

# **Conservation (Infringement System) Bill**

Government Bill

## **Explanatory note**

### **General policy statement**

The objectives of the Bill are to—

- improve the effectiveness of conservation compliance and law enforcement, to better protect conservation values:
- ensure that penalties for offences are commensurate with the seriousness of the offence:
- ensure that people do not risk criminal convictions if they commit minor offences:
- make the treatment of offences consistent with those in similar regimes, such as fisheries:
- remove unnecessary costs to the court system:
- contribute to the Government's objectives of improving government interaction with New Zealanders and delivering better public services for less cost.

These objectives are a response to problems that have arisen in implementing the current compliance system.

In particular, under the current compliance system offenders who commit minor offences are either warned or prosecuted in the courts. Issuing warnings is not always effective as a deterrent to future offending, and can be seen by the other users of the affected conservation value as ineffective and unfair. Equally, prosecutions can be a disproportionate response to less serious offending, as it risks the offender getting a criminal record. It is also a particular problem for protected area visitors (including tourists), as a prosecution requires them to attend the court nearest to the area in which the offence occurred, rather than the court near where they live or where they are travelling when the case is heard.

The problem of disproportionate penalties is also created by the fact that the penalties for nearly all conservation-related offences are designed to deter serious crimes (eg, fines of up to \$200,000 for killing an endangered species), but the same offence and maximum penalty also applies to less serious actions such as killing a common native bird. The penalties were significantly increased in 2013 to deal with the significant offences that were not being adequately recognised in the previous penalties.

Analysis of the current compliance regime also identified unjustifiable costs of implementation by the Department of Conservation, local authorities, and the courts.

In relation to local authority administered reserves, there was also an inconsistency between how compliance on reserves (administered under the Reserves Act 1977) could be managed compared to compliance on comparable public lands held under the Local Government Act 2002.

The Bill seeks to introduce an infringement system, which is the generally accepted approach for dealing with less serious offending in relation to public resources. No other compliance models have been used in New Zealand law for this purpose.

The Bill amends only conservation-related legislation (not all legislation administered by the Department of Conservation) and provides the infringement system only to central and local government agencies (not to other agencies with functions under those Acts). The Bill amends the following legislation:

- Conservation Act 1987:
- Marine Mammals Protection Act 1978:
- Marine Reserves Act 1971:
- National Parks Act 1980:
- Reserves Act 1977:
- Trade in Endangered Species Act 1989:
- Wild Animal Control Act 1977:
- Wildlife Act 1953.

The infringement system included in the Bill would sit within the Summary Proceedings Act 1957 and Criminal Procedure Act 2011, which provide the standard legal framework for infringement offences. Given the range of seriousness of offending within most conservation-related offences (eg, killing a common protected bird or killing a kakapo are covered by the same offence provision), the system is designed to allow a warning to be given, an infringement notice to be issued, or a prosecution to be taken, with the choice depending on the seriousness of the case.

Not all current offences will have infringement notices as a compliance option, as they are considered to always be serious offences. That includes risking public safety when using firearms.

An infringement system will need to be developed once the legislation comes into force. That will include guidance to ensure that the choice of compliance tool is con-

sistent and appropriate. That guidance will direct that an infringement notice is not an appropriate response to alleged offending that involved—

- significant risk to public safety;
- unsafe discharge of a firearm or other hunting weapon;
- commercial gain disproportionate to the level of infringement fee for the offence;
- significant harm or potential significant harm to conservation values.

### **Departmental disclosure statement**

The Department of Conservation is required to prepare a disclosure statement to assist with the scrutiny of this Bill. The disclosure statement provides access to information about the policy development of the Bill and identifies any significant or unusual legislative features of the Bill.

A copy of the statement can be found at <http://legislation.govt.nz/disclosure.aspx?type=bill&subtype=government&year=2017&no=241>

### **Regulatory impact statement**

The Department of Conservation produced a regulatory impact statement on 31 March 2016 to help inform the main policy decisions taken by the Government relating to the contents of this Bill.

A copy of this regulatory impact statement can be found at—

- <http://www.doc.govt.nz/about-us/our-role/legislation/regulatory-impact-statements/>
- <http://www.treasury.govt.nz/publications/informationreleases/ris>

### **Clause by clause analysis**

*Clause 1* is the Title clause.

*Clause 2* provides that the Bill comes into force on 1 August 2017.

## **Part 1**

### **Amendments to Conservation Act 1987**

*Clause 3* provides that *Part 1* of the Bill amends the Conservation Act 1987 (the **principal Act**).

*Clause 4* amends section 2 of the principal Act to insert definitions of infringement fee and infringement offence.

*Clause 5* inserts *new section 40A* into the principal Act. *New section 40A* applies if a warranted officer believes on reasonable grounds that a person has committed or is committing an offence against the principal Act. It gives warranted officers the power

to require the person to state the person's full name, residential address, and date of birth and to provide evidence of that information.

*Clause 6* amends section 44A of the principal Act to clarify that sentences of community work are not available for infringement offences.

*Clause 7* inserts *new section 46A* into the principal Act. *New section 46A* provides that section 46 of the principal Act (which deals with forfeiture of property related to an offence) applies to a person who commits an infringement offence. However, the court may order the forfeiture of items used in the commission of the infringement offence only if a charging document is filed in respect of the offence.

*Clause 8* inserts *new section 48C* into the principal Act to empower the Governor-General to make regulations—

- prescribing infringement offences; and
- prescribing penalties for infringement offences; and
- prescribing the form of infringement notices and reminder notices.

*Clause 9* inserts *new Part 6A* into the principal Act. *New Part 6A* is about infringement offences.

*New section 51A* provides that *new Part 6A* does not prevent the prosecution of an offence in any other Part of the principal Act. If a person does something that constitutes both an infringement offence under a section of *new Part 6A* and an offence against another section of the Act, action may be taken against the person under either section (but not both).

*New sections 51B to 51U* contain infringement offences.

*New section 51B* prohibits taking sports fish in contravention of an Anglers Notice.

*New section 51C* prohibits taking sports fish without a licence, unless the fish are taken for the purposes of scientific investigation or data collection in accordance with the conditions of a permit or authority.

*New section 51D* prohibits possessing sports fish taken in contravention of *new section 51C*.

*New section 51E* prohibits establishing, managing, or operating a fish hatchery for sports fish unless authorised by regulations.

*New section 51F* contains infringement offences relating to spawning fish.

*New section 51G* requires compliance with notices given under section 26ZL(1) of the principal Act.

*New section 51H* prohibits the transfer or release of live aquatic life into any fresh-water, unless it is done in accordance with section 26ZM of the principal Act.

*New section 51I* prohibits fishing in a closed season.

*New section 51J* prohibits buying or selling sports fish taken in New Zealand or fresh-water fish taken in New Zealand in contravention of the principal Act or regulations made under the principal Act.

*New section 51K* prohibits possessing restricted fish without approval.

*New section 51L* prohibits using hazardous substances, narcotic substances, or electric fishing devices for the purpose of taking or destroying freshwater fish without authorisation.

*New section 51M* contains infringement offences relating to controlled dog areas and open dog areas.

*New section 51N* requires an owner or a person in charge of a dog in a controlled dog area or an open dog area to ensure that the dog does not cause serious injury to or kill protected wildlife.

*New section 51O* prohibits hunting and related activities other than in compliance with a permit.

*New section 51P* prohibits using, receiving, selling, or otherwise disposing of an animal or animal product taken in breach of *new section 51O*.

*New section 51Q* prohibits taking a plant into or from a conservation area without authorisation.

*New section 51R* prohibits littering in a conservation area.

*New section 51S* contains infringement offences relating to conservation areas.

*New section 51T* prohibits a manager of a marginal strip from damaging the marginal strip or using the marginal strip for any purpose contrary to the principal Act.

*New section 51U* requires a person to produce any necessary permit, concession, right, or authority if requested to do so by a warranted officer.

*New sections 51V to 51ZA* contain procedural matters.

*New section 51V* provides that a person who is alleged to have committed an infringement offence may be proceeded against by filing a charging document under the Criminal Procedure Act 2011 or may be served with an infringement notice (in which case the procedure in section 21 of the Summary Proceedings Act 1957 applies).

*New section 51W* provides that the Director-General may authorise a warranted officer to issue infringement notices.

*New section 51X* provides for the issue of infringement notices.

*New section 51Y* provides that reminder notices must be in the prescribed form.

*New section 51Z* provides that all infringement fees must be paid into a Crown Bank Account.

*New section 51ZA* provides that a person who commits an infringement offence is liable to an infringement fee or a fine. Both the infringement fee and the maximum level of the fine will be prescribed in regulations made under *new section 48C*.

## Part 2

### Amendments to Marine Mammals Protection Act 1978

*Clause 10* provides that *Part 2* of the Bill amends the Marine Mammals Protection Act 1978 (the **principal Act**).

*Clause 11* amends section 2 of the principal Act to insert definitions of infringement fee and infringement offence.

*Clause 12* amends section 26 of the principal Act to ensure that the defences in the principal Act are available for infringement offences.

*Clause 13* amends section 26A of the principal Act to clarify that sentences of community work are not available for infringement offences.

*Clause 14* inserts *new sections 27A to 27I* into the principal Act.

*New section 27A* contains infringement offences for prohibited actions in relation to marine mammals and failure to provide information required under section 10(1) of the principal Act.

*New section 27B* provides that *new section 27A* does not prevent the prosecution of an offence in any other section of the principal Act. If a person does something that constitutes both an infringement offence under *new section 27A* and an offence against another section of the Act, action may be taken against the person under either section (but not both).

*New section 27C* provides that a person who is alleged to have committed an infringement offence may be proceeded against by filing a charging document under the Criminal Procedure Act 2011 or may be served with an infringement notice (in which case the procedure in section 21 of the Summary Proceedings Act 1957 applies).

*New section 27D* provides that the Director-General may authorise a warranted officer to issue infringement notices.

*New section 27E* provides for the issue of infringement notices.

*New section 27F* provides that reminder notices must be in the prescribed form.

*New section 27G* provides that a marine mammal in respect of which an infringement offence is committed is automatically forfeited to the Crown. In addition, if proceedings in respect of an infringement offence are commenced by filing a charging document, the court may order that items used in the commission of the infringement offence be forfeited to the Crown.

*New section 27H* provides that all infringement fees must be paid into a Crown Bank Account.

*New section 27I* provides that a person who commits an infringement offence is liable to an infringement fee or a fine. Both the infringement fee and the maximum level of the fine will be prescribed in regulations made under *new section 28(1)(ib)*.

*Clause 15* amends section 28 of the principal Act to insert *new section 28(1)(ia) to (ic)*. The new paragraphs empower the Governor-General to make regulations—

- prescribing infringement offences; and
- prescribing penalties for infringement offences; and
- prescribing the form of infringement notices and reminder notices.

### Part 3

#### Marine Reserves Act 1971

*Clause 16* provides that *Part 3* of the Bill amends the Marine Reserves Act 1971 (the **principal Act**).

*Clause 17* amends section 2 of the principal Act to insert definitions of infringement fee and infringement offence.

*Clause 18* amends section 18 of the principal Act to allow rangers to require a person to provide the person's date of birth.

*Clause 19* repeals section 18G(5) of the principal Act. *New section 18GB* (inserted by *clause 20*) replaces section 18G(5).

*Clause 20* inserts *new sections 18GA and 18GB* into the principal Act.

*New section 18GA* provides that marine life in respect of which an infringement offence is committed and any proceeds from the sale of the marine life are automatically forfeited to the Crown. In addition, if proceedings in respect of an infringement offence are commenced by filing a charging document, the court may order that items used in the commission of the infringement offence be forfeited to the Crown.

*New section 18GB* provides the process that the Director-General must follow before disposing of any property seized under the principal Act.

*Clause 21* amends section 18H of the principal Act to apply that section to forfeitures relating to infringement offences.

*Clause 22* inserts *new sections 21 to 21G* into the principal Act.

*New section 21* contains infringement offences for prohibited actions in relation to marine reserves.

*New section 21A* provides that *new section 21* does not prevent the prosecution of an offence in any other section of the principal Act. If a person does something that constitutes both an infringement offence under *new section 21* and an offence against another section of the Act, action may be taken against the person under either section (but not both).

*New section 21B* provides that a person who is alleged to have committed an infringement offence may be proceeded against by filing a charging document under the Criminal Procedure Act 2011 or may be served with an infringement notice (in which case the procedure in section 21 of the Summary Proceedings Act 1957 applies).

*New section 21C* provides that the Director-General may authorise a ranger to issue infringement notices.

*New section 21D* provides for the issue of infringement notices.

*New section 21E* provides that reminder notices must be in the prescribed form.

*New section 21F* provides that all infringement fees must be paid into a Crown Bank Account.

*New section 21G* provides that a person who commits an infringement offence is liable to an infringement fee or a fine. Both the infringement fee and the maximum level of the fine will be prescribed in regulations made under *new section 24(2)(h)*.

*Clause 23* amends section 24 of the principal Act to insert *new section 28(2)(g) to (i)*. The new paragraphs empower the Governor-General to make regulations—

- prescribing infringement offences; and
- prescribing penalties for infringement offences; and
- prescribing the form of infringement notices and reminder notices.

## Part 4

### Amendments to National Parks Act 1980

*Clause 24* provides that *Part 4* of the Bill amends the National Parks Act 1980 (the **principal Act**).

*Clause 25* amends section 2 of the principal Act to insert definitions of infringement fee and infringement offence.

*Clause 26* amends section 61 of the principal Act to provide for forfeiture of items related to the commission of infringement offences.

*Clause 27* amends section 63 of the principal Act to create an offence for failing to comply with *new section 64A* (inserted by *clause 29*).

*Clause 28* replaces the heading to section 64 to better reflect the content of that section.

*Clause 29* inserts *new section 64A* into the principal Act. *New section 64A* applies if a ranger believes on reasonable grounds that a person has committed or is committing an offence against the principal Act. It gives rangers the power to require the person to state the person's full name, residential address, and date of birth and to provide evidence of that information.

*Clause 30* amends section 70A of the principal Act to clarify that sentences of community work are not available for infringement offences.

*Clause 31* inserts *new Part 7A* into the principal Act. *New Part 7A* is about infringement offences.

*New section 71A* provides that *new Part 7A* does not prevent the prosecution of an offence in any other Part of the principal Act. If a person does something that constitutes both an infringement offence under a section of *new Part 7A* and an offence against another section of the Act, action may be taken against the person under either section (but not both).

*New sections 71B to 71H* contain infringement offences.



