposes of any such poll, and, subject to the provisions of subsection four of section thirty-three of this Act, 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 of Councillors under the Counties Act 1920.

Poll carried
if majority
in favour.
1928, No. 8,
s. 74

73. A proposal to change the basis of rating under this Act shall be deemed to be carried if a majority of the valid votes recorded at the poll is in favour of the proposal.

Rates to be
levied as
determined by
poll.
1928, No. 8,
s. 75

74. 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 at the poll.

75. (1) No further 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.

Further polls.
1928, No. 8,
s. 76

(2) 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 the poll.

Subsidy and Grants to Boards

76. (1) There shall be payable out of the Consolidated Fund to every Board whose district contains an area of not less than ten thousand acres a subsidy on the general rates received by the Board in each financial year.

Subsidy on
general rates.
1928, No. 8,
s. 70

(2) The subsidy payable in respect of 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, less the amount of any such rates remitted under section sixty-eight of this Act.

1947, No. 47,
s. 35
1953, No. 72,
s. 9

(3) There may be paid to any Board under this section 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 of that financial year.

(4) On receipt by the Minister of an application by a Board for payment of subsidy in anticipation of general rates receivable in any year, a sum not exceeding seventy-five per cent of the amount which was collectable as rates by the Board during the preceding year may be advanced to that Board in the year in which the application is made.

(5) All such advances shall be repaid to the Consolidated Fund out of the first money accruing to that Board thereafter by way of subsidy, and may be deducted therefrom or recovered accordingly.

77. (1) For the purpose of assisting Boards to carry out effectively the destruction of rabbits in their districts there may from time to time be paid to such Boards as the Minister, on the recommendation of the Council, determines such sums as the Minister, on the like recommendation, approves.

Grants to
Boards for
purposes of
destruction of
rabbits.
1947, No. 47,
s. 12
1953, No. 72,
s. 13 (4)

(2) For the purpose of making any recommendation under this section the Council shall have regard to the extent to which the district of the Board is infested or in danger of being infested with rabbits, the financial position of the Board, and such other matters as in the opinion of the Council are relevant.

(3) All money payable under this section shall be paid out of the proceeds of the levy on rabbit skins under this Act to the extent that those proceeds are available for the purposes of this section under section twelve of this Act, and, in so far as those proceeds are insufficient for the purposes of this section, out of money appropriated by Parliament for the purpose.

Exp. 19
No. **N.**
 Substituted.

Receipts and Expenditure

Money to
 be paid
 into bank.
 1928, No. 8,
 s. 77

78. (1) All money belonging to the Board amounting to five pounds and upwards shall within seven days after it has come to the hand of the proper officer of the Board be paid into the account of the Board at such bank as the Board from time to time appoints.

(2) No money 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.

Imprest
 account.
 1941, No. 26,
 s. 70
 See Reprint
 of Statutes,
 Vol. I, p. 447

79. (1) The Board may, pursuant to a resolution in that behalf, establish an imprest account, which shall, as the Board may determine, be kept in the Post Office Savings Bank or in any bank within the meaning of the Banking Act 1908.

(2) The imprest account may be held jointly in the names of and be operated on by the Treasurer and one other person to be appointed in that behalf by the Board, or may with the express approval in writing of the Audit Office, but not otherwise, be in the sole name of and operated on by the Treasurer or other approved officer of the Board. Where the imprest account is held jointly in the names of the Treasurer and of one other person, that other person shall be either a responsible officer of the Board or a member of the Board.

(3) The Board shall from time to time by resolution fix the maximum amount that may be held at any time in the imprest account, not exceeding seventy-five pounds in any case where the imprest account may be operated

on by one person acting alone, and not exceeding such amount as the Audit Office may approve in any other case.

(4) Money in the imprest account shall be available only for the payment of wages and of emergency expenditure. A statement of all payments made from the imprest account shall be submitted to the Board for approval at its first ordinary meeting thereafter. The payment of money out of the imprest account for any purpose not hereby authorized shall be deemed to be the misappropriation of the funds of the Board.

