



ANALYSIS

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1983, No. 48

An Act to amend the Wildlife Act 1953

[6 December 1983]

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 1983, and shall be read together with and deemed part of the Wildlife Act 1953 (hereinafter referred to as the principal Act).

2. Farming certain unprotected animals—(1) The principal Act is hereby amended by inserting, after section 7B (as inserted by section 3 (1) of the Wildlife Amendment Act 1980), the following section:

“7C. (1) No person shall farm, breed, or sell, or capture or convey or keep in captivity for the purposes of farming, breeding, or selling, any wildlife specified in the Eighth Schedule to this Act unless any such activity is authorised by the Minister pursuant to section 41 of this Act or by regulations made under this Act.

“(2) Any person who contravenes subsection (1) of this section commits an offence against this Act.”

(2) The principal Act is hereby further amended—

(a) By omitting from the Eighth Schedule (as amended by section 3 (2) (a) of the Wildlife Amendment Act 1980) the word “Eighth”, and substituting the word “Ninth”:

(b) By omitting from the Ninth Schedule (as amended by section 3 (2) (b) of the Wildlife Amendment Act 1980) the word “Ninth”, and substituting the word “Tenth”:

(c) By omitting from section 71 the word “Eighth” (as inserted by section 3 (2) (c) of the Wildlife Amendment Act 1980), and substituting the word “Ninth”:

(d) By omitting from section 73 (1) the word “Ninth” (as inserted by section 3 (2) (d) of the Wildlife Amendment Act 1980), and substituting the word “Tenth”:

(3) The principal Act is hereby further amended by inserting, after the Seventh Schedule, the new Eighth Schedule set out in the First Schedule to this Act.

(4) Section 3 (2) of the Wildlife Amendment Act 1980 is hereby consequentially repealed.

3. Wildlife refuges—(1) Paragraph (b) of the proviso to section 14 (1) of the principal Act is hereby amended by omitting the words “an Order in Council pursuant to section 37 of the Public Works Amendment Act 1948”, and substituting the words “a notice under section 191 of the Public Works Act 1981”.

(2) Section 14 of the principal Act is hereby consequentially amended by omitting the words “Order in Council” wherever they appear, and substituting in every case the word “notice”.

4. Restrictions on the taking of game—(1) Section 18 (1) of the principal Act is hereby amended by inserting, after the words “expressly provided in this Act”, the words “or except in such circumstances and at such times, areas, and places and subject to such conditions as may from time to time be authorised pursuant to a notification given by the Minister”.

(2) The said section 18 (1) is hereby further amended by omitting from paragraph (f) (vi) (as amended by section 2 of the Wildlife Amendment Act 1981) the words “except in such circumstances and at such times, areas, and places and subject to such conditions as may from time to time be authorised pursuant to a notification given by the Minister”.

(3) The Wildlife Amendment Act 1981 is hereby consequentially repealed.

5. Limitation of licence—Section 20 of the principal Act is hereby repealed.

6. Holder of licence not to enter on land without consent—The principal Act is hereby amended by repealing section 21, and substituting the following section:

“21. (1) Except as otherwise expressly provided in this Act, or in any Proclamation or Order in Council or notice pursuant thereto, nothing in any licence or other authority under this Act shall authorise the holder to enter upon or to hunt or kill game on any land without the consent of the occupier of the land.

“(2) In subsection (1) of this section, the term ‘occupier’ includes:

“(a) In the case of any reserve within the meaning of the Reserves Act 1977, the appropriate Commissioner of Crown Lands or, as the case may require, the administering body:

“(b) In the case of any land actually and exclusively used by any society for the purposes of this Act, that society:

“(c) In the case of any wildlife sanctuary, wildlife refuge, or wildlife management reserve, the Minister or Secretary, or, where authorised by the Secretary, the person or society having day to day control of the wildlife sanctuary, wildlife refuge, or wildlife management reserve:

“(d) In any other case, the occupier.”

7. Shooting of game not in flight prohibited—Section 22 (1) of the principal Act is hereby amended by inserting, after the words “this Act”, the words “or except in such circumstances and at such times, areas, and places and subject to such conditions as may from time to time be authorised pursuant to a notification given by the Minister”.

