



ANALYSIS

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1964, No. 63

An Act to amend the Wildlife Act 1953

[17 November 1964]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. Short Title—This Act may be cited as the Wildlife Amendment Act 1964, and shall be read together with and deemed part of the Wildlife Act 1953 (hereinafter referred to as the principal Act).

2. Meaning of possession—(1) The principal Act is hereby further amended by inserting, after section 2, the following section:

“2A. (1) Subject to the provisions of subsections (2) and (3) of this section, any animal or thing shall be deemed to be in the possession of any person when that person has, alone or jointly or in association with any other person, possession of or control over the animal or thing, or possession of or control over any vessel, vehicle, container, package, or place in or on which the animal or thing is.

“(2) In any proceedings for an offence against this Act or any regulations under this Act, being an offence relating to the possession by the defendant of more than a specified number of animals, then, in any case where the defendant is acting jointly or in association with one or more other persons, the number of animals deemed pursuant to subsection (1) of this section to be in the possession of the defendant for the purposes of those proceedings shall be ascertained by dividing by the number of persons acting jointly or in association the total number of animals found in the possession or under the control of the defendant and the other person or persons or in or on any vessel, vehicle, container, package, or place in the possession or under the control of the defendant and the other person or persons.

“(3) In any proceedings for an offence against this Act or any regulations under this Act, being an offence relating to the possession of any animal or thing found in or on any vessel, vehicle, container, package, or place in the possession or under the control of the defendant, alone or jointly or in association with any other person, it shall be a good defence if the defendant satisfies the Court that—

“(a) He did not know and had no reasonable opportunity of knowing that the animal or thing was in or on the vessel, vehicle, container, package, or place; or

“(b) In the case of any animal or thing found in or on any vessel or vehicle or place, the animal or thing was in the possession or under the control of some other person in or on that vessel or vehicle or place; or

“(c) In the case of an offence relating to the possession of more than a specified number of animals, he did not know and had no reasonable opportunity of knowing that the number of those animals in or on any vehicle, vessel, container, package, or place exceeded that specified number.”

(2) The following enactments are hereby repealed:

(a) Subsection (2) of section 2 of the principal Act (as added by section 2 of the Wildlife Amendment Act 1959):

(b) Section 2 of the Wildlife Amendment Act 1959.

3. Wildlife refuges—(1) Section 14 of the principal Act is hereby amended by repealing paragraph (d) of subsection (2) (which paragraph was substituted by subsection (2) of section 4 of the Wildlife Amendment Act 1959), and substituting the following paragraph:

“(d) To destroy any animals specified in the Second Schedule or Fifth Schedule or Sixth Schedule hereto or any rabbits or hares on the land:”.

(2) Section 14 of the principal Act is hereby further amended by inserting in subsection (2A) (as inserted by subsection (3) of section 4 of the Wildlife Amendment Act 1959), before the words “Fifth Schedule”, the words “Second Schedule or”.

(3) Section 4 of the Wildlife Amendment Act 1959 is hereby amended by repealing subsection (2).

4. Open season notifications—(1) Section 16 of the principal Act is hereby amended by inserting in subsection (1), after paragraph (b), the following paragraph:

“(bb) The number of decoys that may be used by any person for the purpose of hunting or killing any game:”.

(2) Section 18 of the principal Act is hereby amended by repealing subparagraph (ii) of paragraph (f) of subsection (1).

5. Restriction on taking of game—Section 18 of the principal Act is hereby further amended by repealing subparagraph (iii) of paragraph (c) of subsection (1), and substituting the following subparagraph:

“(iii) Any shotgun having a magazine of any type, unless the magazine is so adjusted in accordance with regulations made under this Act that the magazine is incapable of holding more than one shell; or”.

6. Expenditure by societies—(1) Section 33 of the principal Act is hereby amended by inserting in subsection (1), after paragraph (f), the following paragraph:

“(ff) With the approval of the Minister, the purchase or taking on lease of land with a building thereon for the purpose of providing office premises for the society, or the purchase or taking on lease of land and the erection of a building thereon for the purpose of providing office premises for the society, or the erection on land held by the society of a building for the purpose of providing office premises for the society:”.

(2) Section 33 of the principal Act is hereby further amended by adding to subsection (1) the following paragraph:

“(1) With the approval of the Secretary, the making of grants to or for the benefit of the widow or dependent children of deceased employees of the society.”

7. Authority by Secretary to take or kill wildlife for certain purposes—(1) Section 53 of the principal Act is hereby amended by repealing subsection (2), and substituting the following subsections:

“(2) The Secretary may from time to time in writing authorise any specified person or society—

“(a) To catch alive or otherwise obtain alive any absolutely protected or partially protected wildlife or any game or any other species of wildlife the taking of which is not for the time being permitted; or

“(b) To take or otherwise obtain the eggs of any such wildlife or game, for the purpose of distributing or exchanging the same in any other country or in some other part of New Zealand, or for any scientific or other purpose approved by the Secretary, or for the purpose of rearing any such wildlife or game, or for the purpose of hatching any such eggs and of rearing any progeny arising from that hatching,—

and may in any such authority authorise the holder to have any such wildlife or game or eggs or progeny in his or its possession for any of the purposes specified in this subsection, and may in any such authority authorise the holder to liberate any such wildlife or game or progeny in such area and during such period as may be specified in the authority.

“(2A) Where the holder of any authority given under subsection (1) or subsection (2) of this section is a society, the powers that may be exercised by the society pursuant to that authority may be exercised on its behalf by any officer or employee of the society or by any other person authorised in writing by the Secretary of the society.”

(2) Section 53 of the principal Act is hereby further amended—

(a) By omitting from subsection (1) the words “any person” where they first occur, and substituting the words “any specified person or society”:

(b) By repealing paragraph (d) of subsection (3):

- (c) By inserting in subsection (5), after the words “this section”, the words “or, where the authority is given to a society, the society and every officer or employee of the society or other person exercising the powers of the society pursuant to that authority”.

8. Authority to hunt or kill wildlife causing damage—

(1) Section 54 of the principal Act is hereby amended by inserting, after subsection (1), the following subsection:

“(1A) Where any authority is given under this section to the occupier of any land, that authority may be exercised on his behalf by any person in the employ of or acting with the written authority of the occupier.”

(2) Section 54 of the principal Act is hereby further amended—

- (a) By omitting from subsection (1) the words “or any person in the employ of or acting with the written authority of the occupier”:
- (b) By omitting from subsection (2) the words “subsections four and five”, and substituting the words “subsections (2A), (4), and (5)”.

9. Prohibiting unauthorised purchase of protected wildlife or game, etc.—Section 63 of the principal Act is hereby amended by inserting in paragraph (b), before the word “Sells”, the words “Buys or”.

This Act is administered in the Department of Internal Affairs.