(5) The provisions of section seventy-eight of this Act shall be read subject to the provisions of this section.

80. The Board may, in any case where it is deemed advisable that any sum of money at credit of any account, other than a separate account for a loan, should be placed on deposit at interest, deposit that sum of money with any bank approved by the Board or, with the consent of the Governor-General in Council, deposit that sum with any local authority or public body entitled by law to receive money on deposit.

Deposit of
money at
interest.
1941, No. 26,
s. 71

81. Subject to the provisions of section eighty-two of this Act, the Board may expend its funds in such manner as it thinks fit for the purpose of exercising any of its powers under this Act.

Expenditure
for purposes
of Act.
1947, No. 47,
s. 18

82. 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:

Board not to
pay ratepayer
for destroying
rabbits on own
land.
1928, No. 8,
s. 80

Provided that this section shall not apply to any Board which is not receiving a subsidy on its general rates pursuant to this Act.

83. The 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.

Travelling
expenses of
members.
1928, No. 8,
s. 78

84. It shall be lawful for the Board from time to time to enter into contracts of insurance insuring members of the Board against loss from personal accident arising out of and in the course of the exercise of their powers or duties as members, and to pay the premiums payable in respect of such contracts.

Insurance of
members of
Board against
personal
accident while
engaged in
duties.
1947, No. 47,
s. 38

Board may pay certain expenses incidental to constitution of its district upon petition. 1947, No. 47, s. 27
1949, No. 16, s. 7

85. Where pursuant to section fourteen or section eighteen of this Act a rabbit district is constituted on a petition of persons qualified to be ratepayers, the Board of the district may pay out of its funds the expenses incurred by any such persons as aforesaid within the district before the first election of members of the Board, whether incurred before or after the constitution of the district, in promoting, preparing, and maintaining the petition, including the costs of advertising:

Provided that no such expenses or costs shall be so paid unless the Audit Office certifies that they are reasonable and have been incurred in good faith for any of the purposes aforesaid.

Subscriptions to Rabbit Boards Associations and travelling expenses of representatives. 1947, No. 47, s. 36

86. Any Board affiliated to the North Island Rabbit Boards Association or to the South Island Rabbit Boards Association, or to any Council of Rabbit Boards that is affiliated to either of those Associations, may from time to time pay the annual subscription of the Board to the Association or Council, and the actual and reasonable travelling expenses incurred by its representatives in attending meetings of the conferences of the Association or meetings of the Council.

Unauthorized expenditure. 1928, No. 8, s. 79
1947, No. 47, s. 37

87. The 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 five per cent of the total amount receivable from the general rate levied by the Board in that year, nor in any case to more than fifty pounds:

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

Accounts

Books of account. 1928, No. 8, s. 81

88. (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.

(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 books without fee.

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

89. (1) Before the end of April in each year the Board shall cause to be prepared a yearly balance sheet and statement of accounts showing fully the financial position of the Board and the financial results of its operations during the year ended on the thirty-first day of March then last past. There shall be included therein the amounts of all rates made and levied and of all money received and expended during that year, and the amounts of all debts then owing by and to the Board. The balance sheet and statement shall bear an endorsement that the accounts shown therein are subject to audit, and shall be signed by the Treasurer.

Yearly balance sheet and statement of accounts. 1928, No. 8, s. 82 1953, No. 72, s. 10

(2) The Board shall forthwith either send by post to every ratepayer whose name appears on the ratepayers list for the district a copy of the balance sheet and statement of accounts, or deposit a copy or copies thereof for inspection in some convenient place or places within the district and give public notice that the accounts are available there for inspection.

(3) Forthwith after the audit of the accounts pursuant to the Public Revenues Act 1953, the Board shall either send to every ratepayer as aforesaid a copy of the balance sheet and statement as audited, or deposit a copy or copies thereof for inspection and give public notice thereof as provided by subsection two of this section.

