

[AS REPORTED FROM THE LANDS AND AGRICULTURE
COMMITTEE]

House of Representatives, 17 November 1967.

Words inserted are shown in roman underlined with a double rule, or with double rule before first line and after last line.

Hon. Mr MacIntyre

NOXIOUS ANIMALS AMENDMENT

ANALYSIS

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A BILL INTITULED

An Act to amend the Noxious Animals Act 1956

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

1. Short Title—This Act may be cited as the Noxious Animals Amendment Act 1967, and shall be read together with and deemed part of the Noxious Animals Act 1956* (hereinafter referred to as the principal Act).

10 **2. Interpretation**—(1) Section 2 of the principal Act is hereby amended by adding to the definition of the term “noxious animal” the following proviso:

*1957 Reprint, Vol. 11, p. 317
Amendment: 1962, No. 43

No. 102—2

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“Provided that an animal kept in captivity pursuant to a permit issued by the Director-General of Forests under section 8A of this Act (as substituted by section 3 of the Noxious Animals Amendment Act 1967), or pursuant to a permit or licence issued by the Director-General of Agriculture that is effective for the purposes of subsection (1) of that section, shall be deemed not to be a noxious animal for the purposes of this Act during the currency of the permit or licence and the observance of all conditions under which the permit or licence has been issued:”.

(2) Section 2 of the principal Act is hereby further amended by inserting in their appropriate alphabetical order the following definitions:

“‘Feral range’, in relation to any noxious animal, means the area which, in the opinion of the Director-General of Forests, is from time to time occupied by a free ranging population of noxious animals of that species, excluding transient wanderers from the main herd and from the range of the main herd:

“‘Keep in captivity’, in relation to any noxious animal, means to enclose, restrain, or otherwise detain or harbour, the animal by any means whatsoever; and includes the transport of the animal in a secure conveyance to a duly authorised place of captivity or to a ship or an aircraft for export from New Zealand; but does not include temporary immobilisation for the purpose of marking; and ‘kept in captivity’ has a corresponding meaning:”.

3. Keeping of certain animals—(1) The principal Act is hereby amended by repealing section 8A (as inserted by section 2 of the Noxious Animals Amendment Act 1962), and substituting the following section:

“8A. (1) No person shall, except pursuant to and in accordance with and for the purposes and under the conditions stated in a permit or licence that is effective for the purposes of this subsection, keep in captivity—

“(a) Any deer for the purpose of farming for the production of venison, or for the purpose of breeding for such farming; or

“(b) Any noxious animal for the purposes of any zoological garden (being a zoological garden Class A or a zoological garden Class B within the meaning of the Animals Act 1967).

“(2) For the purposes of subsection (1) of this section, the following permits and licences shall be effective in relation to any animal:

5 “(a) Every permit that authorises the keeping of the animal in captivity and is issued by the Director-General of Forests with the concurrence of the Director-General of Agriculture:

10 “(b) Every permit or licence that authorises the keeping of the animal (being a deer) on a deer farm, and is issued by the Director-General of Agriculture, with the concurrence of the Director-General of Forests, under regulations made under section 107 of the Animals Act 1967:

15 “(c) Every permit or licence that authorises the keeping of the animal in any such zoological gardens, and is issued by the Director-General of Agriculture, with the concurrence of the Director-General of Forests, under regulations made under section 25 of the Animals Act 1967.

20 “(3) The Director-General of Forests shall not issue, or concur under paragraph (b) of subsection (2) of this section in issuing, any such permit or licence in respect of the keeping of any species of deer in captivity, unless he is satisfied that—

25 “(a) The land on which the deer will be kept is within the feral range of that species of deer, and is not vulnerable to erosion, and is or will be adequately equipped with deer proof fences to his satisfaction; and

30 “(b) Any conditions which may from time to time be prescribed by regulations made under this Act or the Animals Act 1967 can and will be complied with.

35 “(4) Except as authorised by a permit or licence that is effective for the purposes of subsection (1) of this section, no person shall, without a permit issued by the Director-General of Forests, keep in captivity, or export alive, any deer, wapiti, chamois, opossum, or wallaby:

40 “Provided that the Director-General of Forests shall not issue any such permit to keep any such animal in captivity unless he is satisfied that—

45 “(a) The enclosure or land on which, or the conveyance in which, the animal will be kept or conveyed is suitable to contain the animal in a manner which will ensure its welfare and prevent its escape; or

“(b) The animal will be secured with some suitable restraining device to prevent its escape.

