

# Franklin-Manukau Pests Destruction Act 1971

Public Act 1971 No 39  
Date of assent 26 October 1971

## Contents

|   |   | Page |
|---|---|------|
|   | Title   | 1    |
| 1 | Short Title and commencement  | 1    |
| 2 | Interpretation  | 2    |
| 3 | Board to consist of 12 members                                      | 2    |
| 4 | Appointment of Board members representing City of Manukau           | 2    |
| 5 | Nomination of members by Manukau City Council                       | 3    |
| 6 | Tenure of office of members representing City of Manukau            | 4    |
| 7 | Validation of appointments of present members                       | 4    |
| 8 | Collection of Board's revenue directly from Franklin County Council | 5    |

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**An Act to increase the membership of the Franklin-Manukau Pest Destruction Board, to validate the appointments of present members of the Board, and to enable the collection of revenue by the Board directly from the Franklin County Council**

### **1 Short Title and commencement**

- (1) This Act may be cited as the Franklin-Manukau Pests Destruction Act 1971.
- (2) Section 8 of this Act shall be deemed to have come into force on the 1st day of April 1971 (being the date on which the Franklin-Manukau Pest Destruction District was constituted).
- (3) Except as provided in subsection (2) of this section, this Act shall come into force on its passing.

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#### **Note**

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

## 2 Interpretation

In this Act, unless the context otherwise requires,—

**Board** means the Board of the Franklin-Manukau Pest Destruction District (formerly known as the South Auckland Pest Destruction District) constituted under subsection (1) of section 23 of the Agricultural Pests Destruction Act 1967

**Ratepayer** has the same meaning as in section 2(1) of the Local Government Act 1974.

Ratepayer: amended, as from 1 April 1980, by section 8(3) Local Government Amendment Act 1979 (1979 No 59) by substituting the words “section 2(1) of the Local Government Act 1974” for the words “subsection (1) of section 2 of the Municipal Corporations Act 1954”.

## 3 Board to consist of 12 members

Notwithstanding subsection (1) of section 31 of the Agricultural Pests Destruction Act 1967, the Board shall consist of 12 members of whom—

- (a) Eight shall, subject to subsections (2) and (3) of section 23 of that Act, be elected under that Act by the electors of the part of the Franklin-Manukau Pest Destruction District which is situated in the Franklin County;
- (b) Three shall be appointed by the new Ministry under subsection (1) of section 4 of this Act on the nomination of the Manukau City Council; and
- (c) One shall be the person appointed by the new Ministry under subsection (1) of the said section 31.

The words “the Minister of Agriculture and Fisheries” were substituted, as from 1 September 1972, for the words “the Minister of Agriculture” pursuant to section 3(6)(a) Ministry of Agriculture and Fisheries Amendment Act 1972 (1972 No 3). The words “responsible Ministry” were substituted, as from 1 July 1995, for the words “Ministry of Agriculture and Fisheries” pursuant to section 6(1)(b) Ministry of Agriculture and Fisheries (Restructuring) Act 1995 (1995 No 31). Those words were in turn substituted by the words “new Ministry”, as from 1 March 1998, pursuant to section 5(1)(c) Ministries of Agriculture and Forestry (Restructuring) Act 1997 (1997 No 100).

## 4 Appointment of Board members representing City of Manukau

- (1) Subject to subsection (2) of this section, the new Ministry may appoint 3 persons to be members of the Board on the

nomination of the Manukau City Council under section 5 of this Act.

- (2) No person shall be capable of being appointed to be a member of the Board under subsection (1) of this section if—
- (a) He is not a ratepayer in respect of land situated in the City of Manukau; or
  - (b) He is incapable, on any of the grounds set out in paragraphs (b), (c), (d), and (e) of subsection (1) of section 47 of the Agricultural Pests Destruction Act 1967, of being appointed to the office of an elective member of the Board.
- (3) Notwithstanding subsection (1) of section 47 of the Agricultural Pests Destruction Act 1967, no person shall be incapable of being appointed to be a member of the Board under subsection (1) of this section by reason only of the fact that he is incapable, on any ground set out in paragraph (a) of subsection (1) of section 47 of that Act, of being appointed to the office of an elective member of the Board.

The words “the Minister of Agriculture and Fisheries” were substituted, as from 1 September 1972, for the words “the Minister of Agriculture” pursuant to section 3(6)(a) Ministry of Agriculture and Fisheries Amendment Act 1972 (1972 No 3). The words “responsible Ministry” were substituted, as from 1 July 1995, for the words “Ministry of Agriculture and Fisheries” pursuant to section 6(1)(b) Ministry of Agriculture and Fisheries (Restructuring) Act 1995 (1995 No 31). Those words were in turn substituted by the words “new Ministry”, as from 1 March 1998, pursuant to section 5(1)(c) Ministries of Agriculture and Forestry (Restructuring) Act 1997 (1997 No 100).

