



Wildlife (Powers) Amendment Act 2017

Public Act 2017 No 2
Date of assent 13 February 2017
Commencement see section 2

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Wildlife (Powers) Amendment Act 2017.

2 Commencement

This Act comes into force on the 28th day after the date on which it receives the Royal assent.

3 Principal Act

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

Part 1
Creation of new powers

4 Section 39 amended (Powers of rangers)

(1) Replace section 39(1)(e) with:

- (e) call on any person for assistance, and the person is authorised to assist the ranger—
- (i) in the exercise of a search power in accordance with section 113 of the Search and Surveillance Act 2012; or
 - (ii) in the exercise of any other power if the person acts under the direction and supervision of the ranger:

(2) Repeal section 39(3).

5 New sections 39A to 39G inserted

After section 39, insert:

39A Certain rangers to have additional powers

(1) This section applies to a ranger who is not—

- (a) a fish and game ranger; or
- (b) a ranger appointed under section 38(2); or
- (c) an honorary fishery officer, within the meaning given in section 2(1) of the Fisheries Act 1996.

- (2) A ranger to whom this section applies may exercise the powers provided in sections 39B to 39D.

39B Power to seize evidential material

A ranger to whom section 39A applies may seize any evidential material (as defined in section 3(1) of the Search and Surveillance Act 2012) that he or she reasonably believes relates to the investigation of a suspected offence against this Act or any regulations made under this Act.

39C Powers to require people to stop and to stop things or articles in transit

- (1) In exercising a power or duty under this Act, a ranger to whom section 39A applies who is investigating a suspected offence against this Act or any regulations made under this Act may, if there is reasonable cause,—
- (a) require a person to stop and to remain stopped for a period that is no longer than is reasonable in the circumstances; and
 - (b) stop, and keep stopped for a period that is no longer than is reasonable in the circumstances, any thing or any article in transit.
- (2) This section does not limit the power in section 39(1)(d).

39D Power to intervene to prevent offending

- (1) A ranger to whom section 39A applies who believes on reasonable grounds that a person is committing or is about to commit an offence against this Act or any regulations made under this Act may intervene, in a manner that is reasonable in the circumstances, to prevent the offence.
- (2) This section does not affect the power in section 39(1)(f).

39E Certain people to have power of arrest

- (1) The Director-General may issue to a ranger to whom section 39A applies a written authority stating that the ranger is authorised to exercise the power of arrest under section 39F.
- (2) The following people may also exercise the power of arrest under section 39F:
- (a) every constable;
 - (b) every officer in command of any vessel, aircraft, or unit of the New Zealand Defence Force;
 - (c) every Customs officer (as defined in section 2(1) of the Customs and Excise Act 1996);
 - (d) every fishery officer appointed under section 196(1) of the Fisheries Act 1996.

39F Power of arrest

- (1) A person authorised under section 39E (an **arresting officer**) may arrest a person without warrant if—

- (a) the arresting officer believes on reasonable grounds that the person has committed or is committing an offence against a provision listed in section 67A(2) (which contains offences in respect of absolutely protected wildlife); or
 - (b) the arresting officer believes on reasonable grounds that the person has committed or is committing an offence in relation to absolutely protected wildlife against section 56(4) (which relates to liberating wildlife) or section 63A (which relates to hunting, killing, buying, or selling marine wildlife, or robbing or disturbing the nest of marine wildlife); or
 - (c) the arresting officer believes on reasonable grounds that the person is obstructing the investigation of an offence referred to in paragraph (a) or (b).
- (2) At the time of arrest, the arresting officer must, unless it is impracticable to do so,—
- (a) identify himself or herself; and
 - (b) produce evidence that he or she is authorised under section 39E; and
 - (c) tell the person that the power is being exercised under this Act; and
 - (d) tell the person the reason for the arrest.
- (3) If the arresting officer is not a constable, the arresting officer must deliver the arrested person into the custody of a constable as soon as is reasonably practicable (unless the person is sooner released).

39G Application of Search and Surveillance Act 2012

Part 4 of the Search and Surveillance Act 2012 applies, with any necessary modifications, in relation to the exercise of a power under section 39(1) or any of sections 39B to 39F.