1953, No. 73

Contracts

90. (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. 1928, No. 8, s. 84

(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 in writing 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 orally may be similarly made by or on behalf of the Board by any two members acting by direction of the Board; but no oral contract shall be made involving the payment by the Board of any sum exceeding twenty pounds.

(4) Notwithstanding anything in the foregoing provisions of this section, no contract made by or on behalf of the Board shall be invalid by reason only that it was not made in the manner prescribed by this section, if it was made pursuant to a resolution of the Board or to give effect to a resolution of the Board.

PART III

DESTRUCTION OF RABBITS GENERALLY

Inspectors.
1928, No. 8,
s. 3
See Reprint
of Statutes,
Vol. VII, p. 522

91. There may from time to time be appointed under the Public Service Act 1912 such Inspectors as may be required for the purposes of this Part of this Act.

Power to enter
on land and
inspect.
1928, No. 8,
s. 5

92. Any Inspector, or any person authorized by him in writing, may enter at all reasonable times on any land for the purpose of seeing whether there are rabbits on the land.

Inspector may
require occupier
to destroy
rabbits.
1928, No. 8,
ss. 6, 7

93. (1) Any Inspector may serve or cause to be served on any occupier of any land on which he believes there are rabbits a notice in writing, in form 3 in the First Schedule to this Act or to that effect, requiring the immediate destruction of the rabbits on that land.

(2) Every occupier on whom such a notice is served shall forthwith begin and thereafter continue to do all such acts and things as may be necessary to destroy, within the shortest time possible, all rabbits on the land referred to in the notice.

(3) Every such occupier who fails or neglects to comply with any provision of subsection two of this section commits an offence and is liable to a fine not exceeding

one hundred pounds and, if the offence is a continuing one, to a further fine not exceeding five pounds for every day or part of a day during which the offence has continued.

(4) Whenever any person is convicted of any offence under this section he shall not thereby be relieved from the obligation to comply with the provisions of subsection two of this section pursuant to the notice originally served on him, and if he again fails or neglects, or continues to fail or neglect, to comply therewith at any time later than one month after the date of any conviction under this section he shall be deemed to have committed a further offence and shall be liable therefor under subsection three of this section.

94. (1) If any occupier of any land on whom a notice is served under section ninety-three of this Act fails or neglects to comply with any provision of subsection two of that section, any Inspector, or any person authorized by him in writing, may at all reasonable times enter on the land referred to in the notice and do all such acts and things as appear to him to be necessary or expedient to ensure the destruction of the rabbits on that land.

Inspector may enter and destroy rabbits if occupier fails.
1928, No. 8, s. 8 (1), (2), (4)

(2) Subject to the provisions of any regulations under this Act, the skins and carcasses of rabbits destroyed by any Inspector or other person under this section may be collected and sold or disposed of by him. The net proceeds of any such sale or disposal shall be paid into the Public Account.

REP. 19
No. s.

(3) Subject to the provisions of any regulations under this Act, the collection and sale or disposal of skins and carcasses under this section shall be at the discretion of the Inspector or such authorized person as aforesaid, who shall be deemed to have full authority to sell or dispose of them. No action shall be maintainable against him by any occupier of the land in respect of such collection, sale, or disposal or in respect of any failure to collect, sell, or dispose of any skins or carcasses.

(4) The powers conferred by this section may be exercised in addition to or instead of the taking of proceedings for an offence under section ninety-three of this Act.

Liability of occupier for cost of destruction of rabbits.
1928, No. 8, ss. 8 (3), 10-15

95. (1) Subject to the provisions of this section, the amount of all expenses incurred in the destruction of rabbits on any land pursuant to section ninety-four of this Act may be recovered from any occupier of the land on whom the notice was served under section ninety-three of this Act, as a debt due to the Crown.

(2) In calculating the amount recoverable from the occupier under this section, there shall be credited to him an amount equal to seventy-five per cent of the net proceeds of any sale or disposal of skins or carcasses under section ninety-four of this Act.