*New section 71B* prohibits entering or remaining in a specially protected area, except in compliance with the conditions of a permit.

*New section 71C* contains infringement offences relating to the control of dogs in national parks.

*New section 71D* prohibits certain activities in parks without the necessary authorisation.

*New section 71E* prohibits using, receiving, or disposing of an item removed from a park in contravention of *new section 71D*.

*New section 71F* prohibits altering boundary marks or items issued by the Minister or the Department.

*New section 71G* requires a person responsible for an animal, vehicle, aircraft, or boat to remove the animal, vehicle, aircraft, or boat from a park in certain situations.

*New section 71H* prohibits littering in a park.

*New sections 71I to 71N* contain procedural matters.

*New section 71I* provides that a person who is alleged to have committed an infringement offence may be proceeded against by filing a charging document under the Criminal Procedure Act 2011 or may be served with an infringement notice (in which case the procedure in section 21 of the Summary Proceedings Act 1957 applies).

*New section 71J* provides that the Director-General may authorise a ranger to issue infringement notices.

*New section 71K* provides for the issue of infringement notices.

*New section 71L* provides that reminder notices must be in the prescribed form.

*New section 71M* provides that all infringement fees must be paid into a Crown Bank Account.

*New section 71N* provides that a person who commits an infringement offence is liable to an infringement fee or a fine. Both the infringement fee and the maximum level of the fine will be prescribed in regulations made under *new section 71O*.

*New section 71O* empowers the Governor-General to make regulations—

- prescribing infringement offences; and
- prescribing penalties for infringement offences; and
- prescribing the form of infringement notices and reminder notices.

## Part 5

### Amendments to Reserves Act 1977

*Clause 32* provides that *Part 5* of the Bill amends the Reserves Act 1977 (the **principal Act**).

*Clause 33* amends section 2 of the principal Act to insert definitions of infringement fee and infringement offence.

*Clause 34* amends section 93 of the principal Act to allow officers to require a person to provide the person's date of birth and to provide evidence of the person's name, address, and date of birth. It is an offence to refuse or fail to disclose information or provide evidence required under the section.

*Clause 35* amends section 95 of the principal Act to apply the forfeiture provisions in that section to items related to the commission of an infringement offence.

*Clause 36* amends section 104A of the principal Act to clarify that sentences of community work are not available for infringement offences.

*Clause 37* inserts *new sections 105A to 105O* into the principal Act.

*New section 105A* provides that *new sections 105B to 105I* do not prevent the prosecution of an offence in any other section of the principal Act. If a person does something that constitutes both an infringement offence under any of *new sections 105B to 105I* and an offence against another section of the Act, action may be taken against the person under either section (but not both).

*New sections 105B to 105I* contain infringement offences.

*New section 105B* prohibits certain actions in reserves without the necessary authorisation.

*New section 105C* prohibits littering in a reserve.

*New section 105D* prohibits using or receiving items removed unlawfully from a reserve.

*New section 105E* prohibits altering boundary marks or items issued by the Minister, Department, or administering body.

*New section 105F* requires a person responsible for an animal, vehicle, aircraft, or boat to remove the animal, vehicle, aircraft, or boat from a reserve in certain situations.

*New section 105G* prohibits unauthorised entry to a nature reserve and a scientific reserve.

*New section 105H* prohibits anchoring or mooring boats except in compliance with a notice or permit.

*New section 105I* prohibits the lighting of a fire that damages a reserve without authorisation.

*New sections 105J to 105O* contain procedural matters.

*New section 105J* provides that a person who is alleged to have committed an infringement offence may be proceeded against by filing a charging document under the Criminal Procedure Act 2011 or may be served with an infringement notice (in which case the procedure in section 21 of the Summary Proceedings Act 1957 applies).

*New section 105K* provides that the Director-General or the chief executive of a local authority may authorise a ranger to issue infringement notices.

*New section 105L* provides for the issue of infringement notices.

*New section 105M* provides that reminder notices must be in the prescribed form.

*New section 105N* provides that all infringement fees must be paid into a Crown Bank Account.

*New section 105O* provides that a person who commits an infringement offence is liable to an infringement fee or a fine. Both the infringement fee and the maximum level of the fine will be prescribed in regulations made under *new section 123A*.

*Clause 38* inserts *new section 123A* into the principal Act to empower the Governor-General to make regulations—

- prescribing infringement offences; and
- prescribing penalties for infringement offences; and
- prescribing the form of infringement notices and reminder notices.

## Part 6

### Amendments to Trade in Endangered Species Act 1989

*Clause 39* provides that *Part 6* of the Bill amends the Trade in Endangered Species Act 1989 (the **principal Act**).

*Clause 40* amends section 3 of the principal Act to insert definitions of border infringement offence, infringement fee, and infringement offence.

*Clause 41* inserts *new section 38AA* into the principal Act. *New section 38AA* applies if an officer believes on reasonable grounds that a person has committed an offence against the principal Act. It gives officers the power to require the person to state the person's full name, residential address, and date of birth and to provide evidence of that information.

*Clause 42* replaces the Part 4 heading to include a reference to infringement offences.

*Clause 43* inserts a new cross-heading above section 44 of the principal Act.

*Clause 44* replaces section 48 of the principal Act to create an offence of refusing to give information or provide evidence required under *new section 38AA*.

*Clause 45* inserts *new sections 50A to 50I* into the principal Act.

*New section 50A* prohibits trading in or possessing any specimen of an endangered, threatened, or exploited species except in compliance with a permit or certificate.

*New section 50B* provides that *new section 50A* does not prevent the prosecution of an offence in any other section of the principal Act. If a person does something that constitutes both an infringement offence under *new section 50A* and an offence against another section of the Act, action may be taken against the person under either section (but not both).

*New section 50C* provides that a person who is alleged to have committed an infringement offence may be proceeded against by filing a charging document under the Criminal Procedure Act 2011 or may be served with an infringement notice (in which case the procedure in section 21 of the Summary Proceedings Act 1957 applies).

*New section 50D* provides that the Director-General may authorise an officer or a warranted officer to issue infringement notices.

*New section 50E* provides for the issue of infringement notices.

*New section 50F* provides that reminder notices must be in the prescribed form.

*New section 50G* provides for an accelerated procedure for border infringement offences.

*New section 50H* provides that all infringement fees must be paid into a Crown Bank Account.

*New section 50I* provides that a person who commits an infringement offence is liable to an infringement fee or a fine. Both the infringement fee and the maximum level of the fine will be prescribed in regulations made under *new section 54(fc)*.

*Clause 46* inserts a new cross-heading above section 51 of the principal Act.

*Clause 47* amends section 51 of the principal Act to apply the forfeiture provisions in that section to infringement offences.

*Clause 48* inserts a new Part 5 heading after section 51 of the principal Act.

*Clause 49* amends section 54 of the principal Act to insert *new section 54(fa) to (fd)*. The new paragraphs empower the Governor-General to make regulations—

- prescribing infringement offences; and
- prescribing penalties for infringement offences; and
- prescribing the form of infringement notices and reminder notices.

## Part 7

### Wild Animal Control Act 1977

*Clause 50* provides that *Part 7* of the Bill amends the Wild Animal Control Act 1977 (the **principal Act**).

*Clause 51* amends section 2 of the principal Act to insert definitions of infringement fee and infringement offence.

*Clause 52* repeals section 13(2) of the principal Act. That provision is replaced by *new sections 39C to 39E*.

*Clause 53* inserts *new Part 4A* into the principal Act. *New Part 4A* is about infringement offences.

*New section 31A* provides that *new Part 4A* does not prevent the prosecution of an offence in any other Part of the principal Act. If a person does something that constitutes both an infringement offence under a section of *new Part 4A* and an offence against another section of the Act, action may be taken against the person under either section (but not both).

*New sections 31B to 31F* contain infringement offences.

*New section 31B* prohibits the hunting of a wild animal on any land without the authority of the owner or occupier of the land.

*New section 31C* prohibits a person who kills a wild animal of a kind that may be farmed and that person's agent or employer from selling or delivering the carcass of the wild animal to a game depot or a game packing house without the ears attached to the hide. The section also prohibits a licensee of a game depot or a game packing house from receiving a carcass sold or delivered in contravention of the section.

*New section 31D* requires a person who keeps deer in captivity on a deer farm or who keeps an animal in captivity in a safari park to maintain enclosures so as to prevent the escape of the deer or animal and maintain compliance with any prescribed specifications.

*New section 31E* prohibits interfering with items that are on any land under section 16.

*New section 31F* requires a person to pay to the Crown any money paid to the person in respect of an animal taken or killed during the commission of an offence.

*New sections 31G to 31L* contain procedural matters.

*New section 31G* provides that a person who is alleged to have committed an infringement offence may be proceeded against by filing a charging document under the Criminal Procedure Act 2011 or may be served with an infringement notice (in which case the procedure in section 21 of the Summary Proceedings Act 1957 applies).

*New section 31H* provides that the Director-General may authorise a warranted officer to issue infringement notices.

*New section 31I* provides for the issue of infringement notices.

*New section 31J* provides that reminder notices must be in the prescribed form.

*New section 31K* provides that all infringement fees must be paid into a Crown Bank Account.

*New section 31L* provides that a person who commits an infringement offence is liable to an infringement fee or a fine. Both the infringement fee and the maximum level of the fine will be prescribed in regulations made under *new section 40(1)(ib)*.

*Clause 54* replaces section 34 of the principal Act to remove the power previously in that section allowing certain people to require a person to give information. An enhanced version of that power is in *new section 34AA*.

*Clause 55* inserts *new sections 34AA and 34AB* into the principal Act.

*New section 34AA* applies if a warranted officer or an officer or employee of the Department (an **officer**) believes on reasonable grounds that a person has committed or is committing an offence against the principal Act. It gives officers the power to require the person to state the person's full name, residential address, and date of birth and to provide evidence of that information.

*New section 34AB* allows a constable to arrest a person without warrant if, after being cautioned, the person fails to comply with *new section 34* or *34AA*.

*Clause 56* amends section 39 of the principal Act to clarify that the default penalties in section 39(3A) do not apply to infringement offences.

*Clause 57* amends section 39A of the principal Act to clarify that sentences of community work are not available for infringement offences.

*Clause 58* inserts *new sections 39C to 39E* into the principal Act to replace section 13(2) and expand its application to apply to infringement offences.

*Clause 59* amends section 40 of the principal Act to insert *new section 40(1)(ia) to (ic)*. The new paragraphs empower the Governor-General to make regulations—

- prescribing infringement offences; and
- prescribing penalties for infringement offences; and
- prescribing the form of infringement notices and reminder notices.

## Part 8

### Amendments to Wildlife Act 1953

*Clause 60* provides that *Part 8* of the Bill amends the Wildlife Act 1953 (the **principal Act**).

*Clause 61* amends section 2 of the principal Act to insert definitions of infringement fee and infringement offence.

*Clause 62* amends section 67G of the principal Act to clarify that sentences of community work are not available for infringement offences.

*Clause 63* amends section 70 of the principal Act to apply section 70(3) (which provides for forfeiture of property) to an infringement offence for which a charging document is filed under the Criminal Procedure Act 2011.

*Clause 64* inserts *new sections 70A to 70Z* into the principal Act.

*New section 70A* provides that *new sections 70B to 70T* do not prevent the prosecution of an offence in any other section of the principal Act. If a person does something that constitutes both an infringement offence under any of *new sections 70B to 70T* and an offence against another section of the Act, action may be taken against the person under either section (but not both).

*New sections 70B to 70T* contain infringement offences.

*New section 70B* prohibits hunting game during a close season.

*New section 70C* prohibits hunting without a licence during an open season.

*New section 70D* prohibits hunting, killing, or possessing game in contravention of the terms of a notice declaring an open season.

*New section 70E* prohibits hunting wildlife in contravention of a notification under section 6(1) of the principal Act or a condition prescribed under section 6(2) of the principal Act.

*New section 70F* requires a person to provide the person's hunting licence if required to do so by an authorised person who finds the person attempting to hunt in a situation where a licence is required.

*New section 70G* prohibits hunting, killing, buying, disposing of, or possessing any absolutely protected or partially protected wildlife or any game without lawful authority.

*New section 70H* prohibits certain methods of taking game without the appropriate authorisation.

*New section 70I* requires a person to comply with an condition on which an authority to take or kill wildlife was granted.

*New section 70J* prohibits the liberation of any wildlife, the capture, attempt to capture, or possession for the purpose of liberation of any wildlife, and the export of certain animals and animal products.

*New section 70K* requires a person who transports wildlife to ensure that the container in which the wildlife is transported is marked with certain information.

*New section 70L* prohibits the farming or breeding of certain unprotected animals.

*New section 70M* requires a person who accidentally kills or injures any marine wildlife to report the event.

*New section 70N* prohibits interference with items that are on any land under section 59.

*New section 70O* prohibits littering in a wildlife refuge or wildlife sanctuary.

*New section 70P* prohibits acting without any necessary authorisation under the principal Act.

*New section 70Q* requires a person to comply with certain instruments made under the principal Act.

*New section 70R* prohibits certain actions in wildlife refuges.

*New section 70S* contains infringement offences relating to waterfowl.

*New section 70T* contains infringement offences relating to homing pigeons.

*New sections 70U to 70Z* contain procedural matters.

*New section 70U* provides that a person who is alleged to have committed an infringement offence may be proceeded against by filing a charging document under the Criminal Procedure Act 2011 or may be served with an infringement notice (in which case the procedure in section 21 of the Summary Proceedings Act 1957 applies).

*New section 70V* provides that the Director-General may authorise a ranger to issue infringement notices.

*New section 70W* provides for the issue of infringement notices.

*New section 70X* provides that reminder notices must be in the prescribed form.

*New section 70Y* provides that all infringement fees must be paid into a Crown Bank Account.

*New section 70Z* provides that a person who commits an infringement offence is liable to an infringement fee or a fine. Both the infringement fee and the maximum level of the fine will be prescribed in regulations made under *new section 72(2)(z)*.

*Clause 65* amends section 72 of the principal Act to insert *new section 72(2)(y) to (za)*. The new paragraphs empower the Governor-General to make regulations—

- prescribing infringement offences; and
- prescribing penalties for infringement offences; and
- prescribing the form of infringement notices and reminder notices.

## **Part 9**

### **Amendments to Summary Proceedings Act 1957**

*Clause 66* provides that *Part 9* of the Bill amends the Summary Proceedings Act 1957 (the **principal Act**).

*Clause 67* amends section 2 of the principal Act by replacing the definition of infringement notice. The new definition moves the list of provisions under which infringement notices are issued to a Schedule of the principal Act.

