



Conservation (Infringement System) Act 2018

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Commencement see section 2

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Conservation (Infringement System) Act 2018.

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent.

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)

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

5 New section 26HA inserted (National fish and game compliance and law enforcement policy)

After section 26H, insert:

26HA National fish and game compliance and law enforcement policy

- (1) The New Zealand Fish and Game Council may, in accordance with section 26C(1)(a), develop a national policy that relates to—

- (a) the authorisation of fish and game rangers to issue infringement notices under section 51W(2); and
 - (b) the issuing of infringement notices by those fish and game rangers; and
 - (c) the exercise of other powers of fish and game rangers used to enforce, or ensure compliance with, this Act or the Wildlife Act 1953 (including any regulations made under those Acts).
- (2) The Minister may, by notice in the *Gazette*, approve a policy developed under subsection (1).
- (3) If the Minister has not approved a policy under subsection (2),—
- (a) the Director of the New Zealand Fish and Game Council may not authorise a fish and game ranger to issue infringement notices under this Act (*see* section 51W(4)(b)); and
 - (b) sections 26I(1A), 26R(2A), and 26X(1A) do not apply.

6 Section 26I amended (Annual report)

After section 26I(1), insert:

- (1A) If the Minister has approved a policy under section 26HA(2), the annual report must—
- (a) summarise what powers have been exercised during the year by fish and game rangers to enforce, or ensure compliance with, this Act or the Wildlife Act 1953 (including any regulations made under those Acts); and
 - (b) identify any complaints that have been received in relation to the exercise of those powers; and
 - (c) summarise the actions taken in response to any complaints; and
 - (d) specify whether any powers were exercised in a manner inconsistent with the policy.

7 Section 26R amended (Fish and Game Council responsibilities)

After section 26R(2), insert:

- (2A) Fish and Game Councils must comply with any policy approved by the Minister under section 26HA(2).

8 Section 26X amended (Annual report)

After section 26X(1), insert:

- (1A) If the Minister has approved a policy under section 26HA(2), the annual report must—
- (a) summarise what powers have been exercised during the year by the Fish and Game Council to enforce, or ensure compliance with, this Act or the

Wildlife Act 1953 (including any regulations made under those Acts); and

- (b) identify any complaints that have been received in relation to the exercise of those powers; and
- (c) summarise the actions taken in response to any complaints; and
- (d) specify whether any powers were exercised in a manner inconsistent with the policy.

9 New section 40A inserted (Power to require information)

After section 40, insert:

40A Power to require information

- (1) This section applies if a warranted officer or a fish and game ranger 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 or fish and game ranger may require the person to—
 - (a) state the person’s full name, residential address, and date of birth; and
 - (b) provide evidence, as soon as practicable, of the person’s full name, residential address, and date of birth.

10 Section 44A amended (Sentence of community work)

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

11 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
 - (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.
- (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:
- (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.
- (4) Section 46, except for section 46(5)(a), applies as if a person were convicted of an offence against this Act.

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

After section 48B, insert:

48C Regulations relating to infringement offences

- (1) 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 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
 - (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.
- (2) An offence prescribed under subsection (1)(a) may apply to conduct that—
- (a) is also punishable by an offence made under section 48(1)(n) that is not an infringement offence; or
 - (b) is similar to that conduct.
- (3) Subsection (2) does not limit subsection (1)(a).
- (4) In the circumstances described in subsection (2), the infringement offence does not prevent the prosecution of, and conviction for, the offence referred to in subsection (2)(a).

13 New Part 6A inserted

After section 51, insert:

Part 6A

Infringement offences

51A 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).

Subpart 1—Infringement offences

Fisheries

51B Taking sports fish in contravention of Anglers Notice

- (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.

51C Taking sports fish without licence

- (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) Subsection (1) does not apply to the taking of sports fish for the purposes of scientific investigation or data collection if the fish are taken—
 - (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.

51D Possessing sports fish taken unlawfully

- (1) A person must not have in the person's possession any sports fish that was taken in contravention of section 51C(1).
- (2) A person who fails to comply with this section commits an infringement offence.

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 the management or operation of any hatchery for sports fish that was already established or was being established as at 10 April 1990.
- (3) A person who fails to comply with this section commits an infringement offence.

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,—
 - (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
 - (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.
- (2) Subsection (1)(a) to (c) does not apply to the taking of freshwater fish subsequently found to contain eggs or larvae.
- (3) A person who fails to comply with this section commits an infringement offence.

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

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

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 offence.

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 contravention 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 offence.