6 Section 40 replaced (Obstructing rangers)

Replace section 40 with:

40 Obstructing persons acting under this Act

- (1) A person must not—
- (a) wilfully resist, impede, or obstruct a person acting under this Act; or
 - (b) wilfully incite or encourage another person to resist, impede, or obstruct a person acting under this Act; or
 - (c) wilfully use abusive or threatening language to, or behave in a threatening manner to, a person acting under this Act; or
 - (d) wilfully fail to comply with a lawful demand made by a person acting under this Act (including a requirement under section 39C(1)(a)); or
 - (e) wilfully refuse to allow a person acting under this Act to exercise a power conferred on that person by or under this Act.

- (2) A person who does not comply with this section commits an offence and is liable on conviction to the penalty set out in section 67D.
- (3) In this section, **a person acting under this Act** means—
- (a) a ranger exercising a power conferred on that ranger by or under this Act; and
 - (b) a person assisting a ranger under section 39(1)(e); and
 - (c) a person authorised under section 39E(2) who is exercising the power of arrest in section 39F.

7 Section 60 amended (Protection of rangers and others)

In section 60, after “functions”, insert “or powers”.

8 Section 66 amended (Offenders to give name and address to rangers, etc)

- (1) Replace the heading to section 66 with “**Continuing offence after being required to desist**”.
- (2) In section 66(1), delete “and also to tell his real Christian name, surname, and place of abode”.
- (3) Repeal section 66(3).

9 New section 66A inserted (Offenders to give identifying information)

After section 66, insert:

66A Offenders to give identifying information

- (1) A ranger or an authorised person who believes on reasonable grounds that a person has committed, is committing, or is about to commit an offence against this Act or any regulations made under this Act may require the person to give information or produce evidence as follows:

Type of ranger or authorised person	Information or evidence that ranger or authorised person may require
Authorised person who is not a ranger	The person’s full name and residential address
Honorary fish and game ranger, honorary fishery officer, or ranger appointed under section 38(2)	The person’s full name and residential address
Fish and game ranger, other than an honorary fish and game ranger	The person’s full name, residential address, and date of birth
All other rangers	The person’s full name, residential address, and date of birth, and evidence of that information

- (2) A person who is required to give information or produce evidence under subsection (1) must—
 - (a) give the information:
 - (b) produce the evidence within a reasonable time.

- (3) A person who contravenes subsection (2) commits an offence and is liable on conviction to the penalty set out in section 67F(5).
- (4) In this section,—
- authorised person** has the meaning given in section 61(3)
- honorary fish and game ranger** means a person appointed to be a fish and game ranger in an honorary capacity under section 26FA(2) of the Conservation Act 1987
- honorary fishery officer** has the meaning given in section 2(1) of the Fisheries Act 1996.

Part 2

Consequential amendments

10 Section 67F amended (Penalties for other offences)

Replace section 67F(6)(h) with:

- (h) section 66A(3) (which relates to failing to give or produce evidence of identifying information or giving false identifying information).

11 Section 68AB amended (Mens rea and strict liability offences)

Replace section 68AB(5)(g) with:

- (g) section 66(2) (which relates to wilfully continuing an offence):
- (h) section 66A(3) (which relates to failing to give or produce evidence of identifying information or giving false identifying information).

12 Conservation Act 1987 amended

- (1) This section amends the Conservation Act 1987.
- (2) In section 59(9), replace “Part 6 of the Fisheries Act 1983” with “Part 11 of the Fisheries Act 1996”.

13 Search and Surveillance Act 2012 amended

- (1) This section amends the Search and Surveillance Act 2012.
- (2) In the Schedule, replace the item relating to the Wildlife Act 1953 with:

Wildlife Act 1953	39(1), 39B to 39F	Ranger may exercise variety of entry, seizure, stopping, and related powers in connection with enforcement of Wildlife Act 1953. Specifically warranted rangers and specified enforcement officers from other government agencies may exercise arrest power	All
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Legislative history

2 December 2015	Introduction (Bill 99–1)
29 March 2016	First reading and referral to Local Government and Environment Committee
29 September 2016	Reported from Local Government and Environment Committee
2 November 2016	Second reading
15 November 2016	Committee of the whole House
8 February 2017	Third reading
13 February 2017	Royal assent

This Act is administered by the Department of Conservation.