*Clause 68* adds a new Schedule to the principal Act.



*Hon Maggie Barry*

## **Conservation (Infringement System) Bill**

Government Bill

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**Schedule**

**New Schedule added to Summary Proceedings Act 1957**

**The Parliament of New Zealand enacts as follows:****1 Title**

This Act is the Conservation (Infringement System) Act **2017**.

**2 Commencement**

This Act comes into force on **1 August 2017**.

5

**Part 1****Amendments to Conservation Act 1987****3 Principal Act**

This Part amends the Conservation Act 1987 (the **principal Act**).

**4 Section 2 amended (Interpretation)**

10

In section 2(1), insert in their appropriate alphabetical order:

**infringement fee**, in relation to an infringement offence, means the infringement fee for the offence prescribed in regulations made under this Act

**infringement offence** means—

- (a) an offence in **subpart 1 of Part 6A**; or
- (b) an offence against regulations made under this Act that is declared by regulations to be an infringement offence

15

**5 New section 40A inserted (Power to require information)**

After section 40, insert:

**40A Power to require information**

20

(1) This section applies if a warranted officer believes on reasonable grounds that a person has committed or is committing an offence against this Act or regulations made under this Act.

(2) The warranted officer may require the person to—

- (a) state the person's full name, residential address, and date of birth; and
- (b) provide evidence of the person's full name, residential address, and date of birth.

25

(3) A fish and game ranger may not exercise the power in this section.

**6 Section 44A amended (Sentence of community work)**

In section 44A, replace “commits an offence” with “is convicted of an offence”.

30



**7 New section 46A inserted (Forfeiture of property for infringement offence)**

After section 46, insert:

**46A Forfeiture of property for infringement offence**

- (1) **Subsection (2)** applies if—
- (a) proceedings in respect of an infringement offence are commenced by the filing of a charging document under the Criminal Procedure Act 2011; and 5
  - (b) the person is found guilty, or admits the commission, of the infringement offence.
- (2) Section 46 applies as if a person were convicted of an offence against this Act. 10
- (3) **Subsection (4)** applies if an infringement notice is issued to the person in respect of an infringement offence and any of the following occurs:
- (a) the infringement fee for the offence is paid;
  - (b) a copy of a reminder notice in respect of the infringement offence is filed or a reminder notice is deemed to have been filed in a court under section 21 of the Summary Proceedings Act 1957, as the case requires, within 6 months after the time when the offence is alleged to have been committed; 15
  - (c) the informant and the person enter into an arrangement under section 21(3A) of the Summary Proceedings Act 1957 allowing the person to pay the relevant infringement fee by instalments; 20
  - (d) the person is found guilty, or admits the commission, of the infringement offence.
- (4) Section 46, except for section 46(5)(a), applies as if a person were convicted of an offence against this Act. 25

**8 New section 48C inserted (Regulations relating to infringement offences)**

After section 48B, insert:

**48C Regulations relating to infringement offences**

- The Governor-General may, by Order in Council made on the recommendation of the Minister, make regulations— 30
- (a) prescribing infringement offences for the contravention of regulations made under this Act;
  - (b) prescribing penalties for infringement offences, which,—
    - (i) in the case of infringement fees, must not be more than \$1,000; and 35
    - (ii) in the case of maximum fines, must not be more than twice the amount of the infringement fee for the offence:

- (c) prescribing information to be included in infringement notices and reminder notices.

**9 New Part 6A inserted**

After section 51, insert:

<b>Part 6A</b>		5
<b>Infringement offences</b>		
<b>51A</b>	<b>Relationship with other offences</b>	
	Nothing in this Part prevents the prosecution of, and conviction for, an offence in any other Part of this Act (instead of proceeding under this Part).	
Subpart 1—Infringement offences		10
<i>Fisheries</i>		
<b>51B</b>	<b>Taking sports fish in contravention of Anglers Notice</b>	
(1)	A person must not take sports fish from any waters in contravention of an Anglers Notice in force in respect of those waters.	
(2)	A person who fails to comply with this section commits an infringement offence.	15
<b>51C</b>	<b>Taking sports fish without licence</b>	
(1)	A person must not take sports fish from any freshwater unless the person holds a licence under this Act that permits the taking of the fish.	
(2)	<b>Subsection (1)</b> does not apply to the taking of sports fish for the purposes of scientific investigation or data collection if the fish are taken—	20
	(a) under a permit or an authority granted under this Act; and	
	(b) in accordance with any conditions imposed by the permit or authority.	
(3)	A person who fails to comply with this section commits an infringement offence.	25
<b>51D</b>	<b>Possessing sports fish taken unlawfully</b>	
(1)	A person must not have in the person's possession any sports fish that was taken in contravention of <b>section 51C(1)</b> .	
(2)	A person who fails to comply with this section commits an infringement offence.	30

**51E Establishing, managing, or operating fish hatchery in breach of regulations**

- (1) A person must not establish, manage, or operate a fish hatchery for sports fish unless the person is authorised to do so by regulations made under this Act.
- (2) This section does not apply in relation to any hatchery for sports fish that was already established or was being established as at 10 April 1990. 5
- (3) A person who fails to comply with this section commits an infringement of-fence.

**51F Offences relating to spawning fish**

- (1) A person must not, without a permit or an authority under this Act, or in contravention of a condition of a permit or an authority,— 10
- (a) disturb or damage the spawning ground of any freshwater fish; or
- (b) disturb or injure the eggs or larvae of any freshwater fish; or
- (c) have in the person’s possession the eggs or larvae of any freshwater fish; or 15
- (d) take, with a spear, gaff, speargun, net, trap, or similar device, any sports fish from a river or stream where sports fish are congregating or have congregated for spawning; or
- (e) while in the vicinity of any river or stream where sports fish are congregating or have congregated for spawning, have possession or control of any spear, gaff, speargun, net, trap, or similar device or material suitable for the taking of any sports fish, in circumstances likely to result in the taking of sports fish. 20
- (2) **Subsection (1)(a) to (c)** does not apply to the taking of freshwater fish subsequently found to contain eggs or larvae. 25
- (3) A person who fails to comply with this section commits an infringement of-fence.

**51G Failure to comply with restrictions on fishing**

- (1) A person must not contravene a prohibition, restriction, or condition imposed by a notice given under section 26ZL(1). 30
- (2) A person who fails to comply with this section commits an infringement of-fence.

**51H Transfer or release of live aquatic life**

- (1) A person must not transfer live aquatic life or release live aquatic life into any freshwater, except in accordance with section 26ZM. 35
- (2) A person who fails to comply with this section commits an infringement of-fence.

**51I Fishing in closed season**

- (1) A person must not, during the period of a closed season for a species of fish determined under section 26ZP, take, have in the person's possession, or in any way injure or disturb a fish of that species.
- (2) A person who fails to comply with this section commits an infringement of- 5  
fence.

**51J Buying or selling fish for purpose of sale contrary to Act**

- (1) A person must not—
- (a) buy or sell sports fish taken in New Zealand; or
  - (b) buy or sell any freshwater fish that was taken in New Zealand in contra- 10  
vention of Part 5B or of any regulation made or notice given under this Act.
- (2) Section 26ZQ(2) and (3) applies for the purpose of this section.
- (3) A person who fails to comply with this section commits an infringement of- 15  
fence.

**51K Possessing certain kinds of fish without approval**

- (1) A person must not have in the person's possession restricted fish, unless the person has approval to do so under section 26ZM(2) or (3) or 26ZQA(2).
- (2) A person who fails to comply with this section commits an infringement of- 20  
fence.
- (3) In this section, **restricted fish** has the meaning given in section 26ZQA(1).

**51L Using hazardous substances, etc, to take or destroy fish**

- (1) A person must not, for the purpose of taking or destroying freshwater fish, use in any water a hazardous substance, narcotic substance, or electric fishing de- 25  
vice.
- (2) **Subsection (1)** does not apply to actions taken by—
- (a) a warranted officer or a fish and game ranger; or
  - (b) a person authorised in writing for the purpose by the Director-General, the Director, or the appropriate Fish and Game Council.
- (3) A person who fails to comply with this section commits an infringement of- 30  
fence.
- (4) In this section, **hazardous substance** has the meaning given in section 2(1) of the Hazardous Substances and New Organisms Act 1996.

*Control of dogs***51M Offences relating to controlled dog areas and open dog areas**

- (1) An owner or a person in charge of a dog must not allow the dog to enter or remain in any part of a controlled dog area, unless the person—
- (a) is allowed to do so by a dog control permit issued under section 26ZZH; 5  
and
  - (b) complies with the permit.
- (2) A person in charge of a dog in a controlled dog area must keep the dog under the person's control.
- (3) An owner or a person in charge of a dog in a controlled dog area or an open dog area must not contravene any condition imposed in relation to that controlled dog area or open dog area under section 26ZU(c). 10
- (4) A person who fails to comply with this section commits an infringement of-  
fence.

**51N Dogs causing serious injury to protected wildlife**

15

- (1) An owner or a person in charge of a dog in a controlled dog area or an open dog area must ensure that the dog does not attack protected wildlife and cause—
- (a) the death of protected wildlife; or
  - (b) injury to protected wildlife so that it becomes necessary to destroy the 20  
wildlife to end its suffering.
- (2) A person who fails to comply with this section commits an infringement of-  
fence.

*Conservation areas***51O Hunting and other activities without, or not in compliance with, permit**

25

- (1) A person must not, without a permit issued under section 26ZZH or 38(1), or in contravention of a condition of such a permit,—
- (a) discharge any hunting weapon in, into, or over any conservation area; or
  - (b) molest or pursue any animal in a conservation area; or
  - (c) capture, kill, poison, tranquillise, trap, or immobilise by any means an 30  
animal in a conservation area; or
  - (d) have in the person's possession an animal or animal product in a conser-  
vation area; or
  - (e) whether or not any animal product is taken, take or use, in or over a conser-  
vation area, an aircraft, dog, hunting weapon, net, poison, ship, snare, 35  
or vehicle to molest, pursue, capture, kill, poison, tranquillise, trap, or  
immobilise, by any means, an animal in the conservation area; or

(f)	take any animal product while in a conservation area; or	
(g)	take or use, in or over a conservation area, an aircraft, dog, net, ship, or vehicle to take any animal product from the conservation area; or	
(h)	enter a conservation area with a hunting weapon, net, trap, or snare, or with poison; or	5
(i)	set a net, trap, or snare in a conservation area; or	
(j)	allow an animal that the person is in charge of to molest, pursue, or kill any animal in a conservation area.	
(2)	A person who fails to comply with this section commits an infringement of- fence.	10
(3)	For the purpose of <b>subsection (1)</b> , <b>animal</b> does not include fish.	
<b>51P Disposing of animal product</b>		
(1)	A person must not use, receive, sell, or otherwise dispose of an animal or animal product that was taken in breach of <b>section 51O(1)</b> .	
(2)	A person who fails to comply with this section commits an infringement of- fence.	15
<b>51Q Taking plants</b>		
(1)	A person must not take a plant into or from a conservation area except—	
(a)	with the authority of and in accordance with a concession under Part 3B; or	20
(b)	in accordance with an access arrangement under the Crown Minerals Act 1991; or	
(c)	in accordance with a lease or licence granted before the commencement of this Act; or	
(d)	in accordance with section 24H(5) (if the person is the manager of a marginal strip) or 24H(6)(a) or (b) (if the person holds a Crown forestry licence under the Crown Forest Assets Act 1989); or	25
(e)	in accordance with an authorisation given by the Director-General under section 30(2).	
(2)	A person who fails to comply with this section commits an infringement of- fence.	30
<b>51R Littering</b>		
(1)	A person must not deposit litter in a conservation area.	
(2)	A person who fails to comply with this section commits an infringement of- fence.	35
(3)	In this section,—	

**deposit** has a corresponding meaning to the meaning of depositing in section 2(1) of the Litter Act 1979

**litter** has the meaning given in section 2(1) of the Litter Act 1979.

**51S Other offences in respect of conservation areas**

- (1) A person must not, without the authority of the Minister or the Director-General,— 5
- (a) enter or remain in a conservation area declared closed by the Minister under section 13; or
  - (b) enter a conservation area with a vehicle, ship, or aircraft in breach of a prohibition or restriction imposed under this Act; or 10
  - (c) contravene or fail to comply with section 17O(2), which requires a person to be authorised by a concession in order to carry out certain activities in conservation areas; or
  - (d) contravene or fail to comply with section 17ZF, which relates to operating aircraft in conservation areas; or 15
  - (e) liberate an animal in a conservation area; or
  - (f) cause or allow an animal to enter a conservation area; or
  - (g) plant a plant, or sow or scatter the seed of a plant, or introduce a substance likely to be injurious to plants or animals, in a conservation area; or 20
  - (h) interfere with or damage historic or natural features of or in a conservation area; or
  - (i) erect a building, sign, hoarding, or structure in a conservation area; or
  - (j) construct an apparatus in a conservation area; or
  - (k) conduct an activity for which a concession is required under this Act in a conservation area without the required concession; or 25
  - (l) take or remove gravel, sand, stone, clay, limestone, or other similar natural resource other than as allowed by a concession under this Act or by another enactment.
- (2) A person must not dispose of a contaminant— 30
- (a) into or onto a conservation area; or
  - (b) that spills, drifts, or blows into or onto or percolates or washes into or onto a conservation area.
- (3) A person who fails to comply with this section commits an infringement offence. 35

*Miscellaneous infringement offences***51T Management of marginal strips**

- (1) A manager of a marginal strip must not—
- (a) damage, or cause to be damaged, the marginal strip or any part of it; or
  - (b) use the marginal strip for any purpose contrary to a provision of, or a requirement imposed under, Part 4A. 5
- (2) A person who fails to comply with this section commits an infringement offence.

**51U Failure to produce permits, etc, on demand**

- (1) A person who does any act that, under this Act, requires a permit, concession, right, or other authority must produce the appropriate authority if requested to do so by a warranted officer. 10
- (2) A person who fails to comply with this section commits an infringement offence.

## Subpart 2—Procedural matters 15

**51V Proceedings for infringement offences**

- (1) A person who is alleged to have committed an infringement offence may either—
- (a) be proceeded against by filing a charging document under section 14 of the Criminal Procedure Act 2011; or 20
  - (b) be served with an infringement notice under **section 51X**.
- (2) If an infringement notice has been issued under **section 51X**, proceedings for the offence to which the notice relates may be commenced in accordance with section 21 of the Summary Proceedings Act 1957, and in that case the provisions of that section apply with all necessary modifications. 25

**51W Who may issue infringement notices**

The Director-General may authorise a warranted officer, in writing, to issue infringement notices under this Act.

