

Wild Animal Control Amendment Act 1997

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PartII

Concessions for wild animal recovery operations on certain Crown-owned and other land

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An Act to amend the Wild Animal Control Act 1977

BE IT ENACTED by the Parliament of New Zealand as follows:

1 Short Title and commencement

- (1) This Act may be cited as the Wild Animal Control Amendment Act 1997, and is part of the Wild Animal Control Act 1977 (“the principal Act”).
- (2) This section and sections 2(2), (5), and (6), 6, 7, 8, 15(a), and 16 come into force on 1 October 1997.
- (3) The rest of this Act comes into force on 1 October 1999.

2 Interpretation

- (1) Section 2(1) of the principal Act is amended by inserting, before the definition of the term **aerodrome**, the following; definition:

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

- (2) This subsection repealed the definition of the term **catchment authority** in s 2(1) of the principal Act.

- (3) Section 2(1) of the principal Act is amended by inserting, after the definition of the term **commercial**, the following definition:

“**Concession** means a concession granted under section 22 in the form of a licence or permit that does not create an interest in land or that does create an interest in land that is non-exclusive”.

- (4) Section 2(1) of the principal Act is amended by adding to the definition of the term **hunt or kill** the following paragraph:

“(e) Engaging in a wild animal recovery operation.”.

- (5) This subsection inserted the definition of the term **Regional Council** in s 2(1) of the principal Act.
- (6) This subsection amended paragraph (a)(ii) of the definition of the term **wild animal** in s 2(1) of the principal Act.
- (7) Section 2(1) of the principal Act is amended by repealing the definitions of the terms **wild animal recovery service** (as substituted by section 2(3) of the Wild Animal Control Amendment Act 1982) and **wild animal recovery service licence**, and substituting the following definition:

“**Wild animal recovery operation** means the use of an aircraft (whether or not for hire or reward) to carry out one or more of the following activities

- “(a) The searching for, shooting, or immobilising of wild animals:
- “(b) The recovering of wild animals (whether dead or alive) or of any part of those wild animals:
- “(c) The carriage of persons, supplies, equipment, firearms, ammunition, poisons, or other things that may be used for the purpose of paragraph (a) or paragraph (b):”

3 Wild animals to be controlled

Section 4(2)(c) of the principal Act is amended by inserting, after the word “recovery”, the word “operations”.

4 Delegation of Minister’s powers

- (1) Section 6(1) of the principal Act is amended by inserting, at the beginning of that subsection, the words “Subject to subsection (1A),”.
- (2) Section 6 of the principal Act is amended by inserting, after subsection (1), the following subsection:

“(1A) The Minister must not delegate the power to grant concessions under Part II other than to the Director-General or to any other officer or employee of the Department.”

5 Hunting or killing of wild animals

Section 8(4) of the principal Act is amended by inserting, after the word “recovery”, the word “operations”.

6 Keeping of specified wild animals in captivity

- (1) This subsection substituted s 12(1)(b) of the principal Act, and inserted s 12(1)(c).
- (2) This subsection substituted s 12(4) of the principal Act, and inserted s 12(4A).

7 Deer farms

- (1) This subsection inserted s 12A(2A) of the principal Act.
- (2) This subsection inserted s 12A(11) of the principal Act.

8 Safari parks

This section inserted s 12B(1A) and (1B) of the principal Act.

9 New Part 2 substituted

The principal Act is amended by repealing Part 2, and substituting the following Part:

“Part II**“Concessions for wild animal recovery
operations on certain Crown-owned and
other land****“21 Purpose of this Part**

The purpose of this Part is to—

- “(a) Provide for the granting of concessions to authorise wild animal recovery operations on certain land; and
- “(b) Apply the provisions of Part IIIB of the Conservation Act 1987 for the purpose of granting those concessions; and
- “(c) In applying Part IIIB of the Conservation Act 1987, require the Minister to have regard to—
 - “(i) The provisions of the Act under which the land concerned is held; and
 - “(ii) The purposes for which that land is held; and
 - “(iii) The purposes of this Act.

**“22 Power to grant concessions for wild animal recovery
operations on certain Crown-owned and other land**

- “(1) Despite any other Act, the Minister has exclusive authority to grant, in accordance with Part IIIB of the Conservation Act

1987, concessions authorising the holder of the concession to enter any land described in subsection (2) and engage in wild animal recovery operations.

