



ANALYSIS

Title
1. Short Title

2. Hunting or killing in game areas
3. Regulations relating to pollution of waters

1972, No. 116

An Act to amend the Wildlife Act 1953

[20 October 1972

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

1. Short Title—This Act may be cited as the Wildlife Amendment Act 1972, and shall be read together with and deemed part of the Wildlife Act 1953 (hereinafter referred to as the principal Act).

2. Hunting or killing in game areas—(1) The principal Act is hereby amended by repealing section 17 (as substituted by section 6 of the Wildlife Amendment Act 1959), and substituting the following section:

“17. (1) In this section—

“ ‘Designated area’ means all that area contained within a distance of 100 metres from the margin of any waters together with the area covered by those waters:

“ ‘Food’ means corn, wheat, barley, maize, or other grain, or any product of any grain, or peas or beans or other food:

“ ‘Waterfowl’ means every species of the family Anatidae:

“‘Waters’ includes any river, stream, lake, lagoon, pond, estuary, swamp, or other waters, whether natural or wholly or partly of artificial formation.

“(2) Except with the consent of the Minister, no person shall hunt or kill waterfowl in any designated area where, during an open season for game or within the period of 30 days immediately preceding that open season, any food has been cast, thrown, placed, or planted.

“(3) No person shall hunt or kill waterfowl in any designated area within which the waters were artificially formed during an open season for game or within the period of 30 days immediately preceding that open season.

“(4) Every consent of the Minister under subsection (2) of this section shall be given by notice in the *Gazette*, and may be given on the annual application of a society or, where the control of a district is vested in the Department of Internal Affairs, on the application of the Secretary. Every notice may contain such conditions as the Minister may impose, including the manner in which waterfowl may be hunted or killed, and may be restricted in effect to one or more designated areas. Every notice may at any time, by further notice in the *Gazette*, be amended or revoked by the Minister.

“(5) Where any society has reason to believe that any food has been cast, thrown, placed, or planted, or any waters have been artificially formed, in any designated area within the period of 30 days immediately preceding an open season for game, the society, with the consent of the occupier of the land on which that designated area is situated, may erect or affix a notice in, or in the near vicinity of, that designated area to the effect that food has been so cast, thrown, placed, or planted, or that the waters have been artificially formed, and there shall be displayed on the notice the date of its erection or affixing. If the occupier does not consent to the erection or affixing of a notice, the society may serve written notice upon him requiring him to inform all persons entering on his land for the purpose of hunting or killing game that food has been cast, thrown, placed, or planted, or that the waters have been artificially formed, in the designated area on his land.

“(6) Every person commits an offence against this Act who, during any open season, hunts or kills waterfowl in any designated area—

“(a) In which, or in the near vicinity of which, there is a notice under subsection (5) of this section erected or affixed during that open season or

within the period of 30 days immediately preceding that open season; or

“(b) In which the occupier of the land has informed him that food had been cast, thrown, placed, or planted, or that the waters have been artificially formed, during that open season or within the period of 30 days immediately preceding that open season; or

“(c) In which he otherwise knows that food has been cast, thrown, placed, or planted, or that the waters have been artificially formed, during that open season or within the period of 30 days immediately preceding that open season.

“(7) Every person commits an offence against this Act who destroys, defaces, or tampers with any notice erected or affixed under subsection (5) of this section.

“(8) Every occupier of land commits an offence against this Act who, having been served with a written notice under subsection (5) of this section, fails to comply with the terms of that notice.”

(2) Section 6 of the Wildlife Amendment Act 1959 is hereby consequentially repealed.

3. Regulations relating to pollution of waters—(1) Section 72 of the principal Act is hereby amended by inserting, after subsection (2), the following subsection:

“(2A) Without limiting the power to make regulations under subsections (1) and (2) of this section, the Governor-General may from time to time, by Order in Council, make regulations for the following purposes:

“(a) For preventing the pollution of any waters by casting or throwing into, or discharging or causing to be put or discharged into, or placing on the bank or margin of, or placing in a position where it is likely to fall or descend or be washed or percolate into, any such waters, any sawdust or sawmill refuse, lime (other than agricultural or slaked lime), sheep dip, flaxmill refuse, oil, chlorinated hydrocarbon pesticide, or any other substance poisonous or injurious to wildlife, the habitat of wildlife, or the food of wildlife:

“(b) Prescribing offences for breaches of any such regulations, and prescribing—

“(i) A fine not exceeding \$2,000 in respect of any such offence; and

“(ii) In the case of a continuing offence, a further fine not exceeding \$20 for every day on which the offence has continued.”

(2) Any regulations made under the principal Act before the passing of this Act which would have been valid if subsection (1) of this section had been in force when the regulations were made are hereby validated and declared to have been lawfully made.

This Act is administered in the Department of Internal Affairs.