**51X Infringement notices**

- (1) A warranted officer authorised under **section 51W** may issue an infringement notice to a person if the warranted officer believes on reasonable grounds that the person is committing, or has committed, an infringement offence. 30
- (2) The warranted officer may deliver the infringement notice (or a copy of it) in person to the person alleged to have committed an infringement offence or send the notice by post addressed to that person's last known place of residence or business. 35



- (3) An infringement notice (or a copy of it) sent by post to a person under **subsection (2)** is to be treated as having been served on that person when it was posted.
- (4) An infringement notice must be in the prescribed form and must contain the following particulars: 5
- (a) such details of the alleged infringement offence as are sufficient to fairly inform a person of the time, place, and nature of the alleged offence; and
  - (b) the amount of the infringement fee; and
  - (c) the address of the place at which the infringement fee may be paid; and
  - (d) the time within which the infringement fee must be paid; and 10
  - (e) a summary of the provisions of section 21(10) of the Summary Proceedings Act 1957; and
  - (f) a statement that the person served with the notice has a right to request a hearing; and
  - (g) a statement of what will happen if the person served with the notice neither pays the infringement fee nor requests a hearing; and 15
  - (h) any other particulars that may be prescribed.
- 51Y Reminder notices**
- A reminder notice must be in the prescribed form, and must include the same particulars, or substantially the same particulars, as the infringement notice. 20
- 51Z Payment of infringement fees**
- All infringement fees paid in respect of infringement offences must be paid into a Crown Bank Account.
- 51ZA Penalties for infringement offences**
- A person who commits an infringement offence is liable to— 25
- (a) the infringement fee prescribed in regulations for that offence; or
  - (b) a fine imposed by a court not exceeding the maximum fine prescribed in regulations for that offence.

## Part 2

### Amendments to Marine Mammals Protection Act 1978 30

#### 10 Principal Act

This Part amends the Marine Mammals Protection Act 1978 (the **principal Act**).

#### 11 Section 2 amended (Interpretation)

In section 2(1), insert in their appropriate alphabetical order: 35

**infringement fee**, in relation to an infringement offence, means the infringement fee for the offence prescribed in regulations made under this Act

**infringement offence** means—

- (a) an offence against **section 27A**; or
- (b) an offence against regulations made under this Act that is declared by regulations to be an infringement offence

**12 Section 26 amended (Defences in respect of certain offences)**

In section 26,—

- (a) replace “charged with” with “proceeded against in respect of” in each place; and
- (b) replace “the charge” with “the proceedings” in each place.

**13 Section 26A amended (Sentence of community work)**

In section 26A, replace “commits an offence” with “is convicted of an offence”.

**14 New sections 27A to 27I inserted**

After section 27, insert:

**27A Infringement offences**

- (1) A person must not—
  - (a) take, possess, export, import, have on board any vessel, vehicle, aircraft, or hovercraft, or have control of any marine mammal otherwise than under this Act or a permit; or
  - (b) fail to give the Director-General information that the person is required to give under section 10(1); or
  - (c) except under the authority of any enactment, place or leave any structure or trap or chemical or other substance in any place where a marine mammal is or is likely to be and that injures or harms, or is likely to injure or harm, any marine mammal; or
  - (d) use any vehicle, vessel, aircraft, or hovercraft to herd or harass any marine mammal.
- (2) A person who fails to comply with this section commits an infringement offence.

**27B Relationship between infringement offences and other offences**

Nothing in **section 27A** prevents the prosecution of, and conviction for, an offence in any other section of this Act (instead of proceeding under **section 27A**).

**27C Proceedings for infringement offences**

- (1) A person who is alleged to have committed an infringement offence may either—
- (a) be proceeded against by filing a charging document under section 14 of the Criminal Procedure Act 2011; or
  - (b) be served with an infringement notice under **section 27E**.
- (2) If an infringement notice has been issued under **section 27E**, proceedings for the offence to which the notice relates may be commenced in accordance with section 21 of the Summary Proceedings Act 1957, and in that case the provisions of that section apply with all necessary modifications.

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**27D Who may issue infringement notices**

The Director-General may authorise a warranted officer, in writing, to issue infringement notices under this Act.

**27E Infringement notices**

- (1) A warranted officer authorised under **section 27D** may issue an infringement notice to a person if the warranted officer believes on reasonable grounds that the person is committing, or has committed, an infringement offence.
- (2) The warranted officer may deliver the infringement notice (or a copy of it) in person to the person alleged to have committed an infringement offence or send the notice by post addressed to that person's last known place of residence or business.
- (3) An infringement notice (or a copy of it) sent by post to a person under **subsection (2)** is to be treated as having been served on that person when it was posted.
- (4) An infringement notice must be in the prescribed form and must contain the following particulars:
- (a) such details of the alleged infringement offence as are sufficient to fairly inform a person of the time, place, and nature of the alleged offence; and
  - (b) the amount of the infringement fee; and
  - (c) the address of the place at which the infringement fee may be paid; and
  - (d) the time within which the infringement fee must be paid; and
  - (e) a summary of the provisions of section 21(10) of the Summary Proceedings Act 1957; and
  - (f) a statement that the person served with the notice has a right to request a hearing; and
  - (g) a statement of what will happen if the person served with the notice neither pays the infringement fee nor requests a hearing; and
  - (h) any other particulars that may be prescribed.

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**27F Reminder notices**

A reminder notice must be in the prescribed form, and must include the same particulars, or substantially the same particulars, as the infringement notice.

**27G Forfeiture for infringement offence**

- (1) A marine mammal in respect of which an infringement offence is committed is forfeited to the Crown if— 5
- (a) the infringement fee for the offence is paid;
  - (b) a copy of a reminder notice in respect of the infringement offence is filed or a reminder notice is deemed to have been filed in a court under section 21 of the Summary Proceedings Act 1957, as the case requires, within 6 months after the time when the offence is alleged to have been committed; 10
  - (c) the informant and the person enter into an arrangement under section 21(3A) of the Summary Proceedings Act 1957 allowing the person to pay the relevant infringement fee by instalments; 15
  - (d) the person is found guilty, or admits the commission, of the infringement offence.
- (2) In addition, the court may order that any vessels, vehicles, aircraft, hovercraft, gear, nets, tackle, equipment, or apparatus used in respect of the commission of the infringement offence be forfeited to the Crown if— 20
- (a) proceedings in respect of an infringement offence against **section 27A(1)(a)** are commenced by the filing of a charging document under the Criminal Procedure Act 2011; and
  - (b) a person is found guilty, or admits the commission, of the infringement offence. 25
- (3) Items that are forfeited to the Crown may be disposed of as the Minister thinks fit.

**27H Payment of infringement fees**

All infringement fees paid in respect of infringement offences must be paid into a Crown Bank Account. 30

**27I Penalties for infringement offences**

A person who commits an infringement offence is liable to—

- (a) the infringement fee prescribed in regulations for that offence; or
- (b) a fine imposed by a court not exceeding the maximum fine prescribed in regulations for that offence. 35

**15 Section 28 amended (Regulations)**

After section 28(1)(i), insert:

- (ia) prescribing infringement offences for the contravention of regulations made under this Act:
- (ib) prescribing penalties for infringement offences, which,—
  - (i) in the case of infringement fees, must not be more than \$1,000; and
  - (ii) in the case of maximum fines, must not be more than twice the amount of the infringement fee for the offence:
- (ic) prescribing information to be included in infringement notices and reminder notices:

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### Part 3

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## Amendments to Marine Reserves Act 1971

### 16 Principal Act

This Part amends the Marine Reserves Act 1971 (the **principal Act**).

### 17 Section 2 amended (Interpretation)

In section 2, insert in their appropriate alphabetical order:

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**infringement fee**, in relation to an infringement offence, means the infringement fee for the offence prescribed in regulations made under this Act

**infringement offence** means—

- (a) an offence against **section 21**; or
- (b) an offence against regulations made under this Act that is declared by regulations to be an infringement offence

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### 18 Section 18 amended (General powers of rangers)

In section 18(1)(b), replace “his or her full name and residential address” with “the person’s full name, residential address, and date of birth”.

### 19 Section 18G amended (Forfeiture of property on conviction)

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Repeal section 18G(5).

### 20 New sections 18GA and 18GB inserted

After section 18G, insert:

#### 18GA Forfeiture of property for infringement offence

- (1) Any marine life in respect of which an infringement offence is committed (whether or not seized under section 18A) and any proceeds from the sale of marine life under section 18A(2) are forfeited to the Crown if—

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- (a) the infringement fee for the offence is paid; or

- (b) a copy of a reminder notice in respect of the infringement offence is filed or a reminder notice is deemed to have been filed in a court under section 21 of the Summary Proceedings Act 1957, as the case requires, within 6 months after the time when the offence is alleged to have been committed; or 5
- (c) the informant and the person alleged to have committed the offence enter into an arrangement under section 21(3A) of the Summary Proceedings Act 1957 allowing the person to pay the relevant infringement fee by instalments; or
- (d) the person is found guilty, or admits the commission, of the infringement offence. 10
- (2) In addition, the court may order that any property used in respect of the commission of the infringement offence (whether or not seized under section 18A), including any vessel or vehicle or other conveyance, be forfeited to the Crown if— 15
- (a) proceedings in respect of the infringement offence are commenced by the filing of a charging document under the Criminal Procedure Act 2011; and
- (b) the person is found guilty, or admits the commission, of the infringement offence. 20
- (3) Property that is forfeited to the Crown under this section vests in the Crown absolutely and free of all encumbrances.
- 18GB Disposal of seized property**
- (1) Before disposing of any property seized under this Act, the Director-General must give the owner of the property notice of the Crown's intention to dispose of the property. 25
- (2) If the owner has not lodged an appeal against the disposal by 90 days after the date on which the notice is given, the Director-General may dispose of the property.
- (3) However, if the property is perishable,— 30
- (a) the Director-General may dispose of the property at any time after giving notice; but
- (b) the Director-General must hold the proceeds (if any) of the disposal until the later of— 35
- (i) 90 days after the date on which the notice is given; and
- (ii) the date on which an appeal against the disposal, lodged within 90 days after the date on which the notice is given, is resolved.

- 21 Section 18H amended (Provisions relating to forfeit property)**
- (1) In section 18H(1), definition of **forfeit property**, after “section 18G”, insert “or **18GA**”.
- (2) In section 18H(2), replace “section 255” with “section 18G or **18GA**”.
- (3) In section 18H(6)(c),— 5
- (a) after “prosecution of the offence”, insert “or pursuant of the infringement offence”;
- (b) replace “the court proceedings” with “any court proceedings”.
- (4) In section 18H(9), replace “convicted of the offence” with “who committed the offence” 10
- (5) In section 18H(10), replace “convicted of the offence” with “who committed the offence”.
- (6) In section 18H(14), after “section 18G”, insert “or **18GA**”.
- 22 New sections 21 to 21G inserted** 15
- After section 20, insert:
- 21 Infringement offences**
- (1) A person must not—
- (a) discharge or cause to be discharged or deposit, directly or indirectly, in or into a marine reserve any toxic substance or pollutant or other substance or article of any kind injurious to marine life; or 20
- (b) introduce any living organism in or into a marine reserve; or
- (c) damage or injure any marine life, or damage the foreshore or seabed or any of the natural features in a marine reserve; or
- (d) fish for marine life in a marine reserve; or
- (e) erect any structure in or over a marine reserve; or 25
- (f) interfere with or disturb in a marine reserve any marine life, foreshore, or seabed or any of the natural features in a marine reserve; or
- (g) deposit or throw any rubbish in or into a marine reserve, except in a place or receptacle approved and provided by the Director-General; or
- (h) use, dispose of, or be in possession of any marine life, mineral, gravel, sand, or other substance or thing that has been removed unlawfully from a reserve. 30
- (2) A person who fails to comply with this section commits an infringement offence.

<b>21A Relationship between infringement offences and other offences</b>	
Nothing in <b>section 21</b> prevents the prosecution of, and conviction for, an offence in any other section of this Act (instead of proceeding under <b>section 21</b> ).	
<b>21B Proceedings for infringement offences</b>	5
(1) A person who is alleged to have committed an infringement offence may either—	
(a) be proceeded against by filing a charging document under section 14 of the Criminal Procedure Act 2011; or	
(b) be served with an infringement notice under <b>section 21D</b> .	10
(2) If an infringement notice has been issued under <b>section 21D</b> , proceedings for the offence to which the notice relates may be commenced in accordance with section 21 of the Summary Proceedings Act 1957, and in that case the provisions of that section apply with all necessary modifications.	
<b>21C Who may issue infringement notices</b>	15
The Director-General may authorise a ranger, in writing, to issue infringement notices under this Act.	
<b>21D Infringement notices</b>	
(1) A ranger authorised under <b>section 21C</b> may issue an infringement notice to a person if the ranger believes on reasonable grounds that the person is committing, or has committed, an infringement offence.	20
(2) The ranger may deliver the infringement notice (or a copy of it) in person to the person alleged to have committed an infringement offence or send the notice by post addressed to that person's last known place of residence or business.	25
(3) An infringement notice (or a copy of it) sent by post to a person under <b>subsection (2)</b> is to be treated as having been served on that person when it was posted.	
(4) An infringement notice must be in the prescribed form and must contain the following particulars:	30
(a) such details of the alleged infringement offence as are sufficient to fairly inform a person of the time, place, and nature of the alleged offence; and	
(b) the amount of the infringement fee; and	
(c) the address of the place at which the infringement fee may be paid; and	
(d) the time within which the infringement fee must be paid; and	35
(e) a summary of the provisions of section 21(10) of the Summary Proceedings Act 1957; and	





**infringement fee**, in relation to an infringement offence, means the infringement fee for the offence prescribed in regulations made under this Act

**infringement offence** means—

- (a) an offence in **subpart 1 of Part 7A**; or
- (b) an offence against bylaws made under this Act that is declared by regulations to be an infringement offence

## 26 Section 61 amended (Seizure and forfeiture of property)

(1) After section 61(4), insert:

(4A) Subsection (4) applies as if a person were convicted of an offence if an infringement notice is issued to the person or a charging document is filed against the person in relation to an infringement offence and any of the following occurs:

- (a) the infringement fee for the offence is paid;
- (b) a copy of a reminder notice in respect of the infringement offence is filed or a reminder notice is deemed to have been filed in a court under section 21 of the Summary Proceedings Act 1957, as the case requires, within 6 months after the time when the offence is alleged to have been committed;
- (c) the informant and the person enter into an arrangement under section 21(3A) of the Summary Proceedings Act 1957 allowing the person to pay the relevant infringement fee by instalments;
- (d) the person is found guilty, or admits the commission, of the infringement offence.