- “(2) The land is—
- “(a) Crown-owned land that is—
 - “(i) A conservation area, or deemed to be a conservation area, under the Conservation Act 1987:
 - “(ii) A national park under the National Parks Act 1980:
 - “(iii) A reserve under the Reserves Act 1977,—
 - “(A) Including a reserve that is controlled or managed by an administering body under any of sections 28, 29, 30, 35, and 36 of that Act; but
 - “(B) Excluding a reserve vested in an administering body under that Act or another Act:
 - “(iv) A wildlife sanctuary or wildlife refuge or wildlife management reserve under the Wildlife Act 1953:
 - “(b) Other land to which the National Parks Act 1980 is applied as if the land were a national park.
- “(3) For the purposes of subsection (1), Part IIIB of the Conservation Act 1987 (except for sections 17O(4) and 17U(3)) applies as if references in that Part to a conservation area were references to—
- “(a) A national park in the case of land described in subsection (2)(a)(ii):
 - “(b) A reserve in the case of land described in subsection (2)(a)(iii):
 - “(c) A wildlife sanctuary or wildlife refuge or wildlife management reserve, as appropriate, in the case of land described in subsection (2)(a)(iv):
 - “(d) Land administered as if it were a national park in the case of land described in subsection (2)(b),—
and in each case with any other necessary modifications.
- “(4) Nothing in this section limits or affects the powers of the Director-General under section 27.

“23 Matters to which Minister to have regard in considering application for concession

In considering an application for a concession under section 22, the Minister must have regard not only to the matters specified in section 17U (other than subsection (3)) of the Conservation Act 1987 (as applied by section 22), but also to—

- “(a) The provisions of the Act under which the land concerned is held and the purposes for which that land is held; and
- “(b) The purposes of this Act; and
- “(c) The role of persons engaged in hunting for recreation in achieving the purposes of this Act.”

10 Declaration of recreational hunting areas

Section 27(3)(a) of the principal Act is amended by omitting the words “wild animal recovery hunters”, and substituting the words “hunters engaged in wild animal recovery operations”.

11 Offences

Section 36 of the principal Act is amended by adding the following subsection:

- “(3) Every person commits an offence who engages in a wild animal recovery operation on land described in section 22(2) and who does not hold a concession under section 22 authorising wild animal recovery operations.”

12 Presumptions and obligations in connection with hunting and killing

- (1) Section 38(2) of the principal Act is amended by inserting, after the word “permit,” in each place where it occurs, the word “concession,”.
- (2) Section 38(4) of the principal Act is amended—
 - (a) By omitting the expression “section 24”, and substituting the expression “section 36”; and
 - (b) By omitting the words “wild animal recovery service licence” in both places where they occur, and substituting in each case the word “concession”.

13 Penalties

Section 39 of the principal Act is amended by repealing subsection (2), and substituting the following subsections:

- “(2) Every person who, in carrying out a wild animal recovery operation, commits an offence under section 8(2) is liable on conviction,—
- “(a) In the case of an individual, to a fine not exceeding \$10,000;
 - “(b) In the case of a body corporate, to a fine not exceeding \$80,000.
- “(2A) Every person who commits an offence under section 36(3) is liable on conviction,—
- “(a) In the case of an individual, to a fine not exceeding \$10,000;
 - “(b) In the case of a body corporate, to a fine not exceeding \$80,000.”

14 Regulations

Section 40(1) of the principal Act is amended by repealing paragraphs (a) and (b).

15 Repeals

The following enactments are consequentially repealed:

- (a) Sections 4(2) and (3) of the Wild Animal Control Amendment Act 1979;
- (b) Sections 8, 9, and 12(1) of the Wild Animal Control Amendment Act 1979;
- (c) Sections 2(3) and 7 of the Wild Animal Control Amendment Act 1982;
- (d) So much of Schedule 2 of the Conservation Act 1987 as relates to section 23(3) of the principal Act;
- (e) So much of Schedule 1 of the Department of Justice (Restructuring) Act 1995 as relates to section 24(7) of the principal Act.

16 Transitional provision in relation to safari parks

- (1) The wild animals described in subsection (2) may be kept in a safari park, without a licence or permit effective for the pur-

poses of section 12(1) of the principal Act but subject to subsection (3), until the close of 31 August 1998.

- (2) The wild animals are those—
 - (a) In a safari park as at the close of 30 September 1997 pursuant to a licence or permit in force as at that date; and
 - (b) In respect of which a permit or licence could not be issued because of section 12(4) and (4A)(a) of the principal Act (as inserted by section 6).
- (3) Subsection (1) applies only for so long as the conditions (if any) in the licence or permit in force as at 30 September 1997 are complied with.