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 offence.
- (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 device.
- (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 offence.
- (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; 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).

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

51N Dogs causing serious injury to protected wildlife

- (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 wildlife to end its suffering.
- (2) A person who fails to comply with this section commits an infringement offence.

Conservation areas

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

- (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 animal in a conservation area; or
 - (d) have in the person's possession an animal or animal product in a conservation area; or
 - (e) whether or not any animal product is taken, take or use, in or over a conservation area, an aircraft, dog, hunting weapon, net, poison, ship, snare, 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
 - (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 offence.
- (3) For the purpose of subsection (1), **animal** does not include fish.

51P Disposing of animal product

- (1) A person must not use, receive, sell, or otherwise dispose of an animal or animal product that was taken in breach of section 51O(1).
- (2) A person who fails to comply with this section commits an infringement offence.

51Q Taking plants

- (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
 - (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
 - (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 offence.

51R Littering

- (1) A person must not deposit litter in a conservation area.
- (2) A person who fails to comply with this section commits an infringement offence.
- (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,—
 - (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

- (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
 - (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
 - (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
 - (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—
- (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.

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.
- (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.

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

Subpart 2—Procedural matters

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
 - (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.

51W Who may issue infringement notices

- (1) The Director-General may authorise a warranted officer, in writing, to issue infringement notices under this Act.
- (2) The Director of the New Zealand Fish and Game Council may authorise a fish and game ranger, in writing, to issue infringement notices under this Act.
- (3) The Director of the New Zealand Fish and Game Council must not authorise an honorary fish and game ranger to issue infringement notices under this Act.
- (4) The Director of the New Zealand Fish and Game Council—
- (a) must, in exercising the power in subsection (2), comply with the national compliance and enforcement policy approved by the Minister under section 26HA; and
 - (b) may not exercise the power in subsection (2) if no such policy has been approved.
- (5) The Director of the New Zealand Fish and Game Council must not delegate the power in subsection (2).
- (6) In this section, **honorary fish and game ranger** means a person appointed in an honorary capacity under section 26FA(2).

51X Infringement notices

- (1) A warranted officer or fish and game ranger authorised under section 51W (an **issuer**) may issue an infringement notice to a person if the issuer believes on reasonable grounds that the person is committing, or has committed, an infringement offence.

- (2) The issuer 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.

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.

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 on conviction 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.

Part 2

Amendments to Marine Mammals Protection Act 1978

14 Principal Act

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

15 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

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

16 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.

17 Section 26A amended (Sentence of community work)

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

18 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; or
 - (e) contravene or fail to comply with any notice, direction, restriction, requirement, or condition given, made, or imposed under this Act or under any regulations made under this Act.
- (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.

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.

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—
 - (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) 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—
 - (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.

- (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.

27I Penalties for infringement offences

A person who commits an infringement offence is liable on conviction 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.

19 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:

Part 3

Amendments to Marine Reserves Act 1971

20 Principal Act

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

21 Section 2 amended (Interpretation)

In section 2, 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 against section 21; or
- (b) an offence against regulations made under this Act that is declared by regulations to be an infringement offence

22 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”.

23 Section 18G amended (Forfeiture of property on conviction)

Repeal section 18G(5).

24 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—
 - (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
 - (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.
- (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—
 - (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.
- (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.

- (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,—
 - (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—
 - (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.

25 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),—
 - (a) after “prosecution of the offence”, insert “or pursuance 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”.
- (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”.

26 New sections 21 to 21G inserted

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
 - (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

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

21A Relationship between infringement offences and other offences

Nothing in section 21 prevents the prosecution of, and conviction for, an offence in any other section of this Act (instead of proceeding under section 21).

21B 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 21D.
- (2) If an infringement notice has been issued under section 21D, 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.

21C Who may issue infringement notices

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

21D Infringement notices

- (1) A ranger authorised under section 21C 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.
- (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.
- (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.

21E 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.

21F Payment of infringement fees

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

21G Penalties for infringement offences

A person who commits an infringement offence is liable on conviction 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.

27 Section 24 amended (Regulations)

After section 24(2)(f), insert:

- (g) prescribe infringement offences for the contravention of regulations made under this Act;
- (h) prescribe 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;
- (i) prescribe information to be included in infringement notices and reminder notices.

Part 4

Amendments to National Parks Act 1980

28 Principal Act

This Part amends the National Parks Act 1980 (the **principal Act**).

29 Section 2 amended (Interpretation)

In section 2, 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 7A; or
- (b) an offence against bylaws made under this Act that is declared by regulations to be an infringement offence

30 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.