(2) Replace section 61(8) with:

(8) A court may direct that an item seized under subsection (6) be forfeited to the Crown if—

- (a) proceedings for an offence are taken against the person from whom the item was seized within 6 months after the seizure and the court enters a conviction against the person; or
- (b) proceedings for an infringement offence are commenced against the person from whom the item was seized by filing a charging document within 6 months after the seizure and the person is found guilty, or admits the commission, of an infringement offence.

(8A) If proceedings are not commenced within 6 months after the seizure, or if the court does not direct that the item be forfeited to the Crown, the item must be returned to the person from whom it was seized.

## 27 Section 63 amended (Offences in respect of rangers)

Replace section 63(b) with:

(b) fails to state information or produce evidence required under **section 64A**:

**28 Section 64 amended (Powers of rangers)**

Replace the heading to section 64 with “**Power to interfere to prevent offending**”.

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**29 New section 64A inserted (Power to require information)**

After section 64, insert:

**64A Power to require information**

(1) This section applies if a ranger believes on reasonable grounds that a person has committed or is committing an offence against this Act or any bylaws made under this Act.

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(2) The ranger may require the person to—

(a) state the person’s full name, residential address, and date of birth; and

(b) provide evidence of the person’s full name, residential address, and date of birth.

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**30 Section 70A amended (Sentence of community work)**

In section 70A, replace “commits an offence” with “is convicted of an offence”.

**31 New Part 7A inserted**

After section 71, insert:

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**Part 7A  
Infringement offences**

**71A Relationship with other offences**

Nothing in this Part prevents the prosecution of, and conviction for, an offence in any other Part of this Act (instead of proceeding under this Part).

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**Subpart 1—Infringement offences**

**71B Specially protected areas**

(1) A person must not—

(a) enter or remain in a specially protected area, except under the authority of a permit issued under section 13; or

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(b) fail to comply with a condition contained in a permit.

(2) A person who fails to comply with this section commits an infringement offence.

**71C Control of dogs**

- (1) An owner or a person in charge of a dog must not—
- (a) allow the dog to be in a national park in contravention of section 56A; or
  - (b) fail to comply with a condition of a dog control permit.
- (2) A person who is authorised by or under this Act to take a dog into a national park must keep a dog that the person takes into a national park under proper control. 5
- (3) For the purposes of **subsection (2)**, a dog is deemed not to be under proper control if it is found at large in a national park.
- (4) **Subsection (3)** does not limit **subsection (2)**. 10
- (5) A person who fails to comply with this section commits an infringement offence. 15

**71D Unauthorised actions in parks**

- (1) A person must not, without being authorised by the Minister or by a bylaw made under this Act,—
- (a) cause or allow any animal owned by the person or under the person's control to enter any park; or
  - (b) liberate any animal in any park; or
  - (c) plant any plant, or sow or scatter the seed of any plant, or introduce any substance that is injurious to plant or animal life, in any park; or 20
  - (d) remove or damage any, or any part of any, plant, stone, mineral, gravel, kauri gum, protected New Zealand object, or relic in any park; or
  - (e) dig, cut, excavate, or damage the turf in any park; or
  - (f) occupy or use any land in a park for cultivation or any other purpose; or
  - (g) damage or deface any fence, building, or apparatus in any park; or 25
  - (h) take, destroy, injure, disturb, or interfere with any native animal, or the nest or eggs of any native animal, in any park; or
  - (i) erect any building, sign, hoarding, or apparatus in any park; or
  - (j) in any way interfere with or damage the natural or historic features of any park; or 30
  - (k) contravene or fail to comply with a term or condition imposed by the Minister under section 51A.
- (2) A person must not, without being authorised by the Minister, be in possession of any chainsaw or any firearm, trap, net, or other similar object in a park.
- (3) A person must not— 35
- (a) conduct in any park any activity for which a concession is required under this Act without the required concession; or

(b)	do or cause to be done any act, matter, or thing for which a right or authority is required by this Act without the required right or authority.	
(4)	A person who fails to comply with this section commits an infringement offence.	
<b>71E</b>	<b>Using or receiving items removed unlawfully from park</b>	5
(1)	A person must not use, receive, or dispose of an item removed from a park in contravention of section <b>71D(1)(d) or (h)</b> .	
(2)	A person who fails to comply with this section commits an infringement offence.	
<b>71F</b>	<b>Altering boundary marks or items issued by Minister or Department</b>	10
(1)	A person must not unlawfully alter, obliterate, deface, pull up, remove, interfere with, or destroy any boundary marks, or any stamp, mark, sign, poster, intentions book, concession, or other right or authority issued by the Minister or the Department.	
(2)	A person who fails to comply with this section commits an infringement offence.	15
<b>71G</b>	<b>Failure to remove animal, vehicle, aircraft, or boat</b>	
(1)	An owner or a person in control of an animal must comply with a notice from the Minister or Director-General requiring the person to remove the animal from a park.	20
(2)	A driver of any vehicle or the pilot of any aircraft or the person in charge of any boat that is illegally in a park must remove the vehicle, aircraft, or boat from the park when required to do so by a ranger.	
(3)	A person who fails to comply with this section commits an infringement offence.	25
<b>71H</b>	<b>Littering</b>	
(1)	A person must not deposit litter in a park.	
(2)	A person who fails to comply with this section commits an infringement offence.	
(3)	In this section,—	30
	<b>deposit</b> has a corresponding meaning to the meaning of depositing in section 2(1) of the Litter Act 1979	
	<b>litter</b> has the meaning given in section 2(1) of the Litter Act 1979.	

## Subpart 2—Procedural matters

**71I Proceedings for infringement offences**

- (1) A person who is alleged to have committed an infringement offence may either—
- (a) be proceeded against by filing a charging document under section 14 of the Criminal Procedure Act 2011; or 5
  - (b) be served with an infringement notice under **section 71K**.
- (2) If an infringement notice has been issued under **section 71K**, proceedings for the offence to which the notice relates may be commenced in accordance with section 21 of the Summary Proceedings Act 1957, and in that case the provisions of that section apply with all necessary modifications. 10

**71J Who may issue infringement notices**

The Director-General may authorise a ranger, in writing, to issue infringement notices under this Act.

**71K Infringement notices**

- (1) A ranger authorised under **section 71J** may issue an infringement notice to a person if the ranger believes on reasonable grounds that the person is committing, or has committed, an infringement offence. 15
- (2) The ranger may deliver the infringement notice (or a copy of it) in person to the person alleged to have committed an infringement offence or send the notice by post addressed to that person's last known place of residence or business. 20
- (3) An infringement notice (or a copy of it) sent by post to a person under **subsection (2)** is to be treated as having been served on that person when it was posted. 25
- (4) An infringement notice must be in the prescribed form and must contain the following particulars:
- (a) such details of the alleged infringement offence as are sufficient to fairly inform a person of the time, place, and nature of the alleged offence; and
  - (b) the amount of the infringement fee; and 30
  - (c) the address of the place at which the infringement fee may be paid; and
  - (d) the time within which the infringement fee must be paid; and
  - (e) a summary of the provisions of section 21(10) of the Summary Proceedings Act 1957; and
  - (f) a statement that the person served with the notice has a right to request a hearing; and 35

(g)	a statement of what will happen if the person served with the notice neither pays the infringement fee nor requests a hearing; and	
(h)	any other particulars that may be prescribed.	
<b>71L</b>	<b>Reminder notices</b>	
	A reminder notice must be in the prescribed form, and must include the same particulars, or substantially the same particulars, as the infringement notice.	5
<b>71M</b>	<b>Payment of infringement fees</b>	
	All infringement fees paid in respect of infringement offences must be paid into a Crown Bank Account.	
<b>71N</b>	<b>Penalties for infringement offences</b>	10
	A person who commits an infringement offence is liable to—	
(a)	the infringement fee prescribed in regulations for that offence; or	
(b)	a fine imposed by a court not exceeding the maximum fine prescribed in regulations for that offence.	
	<b>Subpart 3—Regulations</b>	15
<b>71O</b>	<b>Regulations relating to infringement offences</b>	
	The Governor-General may, by Order in Council made on the recommendation of the Minister, make regulations—	
(a)	prescribing infringement offences for the contravention of bylaws made under this Act:	20
(b)	prescribing penalties for infringement offences, which,—	
(i)	in the case of infringement fees, must not be more than \$1,000; and	
(ii)	in the case of maximum fines, must not be more than twice the amount of the infringement fee for the offence:	25
(c)	prescribing information to be included in infringement notices and reminder notices.	

## Part 5

### Amendments to Reserves Act 1977

<b>32</b>	<b>Principal Act</b>	30
	This Part amends the Reserves Act 1977 (the <b>principal Act</b> ).	
<b>33</b>	<b>Section 2 amended (Interpretation)</b>	
	In section 2(1), insert in their appropriate alphabetical order:	

**infringement fee**, in relation to an infringement offence, means the infringement fee for the offence prescribed in regulations made under this Act

**infringement offence** means—

- (a) an offence in **sections 105B to 105I**; or
- (b) an offence against regulations or bylaws made under this Act that is declared by regulations to be an infringement offence

**34 Section 93 amended (Powers of constables, rangers, and other officers)**

- (1) In section 93(2), replace “true first name, surname, and place of abode,” with “full name, residential address, and date of birth, and to provide evidence of those particulars.”
- (2) Replace section 93(2)(a) with:
  - (a) refuses or fails to disclose information required under this subsection; or
- (3) Replace section 93(2)(b) and (c) with:
  - (b) refuses or fails to provide evidence required under this subsection,—

**35 Section 95 amended (Seizure and forfeiture of property)**

- (1) After section 95(3), insert:
  - (3A) Subsection (3) applies as if a person were convicted of an offence if an infringement notice is issued to the person or a charging document is filed against the person in relation to an infringement offence and any of the following occurs:
    - (a) the infringement fee for the offence is paid:
    - (b) a copy of a reminder notice in respect of the infringement offence is filed or a reminder notice is deemed to have been filed in a court under section 21 of the Summary Proceedings Act 1957, as the case requires, within 6 months after the time when the offence is alleged to have been committed:
    - (c) the informant and the person enter into an arrangement under section 21(3A) of the Summary Proceedings Act 1957 allowing the person to pay the relevant infringement fee by instalments:
    - (d) the person is found guilty, or admits the commission, of the infringement offence.
- (2) After section 95(6), insert:
  - (6AA) A court may direct that an item seized under subsection (6) be forfeited to the Crown if—
    - (a) proceedings for an offence are taken against the person from whom the item was seized within 6 months after the seizure and the court enters a conviction against the person; or



(b)	proceedings for an infringement offence are commenced against the person from whom the item was seized by filing a charging document within 6 months after the seizure and the person is found guilty, or admits the commission, of an infringement offence.	
(6AB)	If proceedings are not commenced within 6 months after the seizure, or if the court does not direct that the item be forfeited to the Crown, the item must be returned to the person from whom it was seized.	5
<b>36</b>	<b>Section 104A amended (Sentence of community work)</b> In section 104A, replace “commits an offence” with “is convicted of an offence”.	10
<b>37</b>	<b>New sections 105A to 105O and cross-heading inserted</b> After section 105, insert:	
<i>Infringement offences</i>		
<b>105A</b>	<b>Relationship between infringement offences and other offences</b> Nothing in <b>sections 105B to 105I</b> prevents the prosecution of, and conviction for, an offence in any other section of this Act (instead of proceeding under <b>sections 105B to 105I</b> ).	15
<b>105B</b>	<b>Unauthorised actions in reserves</b>	
(1)	A person must not, without being authorised by the Minister, the Commissioner, or the administering body (as the case may require),—	20
(a)	light a fire in a reserve except in a fireplace in a camping ground or picnic place established by the Minister, the Commissioner, or the administering body; or	
(b)	cause or allow any animal owned by the person or under the person’s control to enter any reserve; or	25
(c)	liberate any animal in any reserve; or	
(d)	plant any tree, shrub, or plant of any kind in any reserve; or	
(e)	sow or scatter the seed of any tree, shrub, or plant of any kind in any reserve; or	
(f)	introduce any substance injurious to plant life in any reserve; or	30
(g)	break or damage any fence, building, apparatus, or erection in any reserve; or	
(h)	remove or damage any, or any part of any, wood, tree, shrub, fern, plant, stone, mineral, gravel, kauri gum, furniture, utensil, tool, protected New Zealand object, relic, or thing of any kind, in any reserve; or	35
(i)	dig, cut, or excavate the sod in any reserve; or	

(j)	occupy or use any land in a reserve for cultivation or any other purpose (unless the person is the lessee, licensee, or concessionaire of the land occupied or used); or	
(k)	take, destroy, injure, disturb, or interfere with any animal, or the nest or egg of any bird, on any reserve; or	5
(l)	erect any building, sign, hoarding, or apparatus in any reserve; or	
(m)	carry on any trade, business, or occupation within any reserve vested in an administering body; or	
(n)	use any vehicle, boat, aircraft, or hovercraft in any reserve in breach of any prohibition under this Act; or	10
(o)	in any way interfere with a reserve or damage the recreational, scenic, historic, scientific, or natural features or the flora and fauna within a reserve; or	
(p)	be in possession of any firearm, weapon, trap, net, or other similar object in a reserve.	15
(2)	A person must not—	
(a)	conduct in any park any activity for which a concession is required under section 59A without the required concession; or	
(b)	do or cause to be done any act, matter, or thing for which a lease, licence, permit, or other right or authority is required by this Act or by any regulations under this Act without the required lease, licence, permit, or other right or authority.	20
(3)	A person who fails to comply with this section commits an infringement offence.	
	<b>105C Littering</b>	25
(1)	A person must not deposit litter in a reserve.	
(2)	A person who fails to comply with this section commits an infringement offence.	
(3)	In this section,—	
	<b>deposit</b> has a corresponding meaning to the meaning of depositing in section 2(1) of the Litter Act 1979	30
	<b>litter</b> has the meaning given in section 2(1) of the Litter Act 1979.	
	<b>105D Using or receiving items removed unlawfully from reserve</b>	
(1)	A person must not use, receive, or dispose of any wood, timber, bark, flax, mineral, gravel, kauri gum, protected New Zealand object, relic, or other substance removed unlawfully from any reserve.	35
(2)	A person who fails to comply with this section commits an infringement offence.	