## **5 Nomination of members by Manukau City Council**

- (1) The Manukau City Council shall—
- (a) Within 3 months after the day on which the triennial elections of the Council are next held after the 1st day of October 1974; and
  - (b) Thereafter within 3 months after every day on which the triennial elections of the Council are held—  
nominate 3 persons who are ratepayers in respect of land situated in the City of Manukau to be members of the Board under subsection (1) of section 4 of this Act.
- (2) The Manukau City Council shall—

- (a) If the new Ministry declines to appoint as a member of the Board any person who is nominated under this section; or
  - (b) If the office of a member of the Board becomes vacant under subsection (2) of section 6 of this Act—  
nominate another person who is a ratepayer in respect of land situated in the City of Manukau to be a member of the Board under subsection (1) of section 4 of this Act.
- (3) The Manukau City Council shall notify the new Ministry in writing of the name and address of every person whom it nominates under subsection (1) or subsection (2) of this section.

The words “the Minister of Agriculture and Fisheries” were substituted, as from 1 September 1972, for the words “the Minister of Agriculture” pursuant to section 3(6)(a) Ministry of Agriculture and Fisheries Amendment Act 1972 (1972 No 3). The words “responsible Ministry” were substituted, as from 1 July 1995, for the words “Ministry of Agriculture and Fisheries” pursuant to section 6(1)(b) Ministry of Agriculture and Fisheries (Restructuring) Act 1995 (1995 No 31). Those words were in turn substituted by the words “new Ministry”, as from 1 March 1998, pursuant to section 5(1)(c) Ministries of Agriculture and Forestry (Restructuring) Act 1997 (1997 No 100).

## **6 Tenure of office of members representing City of Manukau**

- (1) Every member of the Board appointed under subsection (1) of section 4 of this Act shall hold office until another person is appointed under that subsection to succeed him as a member.
- (2) Notwithstanding subsection (1) of this section, the office of a member of the Board so appointed shall become vacant—
  - (a) If he ceases to be a ratepayer in respect of land situated in the City of Manukau; or
  - (b) On the happening of any event by reason of which his office would have become vacant under subsection (1) of section 48 of the Agricultural Pests Destruction Act 1967, except paragraph (d) of that subsection, if he had been an elective member of the Board.

## **7 Validation of appointments of present members**

- (1) Notwithstanding subsection (1) of section 31 of the Agricultural Pests Destruction Act 1967, the following persons, namely—

- Kenwyn James Hosking;
- Richard Hoe;
- Patrick McCowat Cochrane;
- Harold Mayall;
- Harold Robinson;
- Stanley Ralph Drake;
- William Ewing Motion; and
- Robert James Scarlett—

shall be deemed to have been validly appointed to be members of the Board on the 1st day of April 1971 by the new Ministry under subsection (2) of section 23 of that Act, and shall be deemed accordingly, under subsection (3) of section 23 of that Act, to be the first elective members of the Board.

- (2) Notwithstanding subsection (1) of section 5 of this Act, the following persons, namely—
- (a) Edward Keith Davies;
  - (b) David Edward Good; and
  - (c) Colin William Mercer—

shall be deemed to have been validly appointed to be members of the Board on the 1st day of April 1971 by the Minister of Agriculture and Fisheries under subsection (1) of section 4 of this Act on the nomination of the Manukau City Council, and shall hold and be deemed at all times since their appointments to have held office in accordance with and subject to section 6 of this Act.

The words “the Minister of Agriculture and Fisheries” were substituted, as from 1 September 1972, for the words “the Minister of Agriculture” pursuant to section 3(6)(a) Ministry of Agriculture and Fisheries Amendment Act 1972 (1972 No 3). The words “responsible Ministry” were substituted, as from 1 July 1995, for the words “Ministry of Agriculture and Fisheries” pursuant to section 6(1)(b) Ministry of Agriculture and Fisheries (Restructuring) Act 1995 (1995 No 31). Those words were in turn substituted by the words “new Ministry”, as from 1 March 1998, pursuant to section 5(1)(c) Ministries of Agriculture and Forestry (Restructuring) Act 1997 (1997 No 100).

## **8 Collection of Board’s revenue directly from Franklin County Council**

- (1) The Board may from time to time, by agreement with the Franklin County Council, collect directly from the Council a sum equal to the amount that the Board may obtain by levying

the whole or any part of a rate, other than a special rate, made by the Board under the Agricultural Pests Destruction Act 1967 in any part of the Franklin-Manukau Pest Destruction District which is situated in the Franklin County.

- (2) The power conferred on the Board by subsection (1) of this section shall be instead of and not in addition to its power to levy the rate or the part of a rate, as the case may be, referred to in that subsection.
- (3) The Franklin County Council may from time to time pay from its Rates and Appropriations Account to the Board any sum that the Board may collect from the Council under subsection (1) of this section.
- (4) Every sum that the Board collects from the Franklin County Council under subsection (1) of this section instead of the whole or any part of a general rate shall be deemed for the purposes of section 84 of the Agricultural Pests Destruction Act 1967 to be a general rate levied and received by the Board under that Act.

Subsection (3) was substituted, as from 1 April 1980, by section 8(3) Local Government Amendment Act 1979 (1979 No 59).