31 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:

32 Section 64 amended (Powers of rangers)

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

33 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.
- (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, as soon as practicable, of the person’s full name, residential address, and date of birth.

34 Section 70A amended (Sentence of community work)

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

35 New Part 7A inserted

After section 71, insert:

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).

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

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
 - (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
 - (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
 - (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—
- (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.

71E Using or receiving items removed unlawfully from park

- (1) A person must not use, receive, or dispose of an item removed from a park in contravention of section 71D(1)(d) or (h).
- (2) A person who fails to comply with this section commits an infringement offence.

71F Altering boundary marks or items issued by Minister or Department

- (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.

71G Failure to remove animal, vehicle, aircraft, or boat

- (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.
- (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.

71H Littering

- (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,—
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.

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
 - (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.

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.
- (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.
- (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.

71L 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.

71M Payment of infringement fees

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

71N Penalties for infringement offences

A person who commits an infringement offence is liable on conviction 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.

Subpart 3—Regulations

71O Regulations relating to infringement offences

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;
- (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.

Part 5

Amendments to Reserves Act 1977

36 Principal Act

This Part amends the Reserves Act 1977 (the **principal Act**).

37 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

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

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

- (1) In section 93(2), replace “his or her true first name, surname, and place of abode,” with “the person’s full name, residential address, and date of birth, and to provide evidence, as soon as practicable, 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 as soon as practicable,—
- (4) In section 93(2), replace “he commits” with “the person commits”.

39 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.

40 Section 104A amended (Sentence of community work)

In section 104A, replace “commits an offence” with “is convicted of an offence”.

41 New sections 105A to 105O and cross-heading inserted

After section 105, insert:

Infringement offences

105A Relationship between infringement offences and other offences

Nothing in sections 105B to 105I prevents the prosecution of, and conviction for, an offence in any other section of this Act (instead of proceeding under sections 105B to 105I).

105B Unauthorised actions in reserves

- (1) A person must not, without being authorised by the Minister, the Commissioner, or the administering body (as the case may require),—
- (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
 - (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
 - (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
 - (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
 - (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
 - (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.
- (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.
- (3) A person who fails to comply with this section commits an infringement offence.

105C Littering

- (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,—

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.

105D Using or receiving items removed unlawfully from reserve

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

105E Altering boundary marks or items issued by Minister, Department, or administering body

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

105F Failure to remove animal, vehicle, aircraft, or boat

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

105G Unauthorised entry

- (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.
- (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.
- (3) This section does not apply to an officer of the Department or a ranger who is acting in the course of the officer's or ranger's official duties.

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

105H Anchoring or mooring of boat in breach of notice or permit

- (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 59(3); or
 - (b) in breach of any permit granted under section 57(7) or 59(7).
- (2) A person who fails to comply with this section commits an infringement offence.

105I Damage by fire

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

105J 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 105L.
- (2) If an infringement notice has been issued under section 105L, 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.

105K Who may issue infringement notices

The Director-General or the chief executive of a local authority may authorise a ranger, in writing, to issue infringement notices under this Act.

105L Infringement notices

- (1) A ranger authorised under section 105K 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.

- (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.
- (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.

105M 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.

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.

105O Penalties for infringement offences

A person who commits an infringement offence is liable on conviction 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.

42 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—

- (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.

Part 6**Amendments to Trade in Endangered Species Act 1989****43 Principal Act**

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

44 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

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

45 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, as soon as practicable, of the person's full name, residential address, and date of birth.

46 Part 4 heading replaced

Replace the Part 4 heading with:

Part 4
Offences and infringement offences

47 New cross-heading above section 44 inserted

After section 43A, insert:

Offences

48 Section 48 replaced (Obstructing or hindering officer)

Replace section 48 with:

48 Obstructing or hindering 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
- (b) refuses to give information or provide evidence required under section 38AA.

49 New sections 50A to 50I and cross-heading inserted

After section 50, insert:

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
- (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

- (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.
- (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).

50C 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 50E.
- (2) If an infringement notice has been issued under section 50E, 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.

50D Who may issue infringement notices

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.

50E Infringement notices

- (1) An officer authorised under section 50D 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.
- (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.
- (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.

50F 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.

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—
 - (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.
- (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—
 - (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.
- (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—

- (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
- (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
- (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
- (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
- (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 subsection (5) of this section; and
- (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
- (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.

50H Payment of infringement fees

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

50I Penalties for infringement offences

A person who commits an infringement offence is liable on conviction 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.

