

Wildlife Amendment Act 1996

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An Act to amend the Wildlife Act 1953

BE IT ENACTED by the Parliament of New Zealand as follows:**1 Short Title and commencement**

- (1) This Act may be cited as the Wildlife Amendment Act 1996, and shall be read together with and deemed part of the Wildlife Act 1953 (hereinafter referred to as the principal Act).
- (2) Sections 2(1), 3, and 8 of this Act shall come into force on the 1st day of July 1996.
- (3) Section 6 of this Act shall come into force on a date to be fixed by the Governor-General by Order in Council.
- (4) Except as provided in subsections (2) and (3) of this section, this Act shall come into force on the day on which it receives the Royal assent.

2 Interpretation

- (1) Section 2(1) of the principal Act is hereby amended by inserting, in their appropriate alphabetical order, the following definitions:

“**Activity** includes a trade, business, or occupation

“**Concession or concession document**—

“(a) Means—

“(i) A lease; or

“(ii) A licence; or

“(iii) A permit; or

“(iv) An easement—

granted under section 14AA of this Act; and

“(b) Includes any activity authorised by the concession document:

“**Concessionaire** means a person who is—

“(a) A lessee; or

“(b) A licensee; or

“(c) A permit holder; or

“(d) The grantee of an easement—

under section 14AA of this Act

“**Lease**—

“(a) Means—

“(i) A grant of an interest in land that—

“(A) Gives exclusive possession of the land; and

- “(B) Makes provision for any activity on the land that the lessee is permitted to carry out:
- “(ii) Any document purporting to be a lease (whether or not the document gives the lessee exclusive possession of the land concerned) and issued under any enactment passed before the commencement of section 2 of the Wildlife Amendment Act 1996:
- “(iii) Any document purporting to be a lease (whether or not the document gives the lessee exclusive possession of the land concerned) and issued under this Act before the commencement of the said section 2; but
- “(b) Does not include a licence referred to in paragraph (b)(ii) of the definition of the term **licence**;—
and **lessee** has a corresponding meaning
- “**Licence**—
- “(a) Means—
- “(i) A *profit a prendre* or any other grant that gives a non-exclusive interest in land; or
- “(ii) A grant that makes provision for any activity on the land that the licensee is permitted to carry out; and
- “(b) Includes—
- “(i) Any document purporting to be a licence (whether or not the licence gives an interest, or makes any provision, referred to in paragraph (a) of this definition) and issued under any enactment relating to wildlife that was passed before the commencement of section 2 of the Wildlife Amendment Act 1996; and
- “(ii) Any document purporting to be a licence and purporting to grant an exclusive interest in land, and issued under this Act before the date of commencement of the said section 2 or issued under any other enactment relating to wildlife that was passed before that date; and
- “(iii) Any document purporting to be a licence (whether or not the licence gives an interest, or makes any provision, referred to in paragraph (a) of this definition) and issued under this Act before the commencement of the said section 2;—
and **licensee** has a corresponding meaning

“**Permit**, in relation to section 14AA of this Act,—

“(a) Means a grant of rights to carry out an activity for a purpose referred to in that section that does not require an interest in land; and

“(b) Includes any authorisation or licence granted before the commencement of this definition that granted similar rights;—
and **permit holder** has a corresponding meaning”.

(2) *This subsection substituted the definition of **open season** in s 2(1) of the principal Act.*

(3) *This subsection inserted the definition of **game hunting guide** in s 2(1) of the principal Act.*

3 Granting of concessions in wildlife sanctuaries, wildlife refuges, and wildlife management reserves

(1) The principal Act is hereby amended by inserting, after section 14A (as inserted by section 6(1) of the Wildlife Amendment Act 1980), the following section:

“14AA

(1) The Minister may, in accordance with Part IIIB of the Conservation Act 1987, grant a concession in respect of any wildlife sanctuary, wildlife refuge, or wildlife management reserve held or managed by the Minister; and the said Part IIIB shall apply as if references in that Part to a conservation area were references to a sanctuary, refuge, or reserve under this Act and with any other necessary modifications.

“(2) The Minister may impose a reasonable charge for the use of any facilities (other than a path or track) provided by the Minister in or in respect of any such sanctuary, refuge, or reserve.

“(3) Any person who, in accordance with any concession or other consent of the Minister,—

“(a) Has erected any structure or facility in any sanctuary, refuge, or reserve; or

“(b) Uses for camping sites or for parking places for vehicles any part of any sanctuary, refuge, or reserve; or

- “(c) Carries on any activity in any sanctuary, refuge, or reserve—
may, subject to the relevant conservation management strategy or conservation management plan (if any) and the terms and conditions (if any) of the concession document or other consent concerned, impose a reasonable charge in respect of the carrying on or products of the activity.
- “(4) Nothing in this section authorises any person to do anything on or in respect of any private land.”
- (2) Where any person lawfully occupied any wildlife sanctuary, wildlife refuge, or wildlife management reserve at the commencement of this Act in accordance with any right lawfully granted on or before 1 April 1987 under any Act or any contract made on or before 1 April 1987 then, notwithstanding sections 17U or 17W of the Conservation Act 1987, as inserted by section 7 of the Conservation Amendment Act 1996, the Minister may grant a concession to that occupant for the area lawfully occupied by the occupant, but the extent of the activities authorised by any such concession shall be no greater than was lawfully exercised by the occupant.
- (3) Where any concession is granted under subsection (2) of this section to the occupant, any prior right given to the occupant to occupy the land shall be void and of no effect.
- (4) The provisions of section 17T(4) and (5) of the Conservation Act 1987 (as so inserted) shall not apply to any concession granted under subsection (2) of this section.

4 Open season for game

This section substituted s 15 of the principal Act.

5 Notification as to conditions on which open season declared

This section amended s 16 of the principal Act.

6 Game hunting guides to be licensed

The principal Act is hereby amended by inserting, after section 22, the following section:

“22A

Every person commits an offence against this Act and is liable on conviction to the penalty set out in section 67E(1) who acts as a game hunting guide without holding a game hunting guide licence issued under this Act.”

Section 22A: amended, on 15 October 2000, by section 8 of the Wildlife (Penalties and Related Matters) Amendment Act 2000 (2000 No 43).

Section 6: not yet in force.

7 Sale of game and sale of shooting rights prohibited

This section inserted s 23(4) of the principal Act.

8 Other offences

Section 65(f) of the principal Act is hereby amended by inserting, after the word “permit,” in both places where it occurs, the word “concession,”.

9 Regulations

This section amended s 72(2)(a)-(c) of the principal Act.

10 Amendment to Conservation Law Reform Act 1990

This section inserted s 89(6) of the principal Act.