(3) Any judgment under this section may be given in favour of the Crown and enforced as if it were a judgment for rates; and, in the case of Maori land, the amount recoverable from the occupier may be recovered in the manner in which rates on the land may be recovered. For the purposes of this subsection, the provisions of section seventy-three and sections seventy-eight to eighty-four and Part II of the Rating Act 1925, and of any other enactment relating to the enforcement of judgments for rates or, as the case may require, to the recovery of rates on Maori land, shall apply, so far as they are applicable and with the necessary modifications.

(4) Where the mortgagee of any land pays any amount payable by the occupier in respect of that land under this section, or satisfies any judgment obtained against the occupier of that land under this section, the amount so paid by the mortgagee shall be recoverable by him from the mortgagor and, until it is so recovered, shall be deemed to be added to and to form part of the principal sum secured by the mortgage and to be chargeable with interest accordingly from the date of its payment by the mortgagee.

96. (1) Where under section ninety-three of this Act a notice is served on any occupier who is not the person in actual occupation of the land referred to in the notice, he shall forthwith notify the person in actual occupation of that land of the service of the notice. If the notification under this subsection is made in writing, it may be served in any of the ways in which a notice may be served under this Act.

(2) Unless, within fourteen days after the service on the occupier of the notice by the Inspector, the person notified by that occupier under this section arranges with

REF. 19
No. ■■

See Reprint of Statutes, Vol. VII, pp. 1006, 1017

Rights of occupier not in actual occupation of land.
1928, No. 8, s. 16

that occupier, and to his satisfaction, for the destruction of the rabbits on the land, that occupier shall have in respect of the land all the powers of an Inspector under section ninety-four of this Act.

(3) Nothing in this section shall affect any other rights that the said occupier may have against the person in actual occupation of the land in respect of that person's failure to destroy the rabbits on the land.

97. (1) Where under this Part of this Act any Inspector or other authorized person enters on any 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 ninety-four of this Act without giving any prior notice to the occupier of the land.

Destruction of rabbits on abandoned land.
1928, No. 8, s. 20

(2) The expenses incurred in respect of the destruction of rabbits pursuant to this section may be recovered from the occupier as a debt due to the Crown, and the provisions of section ninety-five of this Act shall apply accordingly.

98. (1) With the consent of the Minister, any Inspector or any person authorized by him in writing may enter on any Crown land and do all such acts and things as may be necessary to ensure the destruction of rabbits on that land.

Destruction of rabbits on Crown land, or on Maori land in certain cases.
1928, No. 8, s. 4

(2) With the consent of the Minister, any Inspector or any person authorized by him in writing may, instead of exercising the powers conferred by the foregoing provisions of this Part of this Act, enter on any Maori land and do all such acts and things as may be necessary to ensure the destruction of rabbits on that land.

(3) The Minister may in his discretion refuse his consent under this section or give his consent either unconditionally or upon and subject to such terms and conditions as he thinks fit.

(4) All expenses incurred in respect of the destruction of rabbits under this section shall be defrayed out of money from time to time appropriated for the purpose by Parliament.

99. The amount of all expenses paid by the Crown in respect of any Maori land may be recovered by the Crown in the manner in which rates on the land may be recovered; and the provisions of Part II of the Rating Act 1925, and of any other enactment relating to the recovery of rates on Maori land, shall apply accordingly, with the necessary modifications.

Recovery from occupier of Maori land of expenses paid by Crown.
See Reprint of Statutes, Vol. VII, p. 1017

Board not to administer this Part except in certain cases.

1947, No. 47,
s. 21 (1)

100. Except as provided in sections twenty-two, fifty-three and fifty-nine of this Act, no Board shall administer this Part of this Act.

PART IV

MISCELLANEOUS

Powers of Minister

Power of Minister to provide rabbit-proof fences.