50 New cross-heading above section 51 inserted

Before section 51, insert:

Forfeiture

51 Section 51 amended (Forfeiture of property on conviction)

- (1) Replace the heading to section 51 with “**Forfeiture of property**”.
- (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:
 - (i) the infringement fee for the offence is paid;
 - (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;
 - (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;
 - (iv) the person is found guilty, or admits the commission, of the infringement offence.
- (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”.

52 New Part 5 heading inserted

After section 51, insert:

Part 5
Miscellaneous provisions

53 Section 54 amended (Regulations)

After section 54(f), insert:

- (fa) prescribing infringement offences for the contravention of regulations made under this Act:

- (fb) specifying that an infringement offence is a border infringement offence (either always, or only if committed in certain places or circumstances):
- (fc) 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
 - (iii) may be prescribed at different levels for the same offence based on whether the offence relates to endangered, threatened, or exploited species; and
- (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:

Part 7

Amendments to Wild Animal Control Act 1977

54 Principal Act

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

55 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

infringement offence means—

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

56 Section 13 amended (Powers of warranted officers)

Repeal section 13(2).

57 New Part 4A inserted

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).

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

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—
 - (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
 - (b) maintain compliance with any prescribed specifications.
- (3) A person who fails to comply with this section commits an infringement offence.

31E Interfering with items on land under section 16

- (1) A person must not, without being authorised by the Director-General,—
 - (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.
- (2) A person who fails to comply with this section commits an infringement offence.

31F Failure to provide Crown with proceeds from sale of animal or carcass

- (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
 - (c) the Civil Aviation Act 1990; or
 - (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.
- (2) A person who fails to comply with this section commits an infringement offence.

Subpart 2—Procedural matters

31G 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 31I.
- (2) If an infringement notice has been issued under section 31I, 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.

31H Who may issue infringement notices

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

31I Infringement notices

- (1) A warranted officer authorised under section 31H 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.

31J 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.

31K Payment of infringement fees

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

31L Penalties for infringement offences

A person who commits an infringement offence is liable on conviction 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.

58 Section 34 replaced (Offenders to give name and address to officers, etc)

Replace section 34 with:

34 Power to require person to stop offending

- (1) This section applies if a warranted officer or an officer or employee of the Department (an **officer**) believes on reasonable grounds that a person is committing an offence against this Act or any regulations made under this Act.

- (2) The officer may require the person to stop doing the act that constitutes the offence.
- (3) A person who continues an act after being required to stop commits a further offence.

59 New sections 34AA and 34AB inserted

After section 34, insert:

34AA Power to require information

- (1) This section applies if a warranted officer or an officer or employee of the Department (an **officer**) believes on reasonable grounds that a person has committed an offence against this Act or regulations made under 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, as soon as practicable, of the person’s full name, residential address, and date of birth.
- (3) A person commits an offence if the person—
 - (a) refuses or fails to give information required under subsection (2)(a); or
 - (b) refuses or fails to produce evidence required under subsection (2)(b) as soon as practicable.

34AB Constable may arrest person who fails to comply with section 34 or 34AA

- (1) A constable may caution a person who fails to comply with a requirement under section 34 or 34AA.
- (2) If, after being cautioned, the person continues to fail to comply with a requirement, the constable may arrest the person without warrant.

60 Section 39 amended (Penalties)

In section 39(3), after “liable”, insert “on conviction”.

61 Section 39A amended (Sentence of community work)

In section 39A, replace “commits an offence” with “is convicted of an offence”.

62 New sections 39C to 39E inserted

After section 39B, insert:

39C Return and forfeiture of seized items

- (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.
- (2) The Director-General must retain the article or animal pending proceedings against the person for the offence.

- (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.
- (4) The court may order that the article or animal be forfeited to the Crown,—
 - (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
 - (b) in the case of an infringement offence, if the person is found guilty, or admits the commission, of the infringement offence.
- (5) In this section, **proceedings** does not include the issue of an infringement notice.

39D Forfeiture of other items

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

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

63 Section 40 amended (Regulations)

After section 40(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:

Part 8

Amendments to Wildlife Act 1953

64 Principal Act

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

65 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

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

66 Section 66A amended (Offenders to give identifying information)

- (1) In section 66A(1), table, repeal the item relating to fish and game ranger, other than an honorary fish and game ranger.
- (2) In section 66A(2)(b), replace “within a reasonable time” with “as soon as practicable”.

67 Section 67G amended (Sentence of community work)

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

68 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.