8. Annual reports and balance sheets of societies to be forwarded to Minister—Section 34 (1) of the principal Act (as amended by section 6 (2)(c) of the Ministry of Transport Amendment Act 1972) is hereby amended by omitting the words “not later than 3 months after the close of any financial year, forward to the Secretary for Internal Affairs and also to the Secretary for Transport a report in triplicate of its proceedings during that financial year,”, and substituting the words “not later than 14 days after its annual general meeting,

forward to the Secretary and to the Director-General of Agriculture and Fisheries a report in triplicate of its proceedings during its immediately preceding financial year.”.

9. Obstructing rangers—Section 40 (1) of the principal Act is hereby amended by omitting the word “assaults,” and the word “assault,”.

10. Minister’s general powers—Section 41 (2) of the principal Act is hereby amended by adding the following paragraph:

“(h) Subject to any regulations made under this Act, regulate, control, or prohibit the keeping, breeding, disposing, or farming of any wildlife specified in the Eighth Schedule to this Act.”

11. Restrictions on liberation or export of animals, birds, etc.—Section 56 (1) of the principal Act is hereby amended by omitting from paragraph (b) the words “any land mollusc of the genus *parryphanta*”, and substituting the words “any terrestrial or freshwater invertebrate specified in the Seventh Schedule to this Act.”

12. Protection of rangers and others—The principal Act is hereby amended by repealing section 60, and substituting the following section:

“60. A person who does any act in pursuance or intended pursuance of any of the functions conferred on him by or under this Act shall not be under any civil or criminal liability in respect thereof, whether on the ground of want of jurisdiction, or mistake of law or fact, or on any other ground, unless he has acted, or omitted to act, in bad faith or without reasonable cause.”

13. Increase in penalties for offences—(1) Section 67 (1) of the principal Act (as amended by section 9 (1) of the Wildlife Amendment Act 1980) is hereby amended in the manner indicated in the Second Schedule to this Act.

(2) Any proceedings commenced (whether before or after the commencement of this Act) for an offence against the principal Act or any regulations made under it arising out of any act done or omitted before the passing of this Act shall be heard and determined as if subsection (1) of this section had not been passed.

(3) The Second Schedule to the Wildlife Amendment Act 1980 is hereby amended by repealing those items that relate to subsection (1)(a) and subsection (1)(f) of section 67 of the principal Act.

14. Regulations—(1) Section 72 (2) (h) of the principal Act is hereby amended by inserting, after the words “licensing of taxidermists”, the words “which thereby authorises them to possess absolutely protected wildlife”.

(2) Section 72 of the principal Act is hereby further amended by inserting, after subsection (2A) (as inserted by section 3 (1) of the Wildlife Amendment Act 1972), the following subsection:

“(2B) Without limiting the power to make regulations under subsections (1), (2), and (2A) of this section, the Governor-General may from time to time, by Order in Council, make regulations prescribing the scope and effect of licences to farm, breed, or sell, or capture or dispose of or convey or keep in captivity for the purposes of farming, breeding, or selling, any wildlife specified in the Eighth Schedule to this Act, and any fees to be paid therefor, and providing for the issue of those licences and for the disposal of any fees for those licences.”

SCHEDULES

FIRST SCHEDULE

Section 2 (3)

NEW EIGHTH SCHEDULE TO PRINCIPAL ACT

"EIGHTH SCHEDULE

Sections 7c, 41 (2), 72 (2b)

WILDLIFE NOT PROTECTED BUT MAY BE KEPT, BRED, OR FARMED IN CAPTIVITY
PURSUANT TO REGULATIONS MADE UNDER PRINCIPAL ACT OR BY MINISTER'S
DIRECTION

Ferret (family Mustelidae)
Polecat (family Mustelidae)
Stoat (family Mustelidae)
Weasel (family Mustelidae)".

SECOND SCHEDULE

Section 13 (1)

INCREASE IN PENALTIES FOR OFFENCES

Provision of Section 67 of Principal Act	Amendment
Subsection (1) (a) ..	By omitting the expressions "\$300" and "\$20", and substituting respectively the expressions "\$500" and "\$50".
Subsection (1) (c) ..	By omitting the expression "\$20", and substituting the expression "\$50".
Subsection (1) (d) ..	By omitting the word "assaulting,".
Subsection (1) (e) ..	By omitting the expression "\$1,000", and substituting the words "\$1,500, and to a further fine not exceeding \$100 for every head of wildlife in respect of which the offence was committed".
Subsection (1) (f) ..	By omitting the expressions "\$500" and "\$20", and substituting respectively the expressions "\$1,500" and "\$100".

This Act is administered in the Department of Internal Affairs.