1928, No. 8,
ss. 97, 98, 99

101. The Minister, on behalf of the Crown, may exercise in respect of any land the power to erect and maintain rabbit-proof fences, or to convert any non-rabbit-proof fence into a rabbit-proof wire netting fence and maintain it as such, conferred on Boards by subsection two of section fifty-seven of this Act, and for those purposes the provisions of that section and of sections fifty-eight and fifty-nine of this Act shall apply, so far as they are applicable and with the necessary modifications, as if references therein to a Board were references to the Crown, and as if references therein to any inspector, officer, or employee of a Board were references to an Inspector appointed under Part III of this Act or, as the case may require, to any officer or employee of the Department of Agriculture.

Natural Enemies of Rabbits

Governor-General may declare natural enemies of rabbits.

1928, No. 8,
s. 95

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

(2) Every person commits an offence against this Act 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.

(3) Nothing in subsection two of this section 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. Any such permit may be granted for such period and on such terms and conditions as the Minister thinks fit.

(4) For the purposes of this section the term "animal" includes a bird.

103. (1) No person shall sell or offer for sale or have in his possession for sale the skin of any ferret, stoat, weasel, polecat, or other animal of the family Mustelidae.

Offence to sell skins of certain animals.

1928, No. 8, s. 96

(2) Every person commits an offence against this Act who acts in contravention of this section.

1953, No. 72, s. 15

Rabbits and Hares in Chatham Islands

104. (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.

Rabbits and hares not to be introduced into Chatham Islands.

1928, No. 8, s. 100

(2) Every person commits an offence against this Act who acts in contravention of subsection one of this section.

(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 him to authorize any constable or other person to take all necessary measures for the destruction of the 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.

Liberation and Keeping of Live Rabbits

105. Every person commits an offence and is liable to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding 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.

Liberation of rabbits prohibited.

1928, No. 8, s. 101

106. (1) No person shall keep live rabbits in his possession except pursuant to a permit granted to him under this section and in accordance with the conditions specified in the permit.

Keeping live rabbits.

1928, No. 8, s. 102

(2) Every application for a permit under this section shall be made to the Board of the rabbit district in which the applicant proposes to keep the rabbits, or, where the applicant proposes to keep the rabbits elsewhere than in a rabbit district, to the Minister.

1953, No. 72, s. 16

(3) The Board, or, as the case may be, the Minister, may refuse to grant a permit under this section, or may grant a permit for such period and subject to such conditions as the Board or the Minister thinks fit.

(4) Any permit under this section may at any time be revoked by the Board, or as the case may require, by the Minister, by notice in writing.

(5) Any Inspector, or any person authorized by a Board, may enter at all reasonable times on the land or premises of the holder of a permit under this section and inspect any part of the land or premises for the purpose of ascertaining whether the conditions of the permit are being complied with.

(6) For the purposes of this section, any borough or town district lying wholly or partly within any rabbit district shall be deemed to form part of the district.

(7) Every person commits an offence against this Act who acts in contravention of any provision of this section.

General

Apportionment
of costs between
several
occupiers.
1928, No. 8,
s. 17

107. Where there are more occupiers than one of any land, and one of them is in any way compelled under this Act to pay the whole or any part of the expenses of destroying the rabbits on the land, he may recover in any Court of competent jurisdiction, as a debt due to him from the other occupiers of the land, such proportion of the expenses incurred by him in respect of the destruction of the rabbits as in the opinion of the Court is fairly proportionate to the respective interests in the land of the occupiers who are parties to the action:

Provided that, for the purposes of this section,—

- (a) Any occupier who is entitled to the actual occupation of the land for any period exceeding three years, or for a life or lives, shall be deemed to be liable for the whole of the expenses of destroying the rabbits on the land:
- (b) Any occupier whose right to actual occupation will terminate in six months or less shall be entitled to recover from the other occupiers the whole of the expenses paid by him.

108. All references to land in this Act or in any notice thereunder shall be deemed to extend to the roads bounding the land; and any Inspector or occupier or other person having power under this Act to enter on land and destroy rabbits thereon shall be deemed to have power to enter on the roads bounding the land and destroy the rabbits thereon:

References to land to extend to boundary roads.