69 New sections 70A to 70Z and cross-heading inserted

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).

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.

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.

70D Contravening terms of open season notification

- (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 offence.

70E Hunting wildlife in contravention of conditions prescribed by Minister

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

70F Failure to produce licence on demand

- (1) This section applies to a person if—
- (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
 - (c) an authorised person demands that the person produce the person's licence.

- (2) A person to whom this section applies must produce the person's licence to the authorised person.
- (3) A person who fails to comply with this section commits an infringement offence.
- (4) In this section, **authorised person** has the meaning given in section 61(3).

70G Taking protected wildlife or game

- (1) A person must not, without lawful authority,—
 - (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
 - (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.

70H Taking game in contravention of Act or notification

- (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
 - (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
 - (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
 - (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
- (vi) any unmoored floating stand, hide, shelter, maimai, or louvre, or any unmoored boat artificially dressed or covered in any way.
- (2) Subsection (1)(d)(iv) and (v) 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
- (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).
- (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
- (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.
- (3) A person who fails to comply with this section commits an infringement offence.

70J Liberating wildlife or exporting animals or animal products

- (1) A person must not, without the prior written authority of the Director-General,—
- (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—
- (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.

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—

- (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—

- (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 offence.

70L Farming or breeding certain unprotected animals

- (1) A person must not—

- (a) farm or breed wildlife specified in Schedule 8; or
- (b) for the purposes of farming or breeding, capture, convey, or keep in captivity wildlife specified in Schedule 8.

- (2) This section does not apply if the activity undertaken by the person is authorised by the Minister under section 41 or by any regulations made under this Act.

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

70M Failure to report accidental or incidental death or injury

- (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.

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

70N Interfering with items on land under section 59

- (1) A person must not, without being authorised by the Director-General,—

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

70O Littering

- (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 offence.
- (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.

70P Acting without required licence, permit, etc

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

70Q Contravening instruments made under this Act

- (1) A person must not contravene—
- (a) a notification made under section 7(1); or
 - (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.

70R Infringement offences relating to wildlife refuges

- (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

- (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—
- (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.

70S Infringement offences relating to waterfowl

- (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.
- (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.

70V Who may issue infringement notices

- (1) The Director-General may authorise a ranger, in writing, to issue infringement notices under this Act.
- (2) The Director of the New Zealand Fish and Game Council may authorise a fish and game ranger, in writing, to issue infringement notices under this Act.
- (3) The Director of the New Zealand Fish and Game Council must not authorise an honorary fish and game ranger to issue infringement notices under this Act.
- (4) The Director of the New Zealand Fish and Game Council—
 - (a) must, in exercising the power in subsection (2), comply with the national compliance and enforcement policy approved by the Minister under section 26HA of the Conservation Act 1987; and
 - (b) may not exercise the power in subsection (2) if no such policy has been approved.
- (5) The Director of the New Zealand Fish and Game Council must not delegate the power in subsection (2).
- (6) In this section, **honorary fish and game ranger** means a person appointed in an honorary capacity under section 26FA(2) of the Conservation Act 1987.

70W Infringement notices

- (1) A ranger authorised under section 70V 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.
- (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.

- (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.

70X 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.

70Y Payment of infringement fees

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

70Z Penalties for infringement offences

A person who commits an infringement offence is liable on conviction 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.

70 Section 72 amended (Regulations)

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

- (y) prescribing infringement offences for the contravention of regulations made under this Act;
- (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
 - (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.

Part 9

Amendments to Summary Proceedings Act 1957

71 Principal Act

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

72 Section 2 amended (Interpretation)

In section 2(1), definition of **infringement notice**, after paragraph (i), insert:

- (ia) section 51X of the Conservation Act 1987; or
- (ib) section 27E of the Marine Mammals Protection Act 1978; or
- (ic) section 21D of the Marine Reserves Act 1971; or
- (id) section 71K of the National Parks Act 1980; or
- (ie) section 105L of the Reserves Act 1977; or
- (if) section 50E of the Trade in Endangered Species Act 1989; or
- (ig) section 31I of the Wild Animal Control Act 1977; or
- (ih) section 70W of the Wildlife Act 1953; or

Legislative history

22 February 2017	Introduction (Bill 241–1)
14 February 2018	First reading and referral to Environment Committee
23 August 2018	Reported from Environment Committee (Bill 241–2)
27 November 2018	Second reading
11 December 2018	Committee of the whole House (Bill 241–3)
18 December 2018	Third reading
20 December 2018	Royal assent

This Act is administered by the Department of Conservation.