<b>105E</b>	<b>Altering boundary marks or items issued by Minister, Department, or administering body</b>	
(1)	A person must not unlawfully alter, obliterate, deface, pull up, remove, interfere with, or destroy any boundary marks, or any stamp, mark, sign, poster, licence, lease, permit, or other right or authority issued by the Minister, the Commissioner, or an administering body.	5
(2)	A person who fails to comply with this section commits an infringement offence.	
<b>105F</b>	<b>Failure to remove animal, vehicle, aircraft, or boat</b>	
(1)	An owner or a person in control of an animal must comply with a notice from the Minister, the Commissioner, or an administering body requiring the person to remove the animal from a reserve.	10
(2)	A driver of any vehicle, the pilot of any aircraft, or the person in charge of any boat that is illegally in a reserve must remove the vehicle, aircraft, or boat from the reserve when required to do so by an officer (as defined in section 93(5)).	15
(3)	A person who fails to comply with this section commits an infringement offence.	
<b>105G</b>	<b>Unauthorised entry</b>	
(1)	A person must not enter any nature reserve in breach of section 20(2)(c), or in breach of any condition imposed in any permit granted or notice given under section 57.	20
(2)	A person must not enter any scientific reserve (or part of a scientific reserve) subject to a notice under section 21(2)(b) prohibiting entry without a permit issued under section 59 or in breach of any condition imposed in any permit granted under section 59.	25
(3)	This section does not apply to an officer of the department or a ranger who is acting in the course of the officer or ranger's official duties.	
(4)	A person who fails to comply with this section commits an infringement offence.	
<b>105H</b>	<b>Anchoring or mooring of boat in breach of notice or permit</b>	30
(1)	A person in charge of a boat must not anchor or moor the boat—	
	(a) in breach of a notice given under section 57(3) or section 59(3); or	
	(b) in breach of any permit granted under section 57(7) or section 59(7).	
(2)	A person who fails to comply with this section commits an infringement offence.	35
<b>105I</b>	<b>Damage by fire</b>	
(1)	A person must not, without being authorised by the Minister, the Commissioner, or the administering body (as the case may require), light or permit to	

<p>be lit on any land (including the foreshore, a public road, or a highway) a fire that spreads into and destroys any bush or natural growth in the reserve or damages the reserve in any way.</p> <p>(2) A lessee or licensee of any land in a reserve must not without being authorised by the Minister, the Commissioner, or the administering body (as the case may require), light or permit to be lit on that land a fire that destroys any bush or natural growth in the reserve or damages the reserve in any way.</p> <p>(3) A person who fails to comply with this section commits an infringement offence.</p>	<p>5</p> <p>5</p>
<b>105J Proceedings for infringement offences</b>	
<p>(1) A person who is alleged to have committed an infringement offence may either—</p> <p style="padding-left: 2em;">(a) be proceeded against by filing a charging document under section 14 of the Criminal Procedure Act 2011; or</p> <p style="padding-left: 2em;">(b) be served with an infringement notice under <b>section 105L</b>.</p> <p>(2) If an infringement notice has been issued under <b>section 105L</b>, proceedings for the offence to which the notice relates may be commenced in accordance with section 21 of the Summary Proceedings Act 1957, and in that case the provisions of that section apply with all necessary modifications.</p>	<p>10</p> <p>15</p> <p>15</p>
<b>105K Who may issue infringement notices</b>	
<p>The Director-General or the chief executive of a local authority may authorise a ranger, in writing, to issue infringement notices under this Act.</p>	<p>20</p>
<b>105L Infringement notices</b>	
<p>(1) A ranger authorised under <b>section 105K</b> may issue an infringement notice to a person if the ranger believes on reasonable grounds that the person is committing, or has committed, an infringement offence.</p> <p>(2) The ranger may deliver the infringement notice (or a copy of it) in person to the person alleged to have committed an infringement offence or send the notice by post addressed to that person's last known place of residence or business.</p> <p>(3) An infringement notice (or a copy of it) sent by post to a person under <b>subsection (2)</b> is to be treated as having been served on that person when it was posted.</p> <p>(4) An infringement notice must be in the prescribed form and must contain the following particulars:</p> <p style="padding-left: 2em;">(a) such details of the alleged infringement offence as are sufficient to fairly inform a person of the time, place, and nature of the alleged offence; and</p> <p style="padding-left: 2em;">(b) the amount of the infringement fee; and</p>	<p>25</p> <p>30</p> <p>30</p> <p>35</p>

- (c) the address of the place at which the infringement fee may be paid; and
- (d) the time within which the infringement fee must be paid; and
- (e) a summary of the provisions of section 21(10) of the Summary Proceedings Act 1957; and
- (f) a statement that the person served with the notice has a right to request a hearing; and
- (g) a statement of what will happen if the person served with the notice neither pays the infringement fee nor requests a hearing; and
- (h) any other particulars that may be prescribed.

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**105M Reminder notices**

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A reminder notice must be in the prescribed form, and must include the same particulars, or substantially the same particulars, as the infringement notice.

**105N Payment of infringement fees**

All infringement fees paid in respect of infringement offences must be paid into a Crown Bank Account or a local authority bank account.

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**105O Penalties for infringement offences**

A person who commits an infringement offence is liable to—

- (a) the infringement fee prescribed in regulations for that offence; or
- (b) a fine imposed by a court not exceeding the maximum fine prescribed in regulations for that offence.

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**38 New section 123A inserted (Regulations relating to infringement offences)**

After section 123, insert:

**123A Regulations relating to infringement offences**

The Governor-General may, by Order in Council made on the recommendation of the Minister, make regulations—

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- (a) prescribing infringement offences for the contravention of regulations or bylaws made under this Act;
- (b) prescribing penalties for infringement offences, which,—
  - (i) in the case of infringement fees, must not be more than \$1,000; and
  - (ii) in the case of maximum fines, must not be more than twice the amount of the infringement fee for the offence;
- (c) prescribing information to be included in infringement notices and reminder notices.

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## Part 6

### Amendments to Trade in Endangered Species Act 1989

#### 39 Principal Act

This Part amends the Trade in Endangered Species Act 1989 (the **principal Act**).

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#### 40 Section 3 amended (Interpretation)

In section 3(1), insert in their appropriate alphabetical order:

**border infringement offence** means an infringement offence specified as a border infringement offence by regulations made under this Act

**infringement fee**, in relation to an infringement offence, means the infringement fee for the offence prescribed in regulations made under this Act

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**infringement offence** means—

- (a) an offence in **section 50A**; or
- (b) an offence against regulations made under this Act that is declared by regulations to be an infringement offence

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#### 41 New section 38AA inserted (Power to require information)

After section 38, insert:

##### **38AA Power to require information**

- (1) This section applies if an officer believes on reasonable grounds that a person has committed an offence against this Act.
- (2) The officer may require the person to—
  - (a) state the person's full name, residential address, and date of birth; and
  - (b) provide evidence of the person's full name, residential address, and date of birth.

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#### 42 Part 4 heading replaced

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Replace the Part 4 heading with:

### Part 4

#### Offences and infringement offences

#### 43 New cross-heading above section 44 inserted

After section 43A, insert:

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#### *Offences*

**44 Section 48 replaced (Obstructing or hindering officer)**

Replace section 48 with:

**48 Obstructing or hindering an officer and refusing to give information**

A person commits an offence if the person—

- (a) intentionally obstructs or hinders any officer in the performance of the officer's duty under this Act; or 5
- (b) refuses to give information or provide evidence required under **section 38AA**.

**45 New sections 50A to 50I and cross-heading inserted**

After section 50, insert: 10

*Infringement offences*

**50A Infringement offences**

- (1) A person must not—
  - (a) trade in any specimen of an endangered species without the appropriate permit or certificate granted under any of sections 13 to 16; or 15
  - (b) trade in any specimen of a threatened species without the appropriate permit or certificate granted under any of sections 17 to 20; or
  - (c) trade in any specimen of an exploited species without the appropriate permit or certificate granted under any of sections 21 to 24; or
  - (d) possess, or have under the person's control although under the custody of another person, any specimen of an endangered, threatened, or exploited species that has been imported or introduced from the sea into New Zealand otherwise than in accordance with this Act; or 20
  - (e) fail to comply with any of the conditions specified by the Director-General in respect of any permit or certificate granted to the person under Part 1. 25
- (2) A person who fails to comply with this section commits an infringement offence.

**50B Relationship between infringement offences and other offences**

Nothing in **section 50A** prevents the prosecution of, and conviction for, an offence in any other section of this Act (instead of proceeding under **section 50A**). 30

**50C Proceedings for infringement offences**

- (1) A person who is alleged to have committed an infringement offence may either— 35

<ul style="list-style-type: none"> <li>(a) be proceeded against by filing a charging document under section 14 of the Criminal Procedure Act 2011; or</li> <li>(b) be served with an infringement notice under <b>section 50E</b>.</li> </ul>	5
<p>(2) If an infringement notice has been issued under <b>section 50E</b>, proceedings for the offence to which the notice relates may be commenced in accordance with section 21 of the Summary Proceedings Act 1957, and in that case the provisions of that section apply with all necessary modifications.</p>	5
<b>50D Who may issue infringement notices</b>	
<p>The Director-General may authorise an officer or a warranted officer under the Conservation Act 1987, in writing, to issue infringement notices under this Act.</p>	10
<b>50E Infringement notices</b>	
<p>(1) An officer authorised under <b>section 50D</b> may issue an infringement notice to a person if the officer believes on reasonable grounds that the person is committing, or has committed, an infringement offence.</p>	15
<p>(2) The officer may deliver the infringement notice (or a copy of it) in person to the person alleged to have committed an infringement offence or send the notice by post addressed to that person's last known place of residence or business.</p>	15
<p>(3) An infringement notice (or a copy of it) sent by post to a person under <b>subsection (2)</b> is to be treated as having been served on that person when it was posted.</p>	20
<p>(4) An infringement notice must be in the prescribed form and must contain the following particulars:</p>	25
<ul style="list-style-type: none"> <li>(a) such details of the alleged infringement offence as are sufficient to fairly inform a person of the time, place, and nature of the alleged offence; and</li> <li>(b) the amount of the infringement fee; and</li> <li>(c) the address of the place at which the infringement fee may be paid; and</li> <li>(d) the time within which the infringement fee must be paid; and</li> <li>(e) a summary of the provisions of section 21(10) of the Summary Proceedings Act 1957; and</li> <li>(f) a statement that the person served with the notice has a right to request a hearing; and</li> <li>(g) a statement of what will happen if the person served with the notice neither pays the infringement fee nor requests a hearing; and</li> <li>(h) any other particulars that may be prescribed.</li> </ul>	30
<p>(h) any other particulars that may be prescribed.</p>	35
<b>50F Reminder notices</b>	
<p>A reminder notice must be in the prescribed form, and must include the same particulars, or substantially the same particulars, as the infringement notice.</p>	35



**50G Accelerated procedure for border infringement offences**

- (1) This section applies if an infringement notice has been issued to a person for a border infringement offence.
- (2) Any employee of the Department (not necessarily the officer who issued the infringement notice) may serve the infringement notice on the person by— 5
  - (a) delivering the notice (or a copy of it) to the person personally; or
  - (b) sending the notice (or a copy of it) to the person by post addressed to the defendant’s last known place of residence or business.
- (3) An infringement notice (or a copy of it) sent by post to a person under **subsection (2)(b)** is to be treated as having been served on that person when it was posted. 10
- (4) If the infringement notice is served by delivering it to the person at a port, the person may choose to immediately pay the infringement fee in the manner specified in the notice.
- (5) An employee of the Department may, after a period of 14 days from the date the infringement notice was delivered or posted to the person, provide particulars of an infringement notice in accordance with section 21(4) and (4A) of the Summary Proceedings Act 1957 if— 15
  - (a) the person has not paid the infringement fee for the offence; and
  - (b) the person has not requesting a hearing in respect of the offence. 20
- (6) In an infringement notice has been served under this section, the Summary Proceedings Act 1957 applies as if that notice were a reminder notice served under section 21(2) of that Act, and the provisions of that Act apply, with all necessary modifications, to the alleged offence as if— 25
  - (a) the reference in section 21(1)(b) to providing particulars of a reminder notice were a reference to providing particulars of the infringement notice under **subsection (5)** of this section; and 25
  - (b) section 21(3) were replaced with **subsection (5)** of this section; and
  - (c) the reference in section 21(3A) to the particulars of a reminder notice not having been provided under section 21(3) were a reference to the particulars of the infringement notice not having been provided under **subsection (5)** of this section; and 30
  - (d) every reference in section 21(4), (4A), and (4B) to particulars of a reminder notice were a reference to the particulars of an infringement notice and every reference to the contents of a reminder notice were a reference to the contents of an infringement notice; and 35
  - (e) the reference in section 21(4)(a) to parts of the reminder notice were a reference to parts of the infringement notice; and
  - (f) the reference in section 21(4C) to particulars of a reminder notice were a reference to particulars of an infringement notice; and 40

(g)	the reference in section 21(4C) to the reminder notice were a reference to the infringement notice; and	
(h)	the reference in section 21(5) to the verification of particulars of a reminder notice provided under section 21(3) were a reference to the verification of particulars of an infringement notice provided under <b>subsection (5)</b> of this section; and	5
(i)	the references in section 21(6)(b) and (10)(a) to a period of 28 days after the service of a reminder notice were references to the period of 14 days after the service of the infringement notice; and	
(j)	each reference in sections 21A and 78B to a reminder notice were a reference to an infringement notice and each reference in sections 21A and 78B to the reminder notice were a reference to the infringement notice; and	10
(k)	the references to reminder notices in the definition of defendant in section 2(1), section 212, and any other relevant provisions of that Act or regulations made under that Act were references to the infringement notice.	15
<b>50H</b>	<b>Payment of infringement fees</b>	
	All infringement fees paid in respect of infringement offences must be paid into a Crown Bank Account.	20
<b>50I</b>	<b>Penalties for infringement offences</b>	
	A person who commits an infringement offence is liable to—	
(a)	the infringement fee prescribed in regulations for that offence; or	
(b)	a fine imposed by a court not exceeding the maximum fine prescribed in regulations for that offence.	25
<b>46</b>	<b>New cross-heading above section 51 inserted</b>	
	Before section 51, insert:	
	<i>Forfeiture</i>	
<b>47</b>	<b>Section 51 amended (Forfeiture of property on conviction)</b>	
(1)	Replace the heading to section 51 with “ <b>Forfeiture of property</b> ”.	30
(2)	Before section 51(1), insert:	
(1AA)	This section applies if—	
(a)	a person is convicted of an offence against this Act; or	
(b)	an infringement notice is issued to the person or a charging document filed against the person in relation to an infringement offence and any of the following occurs:	35

<ul style="list-style-type: none"> <li>(i) the infringement fee for the offence is paid:</li> <li>(ii) a copy of a reminder notice in respect of the infringement offence is filed or a reminder notice is deemed to have been filed in a court under section 21 of the Summary Proceedings Act 1957, as the case requires, within 6 months after the time when the offence is alleged to have been committed:</li> <li>(iii) the informant and the person enter into an arrangement under section 21(3A) of the Summary Proceedings Act 1957 allowing the person to pay the relevant infringement fee by instalments:</li> <li>(iv) the person is found guilty, or admits the commission, of the infringement offence.</li> </ul>	<p>5</p> <p>10</p>
(3) In section 51(1), replace “on the conviction of any person for any offence against this Act” with “if this section applies”.	
(4) In section 51(3), replace “conviction” with “the forfeiture”.	
<b>48 New Part 5 heading inserted</b>	15
After section 51, insert:	

**Part 5**  
**Miscellaneous provisions**

<b>49 Section 54 amended (Regulations)</b>	20
After section 54(f), insert:	
<ul style="list-style-type: none"> <li>(fa) prescribing infringement offences for the contravention of regulations made under this Act:</li> <li>(fb) specifying that an infringement offence is a border infringement offence (either always, or only if committed in certain places or circumstances):</li> <li>(fc) prescribing penalties for infringement offences, which,— <ul style="list-style-type: none"> <li>(i) in the case of infringement fees, must not be more than \$1,000; and</li> <li>(ii) in the case of maximum fines, must not be more than twice the amount of the infringement fee for the offence; and</li> <li>(iii) may be prescribed at different levels for the same offence based on whether the offence relates to endangered, threatened, or exploited species; and</li> </ul> </li> <li>(fd) prescribing information to be included in infringement notices and reminder notices, including any additional particulars required in an infringement notice for a border infringement offence:</li> </ul>	<p>25</p> <p>30</p> <p>35</p>

## Part 7 Amendments to Wild Animal Control Act 1977

### 50 Principal Act

This Part amends the Wild Animal Control Act 1977 (the **principal Act**).