1928, No. 8, ss. 4 (1), 19

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

109. Every person commits an offence against this Act who, not being a person acting under powers conferred by this Act, trespasses on any land, without the consent of the occupier, for the apparent purpose of destroying rabbits on the land.

Unauthorized trespassing on land.

1928, No. 8, s. 22

110. An Inspector or occupier, or a person authorized in writing in that behalf by any Board or Inspector or occupier, shall not be deemed a trespasser, or be liable for any damage occasioned by him in the exercise of the powers conferred on him by this Act, unless the damage is occasioned otherwise than in the reasonable exercise of those powers.

Inspector or other authorized person not deemed a trespasser.

1928, No. 8, s. 21

111. (1) Any notice under this Act may be served by delivering it personally to the person on whom it is to be served; or by leaving it, or sending it by post in a registered letter addressed to him, at his usual or last known place of abode or business in New Zealand; or, if his whereabouts are not known, or his last place of abode or business is not known, to the person issuing the notice, by publishing it at least twice in a newspaper circulating in the district in which the land affected by the notice is situated.

Notices.

1928, No. 8, ss. 18, 26, 27

(2) Where the name of an occupier is unknown to any Inspector issuing a notice under this Act, the notice may be addressed to "the occupier" as such, without specifying his name.

(3) Where any land is required to be described in any notice under this Act, it shall not be necessary to define the boundaries of the land; and it shall be a sufficient description if the land is so referred to, whether by name, by number of section or allotment, by boundaries, or otherwise, that there can be no reasonable doubt as to what land is referred to.

(4) Where a notice is sent by post in the manner prescribed by subsection one of this section, it shall be deemed to be served at the time at which the letter would have been delivered in the ordinary course of post; and where it is published in a newspaper in accordance with that subsection it shall be deemed to be served at the time of the last publication of the notice.

Poisoning or removing rabbits without authority.
1928, No. 8, s. 23

112. Every person commits an offence and is liable to imprisonment for a term not exceeding three months or to a fine not exceeding fifty pounds, or to both, who, not being a person acting under powers conferred by this Act, enters on any land that is not in his own legal possession or occupation, without the authority of the legal owner or occupier, and lays poison or destroys rabbits on the land, or removes any rabbits that have been poisoned or destroyed, or their skins, from the land.

Personating Inspector or authorized person.
1928, No. 8, s. 24
1953, No. 72, s. 17 (2)

113. Every person commits an offence against this Act who personates or falsely represents himself to be an Inspector, or falsely represents himself to be a person authorized by any Inspector or any Board under this Act.

Obstructing or assaulting authorized persons.
1928, No. 8, ss. 25, 94

114. (1) Every person commits an offence against this Act who—

(a) Wilfully obstructs or hinders, or causes to be obstructed or hindered, any Board, or any member of a Board, or any occupier, or any Inspector, or any other person authorized to exercise any power under this Act, in the exercise of any power under this Act:

(b) Threatens, assaults, or uses abusive language to any person to whom paragraph (a) of this subsection applies, while that person is engaged in the exercise of any such power as aforesaid:

(c) Without lawful authority, and while the work of destroying rabbits is in progress on any Crown land, persists in entering on any such land after being warned by an Inspector not to do so.

(2) No proceedings in respect of any offence under this section shall be a bar to an action for damages by any such person as aforesaid in respect of any assault.

115. Every person who commits an offence against this Act for which no penalty is provided elsewhere than in this section is liable to a fine not exceeding fifty pounds and, if the offence is a continuing one, to a further fine not exceeding five pounds for every day or part of a day during which the offence has continued.

General penalty for offences.
1953, No. 72,
s. 17 (1)

116. Every offence against this Act or against any regulations made under this Act shall be punishable on summary conviction.

Offences punishable on summary conviction.
1953, No. 72,
s. 18

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

Regulations.
1928, No. 8,
s. 104

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

1947, No. 47,
s. 42

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

(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:

(d) Prohibiting or restricting the poisoning, trapping, or shooting of rabbits, or the hunting of rabbits, whether with dogs or otherwise, in any rabbit district:

(e) Regulating the purchase and sale of rabbits and of rabbit skins:

Ref. 19
No. 4.