### 51 Section 2 amended (Interpretation) 5

In section 2(1), insert in their appropriate alphabetical order:

**infringement fee**, in relation to an infringement offence, means the infringement fee for the offence prescribed in regulations made under this Act

**infringement offence** means—

- (a) an offence in **subpart 1 of Part 4A**; or 10
- (b) an offence against regulations made under this Act that is declared by regulations to be an infringement offence

### 52 Section 13 amended (Powers of warranted officers)

Repeal section 13(2).

### 53 New Part 4A inserted 15

After section 31, insert:

## Part 4A Infringement offences

### 31A Relationship with other offences

Nothing in this Part prevents the prosecution of, and conviction for, an offence in any other Part of this Act (instead of proceeding under this Part). 20

#### Subpart 1—Infringement offences

### 31B Hunting without authority of land owner

- (1) A person must not hunt, kill, or possess a wild animal on any land without the express authority of the owner or occupier of that land. 25
- (2) A person who fails to comply with this section commits an infringement offence.

### 31C Selling, delivering, or receiving carcass without ears attached

- (1) **Subsection (2)** applies to— 30
  - (a) a person who kills a wild animal of a kind that may be farmed under any Act; and
  - (b) the person's agent or employer.

- (2) A person to whom this subsection applies must not sell or deliver the carcass of the wild animal to a game depot or game packing house without the ears attached to the hide.
- (3) A licensee of a game depot or game packing house must not receive a carcass that has been sold or delivered in contravention of **subsection (2)**. 5
- (4) A person who fails to comply with this section commits an infringement of fence.
- 31D Inadequate fencing**
- (1) A person who keeps deer in captivity on a regulated deer farm for the purposes of farming must maintain the enclosures on the land so as to— 10
- (a) prevent the escape of the deer; or
- (b) maintain compliance with any prescribed specifications.
- (2) A person who keeps an animal in captivity in a safari park must maintain the enclosures on the land so as to—
- (a) prevent the escape of the animal; or 15
- (b) maintain compliance with any prescribed specifications.
- (3) A person who fails to comply with this section commits an infringement of fence.
- 31E Interfering with items on land under section 16**
- (1) A person must not, without being authorised by the Director-General,— 20
- (a) take away, be in possession of, occupy, fail to vacate, remove, destroy, displace, or move the position of any tent, or other structure, or any service, convenience, vehicle, vessel, aircraft, amenity, or notice erected or provided on any land under section 16; or
- (b) remove, injure, or damage in any way any vessel, aircraft, vehicle, animal, equipment, or supplies brought onto or used on or present on any land under section 16. 25
- (2) A person who fails to comply with this section commits an infringement of fence.
- 31F Failure to provide Crown with proceeds from sale of animal or carcass** 30
- (1) A person must pay to the Crown any money paid to the person in respect of an animal (or the carcass of an animal) taken or killed during the commission of an offence against—
- (a) this Act; or
- (b) the Trespass Act 1980; or 35
- (c) the Civil Aviation Act 1990; or

<p>(d) any other Act or bylaw relating to the land, the natural waters of the land, or the flora or fauna of the land on which the offence was committed.</p> <p>(2) A person who fails to comply with this section commits an infringement offence.</p>	<p>5</p>
<p>Subpart 2—Procedural matters</p>	
<p><b>31G Proceedings for infringement offences</b></p>	
<p>(1) A person who is alleged to have committed an infringement offence may either—</p> <p style="padding-left: 20px;">(a) be proceeded against by filing a charging document under section 14 of the Criminal Procedure Act 2011; or</p> <p style="padding-left: 20px;">(b) be served with an infringement notice under <b>section 31I</b>.</p> <p>(2) If an infringement notice has been issued under <b>section 31I</b>, proceedings for the offence to which the notice relates may be commenced in accordance with section 21 of the Summary Proceedings Act 1957, and in that case the provisions of that section apply with all necessary modifications.</p>	<p>10</p> <p>15</p>
<p><b>31H Who may issue infringement notices</b></p> <p>The Director-General may authorise a warranted officer, in writing, to issue infringement notices under this Act.</p>	
<p><b>31I Infringement notices</b></p>	
<p>(1) A warranted officer authorised under <b>section 31H</b> may issue an infringement notice to a person if the warranted officer believes on reasonable grounds that the person is committing, or has committed, an infringement offence.</p> <p>(2) The warranted officer may deliver the infringement notice (or a copy of it) in person to the person alleged to have committed an infringement offence or send the notice by post addressed to that person’s last known place of residence or business.</p> <p>(3) An infringement notice (or a copy of it) sent by post to a person under <b>subsection (2)</b> is to be treated as having been served on that person when it was posted.</p> <p>(4) An infringement notice must be in the prescribed form and must contain the following particulars:</p> <p style="padding-left: 20px;">(a) such details of the alleged infringement offence as are sufficient to fairly inform a person of the time, place, and nature of the alleged offence; and</p> <p style="padding-left: 20px;">(b) the amount of the infringement fee; and</p> <p style="padding-left: 20px;">(c) the address of the place at which the infringement fee may be paid; and</p> <p style="padding-left: 20px;">(d) the time within which the infringement fee must be paid; and</p>	<p>20</p> <p>25</p> <p>30</p> <p>35</p>

<ul style="list-style-type: none"> <li>(e) a summary of the provisions of section 21(10) of the Summary Proceedings Act 1957; and</li> <li>(f) a statement that the person served with the notice has a right to request a hearing; and</li> <li>(g) a statement of what will happen if the person served with the notice neither pays the infringement fee nor requests a hearing; and</li> <li>(h) any other particulars that may be prescribed.</li> </ul>	5
<p><b>31J Reminder notices</b></p> <p>A reminder notice must be in the prescribed form, and must include the same particulars, or substantially the same particulars, as the infringement notice.</p>	10
<p><b>31K Payment of infringement fees</b></p> <p>All infringement fees paid in respect of infringement offences must be paid into a Crown Bank Account.</p>	
<p><b>31L Penalties for infringement offences</b></p> <p>A person who commits an infringement offence is liable to—</p> <ul style="list-style-type: none"> <li>(a) the infringement fee prescribed in regulations for that offence; or</li> <li>(b) a fine imposed by a court not exceeding the maximum fine prescribed in regulations for that offence.</li> </ul>	15
<p><b>54 Section 34 replaced (Offenders to give name and address to officers, etc)</b></p> <p>Replace section 34 with:</p>	20
<p><b>34 Power to require person to stop offending</b></p> <ul style="list-style-type: none"> <li>(1) This section applies if a warranted officer or an officer or employee of the Department (an <b>officer</b>) believes on reasonable grounds that a person is committing an offence against this Act or any regulations made under this Act.</li> <li>(2) The officer may require the person to stop doing the act that constitutes the offence.</li> <li>(3) A person who continues an act after being required to stop commits a further offence.</li> </ul>	25
<p><b>55 New sections 34AA and 34AB inserted</b></p> <p>After section 34, insert:</p>	30
<p><b>34AA Power to require information</b></p> <ul style="list-style-type: none"> <li>(1) This section applies if a warranted officer or an officer or employee of the Department (an <b>officer</b>) believes on reasonable grounds that a person has committed an offence against this Act or regulations made under this Act.</li> <li>(2) The officer may require the person to—</li> </ul>	35

<ul style="list-style-type: none"> <li>(a) state the person’s full name, residential address, and date of birth; and</li> <li>(b) provide evidence of the person’s full name, residential address, and date of birth.</li> </ul>	
<ul style="list-style-type: none"> <li>(3) A person commits an offence if the person refuses or fails to give information or produce evidence required under <b>subsection (2)</b>.</li> </ul>	5
<b>34AB Constable may arrest person who fails to comply with section 34 or 34AA</b>	
<ul style="list-style-type: none"> <li>(1) A constable may caution a person who fails to comply with a requirement under <b>section 34 or 34AA</b>.</li> <li>(2) If, after being cautioned, the person continues to fail to comply with a requirement, the constable may arrest the person without warrant.</li> </ul>	10
<b>56 Section 39 amended (Penalties)</b>	
In section 39(3), after “liable”, insert “on conviction”.	
<b>57 Section 39A amended (Sentence of community work)</b>	
In section 39A, replace “commits an offence” with “is convicted of an offence”.	
15	
<b>58 New sections 39C to 39E inserted</b>	
After section 39B, insert:	
<b>39C Return and forfeiture of seized items</b>	
<ul style="list-style-type: none"> <li>(1) This section applies if an article or animal used in the commission of an offence is seized from a person by a warranted officer.</li> <li>(2) The Director-General must retain the article or animal pending proceedings against the person for the offence.</li> <li>(3) If proceedings are not commenced against the person within 12 months after the seizure, the Director-General must return the article or animal to the person.</li> <li>(4) The court may order that the article or animal be forfeited to the Crown,— <ul style="list-style-type: none"> <li>(a) in the case of an offence that is not an infringement offence, if the court enters a conviction against the person for the offence; or</li> <li>(b) in the case of an infringement offence, if the person is found guilty, or admits the commission, of the infringement offence.</li> </ul> </li> <li>(5) In this section, <b>proceedings</b> does not include the issue of an infringement notice.</li> </ul>	20
25	
<b>39D Forfeiture of other items</b>	
The court may order that an article, animal, or aircraft used in the commission of an offence be forfeited to the Crown (even if it has not been seized),—	



- (a) in the case of an offence that is not an infringement offence, if the court enters a conviction against a person for the offence; or
- (b) in the case of an infringement offence, if a person is found guilty, or admits the commission, of the infringement offence.

**39E Disposal of forfeited items**

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Items that are forfeited to the Crown may be disposed of as the Minister directs.

**59 Section 40 amended (Regulations)**

After section 40(1)(i), insert:

- (ia) prescribing infringement offences for the contravention of regulations made under this Act: 10
- (ib) prescribing penalties for infringement offences, which,—
  - (i) in the case of infringement fees, must not be more than \$1,000; and
  - (ii) in the case of maximum fines, must not be more than twice the amount of the infringement fee for the offence: 15
- (ic) prescribing information to be included in infringement notices and reminder notices:

**Part 8****Amendments to Wildlife Act 1953**

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**60 Principal Act**

This Part amends the Wildlife Act 1953 (the **principal Act**).

**61 Section 2 amended (Interpretation)**

In section 2(1), insert in their appropriate alphabetical order:

- infringement fee**, in relation to an infringement offence, means the infringement fee for the offence prescribed in regulations made under this Act 25
- infringement offence** means—
  - (a) an offence in **sections 70B to 70T**; or
  - (b) an offence against regulations made under this Act that is declared by regulations to be an infringement offence 30

**62 Section 67G amended (Sentence of community work)**

In section 67G, replace “commits an offence” with “is convicted of an offence”.

**63 Section 70 amended (Forfeitures)**

After section 70(3), insert:

(3A) Subsection (3) applies as if a person were convicted of an offence against this Act if—

- (a) proceedings in respect of an infringement offence are commenced by the filing of a charging document under the Criminal Procedure Act 2011; and
- (b) the person is found guilty, or admits the commission, of the infringement offence.

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**64 New sections 70A to 70Z and cross-heading inserted**

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After section 70, insert:

*Infringement offences*

**70A Relationship between infringement offences and other offences**

Nothing in **sections 70B to 70T** prevents the prosecution of, and conviction for, an offence in any other section of this Act (instead of proceeding under **sections 70B to 70T**).

15

**70B Hunting during close season**

- (1) A person must not hunt or kill any game during a close season.
- (2) A person who fails to comply with this section commits an infringement offence.

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**70C Hunting without licence during open season**

- (1) A person must not hunt or kill game of any species during an open season in any area, unless the person holds a licence under this Act to hunt or kill game of the relevant species in the relevant area during the open season.
- (2) However, the occupier of any land may, without a licence, hunt or kill any game on the land that may be hunted or killed under a licence.
- (3) In **subsection (2)**, **occupier** has the same meaning as in section 19, but includes a spouse, civil union partner, de facto partner, or child of the occupier.
- (4) A person who is appointed as an occupier by a notice signed under section 19(4)(b) and endorsed under section 19(5) must produce the notice if an authorised person (as defined in section 61(3)) demands that the person do so.
- (5) A person who fails to comply with this section commits an infringement offence.

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<b>70D</b>	<b>Contravening terms of open season notification</b>	
(1)	A person must not, during an open season, hunt or kill game, or have in the person's possession any game, in contravention of the terms of the notice declaring the open season.	
(2)	A person who fails to comply with this section commits an infringement of—	5
<b>70E</b>	<b>Hunting wildlife in contravention of conditions prescribed by Minister</b>	
(1)	This section applies to a person who hunts, kills, or has in the person's possession any wildlife that is the subject of a notification under section 6(1).	
(2)	The person must not contravene a condition prescribed by the Minister under section 6(2).	10
(3)	A person who fails to comply with this section commits an infringement of—	
<b>70F</b>	<b>Failure to produce licence on demand</b>	
(1)	This section applies to a person if—	15
(a)	the person is found, in any area where any species of wildlife is usually prevalent, in possession of or in control of a firearm, net, trap, decoy, or other instrument or device capable of being used for the purpose of hunting or killing the relevant species of wildlife; and	
(b)	a licence to hunt or kill the relevant species of wildlife is required under this Act; and	20
(c)	an authorised person demands that the person produces the person's licence.	
(2)	A person to whom this section applies must produce the person's licence to the authorised person.	25
(3)	A person who fails to comply with this section commits an infringement of—	
(4)	In this section, <b>authorised person</b> has the meaning given in section 61(3).	
<b>70G</b>	<b>Taking protected wildlife or game</b>	
(1)	A person must not, without lawful authority,—	30
(a)	hunt or kill any absolutely protected or partially protected wildlife or any game; or	
(b)	buy, dispose of, or have in the person's possession—	
(i)	any absolutely protected or partially protected wildlife or any game; or	35
(ii)	any skin, feathers, or other portion, or any egg, of any absolutely protected or partially protected wildlife or of any game; or	

(c)	rob, disturb, destroy, or have in the person's possession the nest of any absolutely protected or partially protected wildlife or of any game.	
(2)	A person who fails to comply with this section commits an infringement offence.	
<b>70H</b>	<b>Taking game in contravention of Act or notification</b>	5
(1)	A person must not, if not expressly authorised by this Act or a notification given by the Minister,—	
(a)	trap game in any manner or take game by any means; or	
(b)	erect or set any trap, net, snare, or other device for the purpose of taking game; or	10
(c)	spread oil on any water for the purpose of hunting or killing any game or for the purpose of preventing game from alighting on that water; or	
(d)	use, for the purposes of hunting any game,—	
(i)	any light; or	
(ii)	a live decoy; or	15
(iii)	a cylinder, mudhole, or similar device in any lake, lagoon, pond, river, estuary, or other open water (whether natural or artificially constructed) unless the sides of the cylinder, mudhole, or device project 60 centimetres or more above the surface of the water; or	
(iv)	any aircraft, motor vehicle, or other vehicle propelled by mechanical power; or	20
(v)	on any lake, lagoon, pond, river, estuary, or other water (whether natural or artificially constructed) any vessel (other than a row boat) in driving, chasing, unduly disturbing, putting to flight, or stalking game; or	25
(vi)	any unmoored floating stand, hide, shelter, maimai, or louvre, or any unmoored boat artificially dressed or covered in any way.	
(2)	<b>Subsection (1)(d)(iv) and (v)</b> does not apply to—	
(a)	the use of a vehicle or vessel for the purpose of travelling to or from a place where the person intends to hunt game; or	30
(b)	the use of a vessel for the purposes of—	
(i)	camping; or	
(ii)	retrieving game that has been killed or wounded; or	
(iii)	in the case of a moored vessel, shooting from the vessel (unless prohibited by another provision of this Act).	35
(3)	A person who fails to comply with this section commits an infringement offence.	

- (4) In this section, **decoy**, **row boat**, and **vessel** have the meanings given in section 18(2).
- 70I Failure to comply with condition of authority to take or kill wildlife**
- (1) This section applies—
- (a) to a person to whom the Director-General gives an authority under section 53; and 5
- (b) if an authority is given to a Fish and Game Council under section 53, to an officer or employee of the Council and any other person exercising the powers of the Council under the authority.
- (2) A person to whom this section applies must comply with any condition on which the authority was granted. 10
- (3) A person who fails to comply with this section commits an infringement offence. 10
- 70J Liberating wildlife or exporting animals or animal products**
- (1) A person must not, without the prior written authority of the Director-General,— 15
- (a) liberate wildlife; or
- (b) capture, attempt to capture, or possess wildlife for the purpose of liberating the wildlife; or
- (c) export from New Zealand— 20
- (i) any bat, bird (other than a domestic bird), reptile, or amphibian, or any animal listed in Schedule 7; or
- (ii) any skin, feathers, egg, flesh, or other part of an animal listed in **subparagraph (i)**.
- (2) A person who fails to comply with this section commits an infringement offence. 25
- 70K Transporting wildlife without proper information on container**
- (1) This section applies to a person who consigns or sends by carrier, forwarding agent, or any other means any parcel, package, case, bag, luggage, or other container (a **container**) containing— 30
- (a) any absolutely protected wildlife (whether alive or dead); or
- (b) any part of any absolutely protected wildlife or any eggs of any absolutely protected wildlife.
- (2) A person to whom this section applies must ensure that the outside of the container is plainly marked with— 35
- (a) a list and description of its contents; and
- (b) the name and address of the consignor and consignee.

(3)	A person who fails to comply with this section commits an infringement of- fence.	
<b>70L</b>	<b>Farming or breeding certain unprotected animals</b>	
(1)	A person must not—	
	(a) farm or breed wildlife specified in Schedule 8; or	5
	(b) for the purposes of farming or breeding, capture, convey, or keep in cap- tivity wildlife specified in Schedule 8.	
(2)	This section does not apply if the activity undertaken by the person is author- ised by the Minister under section 41 or by any regulations made under this Act.	10
(3)	A person who fails to comply with this section commits an infringement of- fence.	
<b>70M</b>	<b>Failure to report accidental or incidental death or injury</b>	
(1)	A person who accidentally or incidentally kills or injures any marine wildlife must report the event and provide any particulars in the manner required by section 63B.	15
(2)	A person who fails to comply with this section commits an infringement of- fence.	
<b>70N</b>	<b>Interfering with items on land under section 59</b>	
(1)	A person must not, without being authorised by the Director-General,—	20
	(a) take away, be in possession of, remove, destroy, displace, or move the position of any tent or other structure, or any service, convenience, or amenity erected or provided on any land under section 59; or	
	(b) remove, injure, or damage in any way any vehicle, animal, equipment, or supplies brought onto any land under section 59.	25
(2)	A person who fails to comply with this section commits an infringement of- fence.	
<b>70O</b>	<b>Littering</b>	
(1)	A person must not deposit litter in a wildlife refuge or wildlife sanctuary.	
(2)	A person who fails to comply with this section commits an infringement of- fence.	30
(3)	In this section,—	
	<b>deposit</b> has a corresponding meaning to the meaning of depositing in section 2(1) of the Litter Act 1979	
	<b>litter</b> has the meaning given in section 2(1) of the Litter Act 1979.	35

<b>70P Acting without required licence, permit, etc</b>	
(1) A person must not do or cause to be done any act, matter, or thing for which a licence, permit, concession, or other right or authority is required by this Act or by any regulations under this Act without the required licence, permit, concession, or other right or authority.	5
(2) A person who fails to comply with this section commits an infringement offence.	
<b>70Q Contravening instruments made under this Act</b>	
(1) A person must not contravene—	
(a) a notification made under section 7(1); or	10
(b) an Order in Council made under section 9; or	
(c) a Proclamation or notice made under section 14(1A); or	
(d) a Proclamation issued under section 14A.	
(2) A person who fails to comply with this section commits an infringement offence.	15
<b>70R Infringement offences relating to wildlife refuges</b>	
(1) A person must not, while in a wildlife refuge,—	
(a) hunt, kill, molest, capture, disturb, harry, or worry wildlife in the wildlife refuge; or	
(b) take, destroy, or disturb the nests, eggs, or spawn of wildlife in the wildlife refuge; or	20
(c) possess a firearm or an explosive; or	
(d) have in the person's control any dog or cat; or	
(e) do anything that causes any wildlife to leave the wildlife refuge.	
(2) This section does not apply if the person's action is authorised by—	25
(a) section 5(2); or	
(b) section 14(2) or (2A); or	
(c) an authority granted under section 53 or 54.	
(3) A person who fails to comply with this section commits an infringement offence.	30
<b>70S Infringement offences relating to waterfowl</b>	
(1) A person must not, without the consent of the Minister, hunt or kill waterfowl during an open season for game in a designated area where, during the open season or within 30 days immediately before the open season, any food has been cast, thrown, placed, or planted.	35

- (2) A person must not hunt or kill waterfowl during an open season for game in a designated area—
- (a) in which, during the open season for game or within 30 days immediately before the open season, the waters were artificially formed; or
  - (b) in which, or in the near vicinity of which, there is a notice under section 17(5) erected or affixed during that open season or within 30 days immediately before the open season; or
  - (c) in respect of which the occupier of the land has informed the person that food has been cast, thrown, placed, or planted, or that the waters have been artificially formed, during the open season or within the 30 days immediately before the open season.
- (3) A person must not destroy, deface, or tamper with a notice erected or affixed under section 17(5).
- (4) An occupier of land who is served with a written notice under section 17(5) must comply with the notice.
- (5) A person who fails to comply with this section commits an infringement offence.
- (6) In this section, **designated area**, **food**, **waterfowl**, and **waters** have the meanings given in section 17(1).
- 70T Infringement offences relating to homing pigeons**
- (1) A person must not hunt, kill, disable, or otherwise injure, ensnare, or detain a homing pigeon belonging to any other person.
- (2) A person must not, without lawful authority, disturb, open, or in any way tamper with any cage or other receptacle that is being used to carry homing pigeons.
- (3) A person who fails to comply with this section commits an infringement offence.
- 70U Proceedings for infringement offences**
- (1) A person who is alleged to have committed an infringement offence may either—
- (a) be proceeded against by filing a charging document under section 14 of the Criminal Procedure Act 2011; or
  - (b) be served with an infringement notice under **section 70W**.
- (2) If an infringement notice has been issued under **section 70W**, proceedings for the offence to which the notice relates may be commenced in accordance with section 21 of the Summary Proceedings Act 1957, and in that case the provisions of that section apply with all necessary modifications.



<b>70V Who may issue infringement notices</b>	
The Director-General may authorise a ranger, in writing, to issue infringement notices under this Act.	
<b>70W Infringement notices</b>	
(1) A ranger authorised under <b>section 70V</b> may issue an infringement notice to a person if the ranger believes on reasonable grounds that the person is committing, or has committed, an infringement offence.	5
(2) The ranger may deliver the infringement notice (or a copy of it) in person to the person alleged to have committed an infringement offence or send the notice by post addressed to that person's last known place of residence or business.	10
(3) An infringement notice (or a copy of it) sent by post to a person under <b>subsection (2)</b> is to be treated as having been served on that person when it was posted.	
(4) An infringement notice must be in the prescribed form and must contain the following particulars:	15
(a) such details of the alleged infringement offence as are sufficient to fairly inform a person of the time, place, and nature of the alleged offence; and	
(b) the amount of the infringement fee; and	
(c) the address of the place at which the infringement fee may be paid; and	20
(d) the time within which the infringement fee must be paid; and	
(e) a summary of the provisions of section 21(10) of the Summary Proceedings Act 1957; and	
(f) a statement that the person served with the notice has a right to request a hearing; and	25
(g) a statement of what will happen if the person served with the notice neither pays the infringement fee nor requests a hearing; and	
(h) any other particulars that may be prescribed.	
<b>70X Reminder notices</b>	
A reminder notice must be in the prescribed form, and must include the same particulars, or substantially the same particulars, as the infringement notice.	30
<b>70Y Payment of infringement fees</b>	
All infringement fees paid in respect of infringement offences must be paid into a Crown Bank Account.	
<b>70Z Penalties for infringement offences</b>	35
A person who commits an infringement offence is liable to—	
(a) the infringement fee prescribed in regulations for that offence; or	

- (b) a fine imposed by a court not exceeding the maximum fine prescribed in regulations for that offence.

**65 Section 72 amended (Regulations)**

After section 72(2)(x), insert:

- (y) prescribing infringement offences for the contravention of regulations made under this Act: 5
- (z) prescribing penalties for infringement offences, which,—
- (i) in the case of infringement fees, must not be more than \$1,000; and
- (ii) in the case of maximum fines, must not be more than twice the amount of the infringement fee for the offence; and 10
- (iii) may be prescribed at different levels for the same offence based on whether the offence relates to absolutely protected, partially protected, or unprotected wildlife:
- (za) prescribing information to be included in infringement notices and reminder notices. 15

**Part 9**

**Amendments to Summary Proceedings Act 1957**

**66 Principal Act**

This Part amends the Summary Proceedings Act 1957 (the **principal Act**). 20

**67 Section 2 amended (Interpretation)**

In section 2(1), replace the definition of **infringement notice** with:

**infringement notice** means a notice issued under—

- (a) a provision listed in the **Schedule**; or
- (b) any provision of any other Act providing for the use of the infringement notice procedure under section 21 25

**68 New Schedule added**

Add the **Schedule** set out in the **Schedule** of this Act.

**Schedule**  
**New Schedule added to Summary Proceedings Act 1957**

s 68

<b>Schedule</b>	
<b>Infringement notice provisions</b>	5
	s 2(1)
Animal Welfare Act 1999, section 162	
Biosecurity Act 1993, sections 159, 159A	
Civil Aviation Act 1990, section 58	
Companies Act 1993, section 207Z	10
Conservation Act 1987, <b>section 51X</b>	
Credit Contracts and Consumer Finance Act 2003, section 105C	
Dog Control Act 1996, section 66	
Electricity Act 1992, section 165B	
Employment Relations Act 2000, section 235A	15
Fair Trading Act 1986, section 40D	
Financial Markets Conduct Act 2013, section 514	
Fisheries Act 1996, section 260A	
Gambling Act 2003, section 357	
Gas Act 1992, section 57C	20
Health and Safety at Work Act 2015, section 138	
Land Transport Act 1998, section 139	
Litter Act 1979, section 14	
Marine Mammals Protection Act 1978, <b>section 27E</b>	
Marine Reserves Act 1971, <b>section 21D</b>	25
National Parks Act 1980, <b>section 71K</b>	
Plumbers, Gasfitters, and Drainlayers Act 2006, section 129	
Psychoactive Substances Act 2013, section 74	
Reserves Act 1977, <b>section 105L</b>	
Trade in Endangered Species Act 1989, <b>section 50E</b>	30
Weights and Measures Act 1987, section 32A	
Wild Animal Control Act 1977, <b>section 31I</b>	
Wildlife Act 1953, <b>section 70W</b>	

**Conservation (Infringement System) Bill**

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