(f) Regulating the export of rabbits and rabbit skins:

(g) Prescribing fines not exceeding fifty pounds for the breach of any regulation under this section, and, in the case of a continuing breach, not exceeding five pounds for every day or part of a day during which the breach has continued:

(h) Generally for the purpose of carrying into effect the provisions of this Act.

(2) Regulations made under this section may apply either generally or with 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.

Repeals and savings.

See Reprint of Statutes, Vol. VIII, p. 568

118. (1) The enactments specified in the Second Schedule to this Act are hereby repealed.

(2) Without limiting the provisions of the Acts Interpretation Act 1924, it is hereby declared that the repeal of any provision by this Act shall not affect any document made or any thing whatsoever done under the provision so repealed or under any corresponding former provision, and every such document or thing, so far as it is subsisting or in force at the time of the repeal and could have been made or done under this Act, shall continue and have effect as if it had been made or done under the corresponding provision of this Act and as if that provision had been in force when the document was made or the thing was done.

Schedules.

SCHEDULES

FIRST SCHEDULE

Form 1

Section 48

NOTICE OF INTENTION TO ENTER ON LAND AND DESTROY RABBITS

To [*Name of occupier*].

TAKE notice that, pursuant to section 48 of the Rabbits Act 1955, an Inspector or other person authorized by the [*Name of Board*] will, as soon as practicable after the expiration of five days from the date of this notice, enter on the land occupied by you, for the purpose of destroying rabbits on that land.

Dated at this day of 19 .

Secretary to the [*Name of Board*].
or Inspector or authorized person.

Form 2

Section 48

NOTICE OF INTENTION TO DESTROY RABBITS IN SPECIFIED AREA

PURSUANT to section 48 of the Rabbits Act 1955, all occupiers of land in the locality or area described in the Schedule hereto are hereby notified that the [*Name of Board*] intends to destroy rabbits in the said locality or area, and that for that purpose Inspectors or other persons authorized by the Board will, as soon as practicable after the expiration of ten days from the date of this notice, enter on the lands in the said locality or area.

SCHEDULE

[*Locality or area to be sufficiently described to enable an occupier to identify his land as being within the locality or area.*]

Dated at this day of 19 .

Secretary to the [*Name of Board*].
or Inspector or authorized person.

Form 3

NOTICE TO DESTROY RABBITS

Section 93

To [*Name of occupier*].

TAKE notice that I, the undersigned, an Inspector under the Rabbits Act 1955, hereby require you forthwith to destroy the rabbits on the following land [*Here describe land*].

Dated at this day of 19 .

.....
Inspector.

NOTE.—Your attention is directed to the sections of the Rabbits Act 1955 printed on the back of this notice.

If you fail or neglect to comply with this notice, you are liable to the fines prescribed by section 93 of the Act, and, in addition, the rabbits on your land may be destroyed at your expense.

[*On the back of the notice are to be printed sections 93, 94, and 95 of the Act.*]

 SECOND SCHEDULE

ENACTMENTS REPEALED

Section 118 (1)

1928, No. 8—

The Rabbit Nuisance Act 1928. (Reprint of Statutes, Vol. I, p. 243.)

1935, No. 3—

The Rabbit Nuisance Amendment Act 1935.

1937, No. 17—

The Finance Act 1937: So much of the Second Schedule as relates to the Rabbit Nuisance Act 1928.

1941, No. 26—

The Statutes Amendment Act 1941: Sections 69, 70, and 71.

1945, No. 40—

The Statutes Amendment Act 1945: Section 68.

1947, No. 47—

The Rabbit Nuisance Amendment Act 1947.

1949, No. 16—

The Rabbit Nuisance Amendment Act 1949.

1951, No. 79—

The Fees and Travelling Allowances Act 1951: So much of the Second Schedule as relates to the Rabbit Nuisance Amendment Act 1947.

1953, No. 72—

The Rabbit Nuisance Amendment Act 1953.