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“(4A) The Director-General of Forests shall not issue, or concur in issuing, any permit or licence in respect of the keeping of any species of deer in captivity in any part of any National Park or scenic reserve, or of any sanctuary for the purpose of the preservation of native flora or native fauna. 5

“(5) The Director-General of Forests may refuse to issue, or to concur in issuing, any permit or licence to which any of the foregoing provisions of this section apply, or may issue or concur in issuing any such permit or licence for such period and subject to such conditions as he thinks fit. 10

“(6) Any permit or licence to which any of the foregoing provisions of this section apply may relate to a specified animal, or to all animals of a specified species or class or of specified species or classes or to a specified number or specified numbers of any of them. 15

“(7) Any such permit that is issued by the Director-General of Forests may, by notice in writing, be at any time revoked by the Director-General of Forests; and any such permit or licence that is issued by the Director-General of Agriculture may, by notice in writing, be at any time revoked by the Director-General of Agriculture: 20

“Provided that, notwithstanding the revocation of any such permit or licence, every power and act that may be necessary to compel the performance of the obligations of any holder for the time being of the permit or licence in respect of the period while it continued in force may be exercised and performed in all respects as if the permit or licence continued in force. 25 30

“(8) Any Forest Officer shall have power, on producing (if so required) due evidence of his appointment, to enter at all reasonable times on the land or premises of the holder of any permit or licence to which any of the foregoing provisions of this section apply, or any other land or premises where he has reasonable cause to suspect that any animal is being kept in breach of this section, and inspect any part of the land or premises for the purpose of ascertaining whether the conditions of the permit or licence are being complied with or, as the case may be, whether any animal is being kept in breach of this section: 35 40

“Provided that a Forest Officer shall not enter any dwelling-house or the enclosed garden or curtilage of any dwelling-house, unless he is authorised by a warrant under the hand of a Magistrate, who shall not grant such a warrant unless
5 he is satisfied that the Forest Officer has reasonable grounds for requiring entry into the dwellinghouse, garden, or curtilage.

“(9) Any Magistrate who is satisfied on oath that there is probable cause to suspect that any breach of this section
10 has been or is being committed within any dwellinghouse, garden, or curtilage may, by warrant under his hand, empower a Forest Officer to enter therein for the purpose of detecting that offence at such time or times of the day as are mentioned in the warrant, but no such warrant shall continue in force
15 for more than fourteen days from the date thereof.

“(10) Every person who keeps an animal in captivity in contravention of this section commits an offence against this Act and is liable on summary conviction,—

“(a) In the case of an individual, to imprisonment for a
20 term not exceeding one month or to a fine not exceeding three hundred dollars, and if the offence is a continuing one to a further fine not exceeding thirty dollars for every day during which the offence continues, or to both such imprisonment and such fine:

“(b) In the case of a body corporate, to a fine not exceeding fifteen hundred dollars, and if the offence is a
25 continuing one, to a further fine not exceeding one hundred and fifty dollars for every day during
30 which the offence continues.”

(2) Section 2 of the Noxious Animals Amendment Act 1962 is hereby consequentially repealed.

4. Noxious animals on State forest land—The principal Act is hereby further amended by inserting, after section 10,
35 the following section:

“10A. The Minister may authorise any officer or employee of the Forest Service or any other person authorised by him to hunt or kill any noxious animal by day or night on State forest land, or on any land leased to or managed by the

Minister; and nothing in subsection (2B) of section 16 of the Arms Act 1958 (as inserted by section 6 (1) of the Arms Amendment Act 1964), or in any other enactment except subsections (2) and (2A) of the said section 16, shall prevent any officer, employee, or person so authorised from hunting or killing any noxious animal on any forest road not effectively open at the time for use by the public.” 5

5. Penalties—Section 23 of the principal Act (as amended by section 7 (1) of the Decimal Currency Act 1964) is hereby further amended— 10

- (a) By omitting from subsection (1) the words “five hundred dollars”, and substituting the words “seven hundred and fifty dollars”:
- (b) By omitting from paragraph (a) of subsection (2) the words “one hundred dollars”, and substituting the words “one hundred and fifty dollars”:
- (c) By omitting from paragraph (a) of subsection (2) the words “ten dollars”, and substituting the words “fifteen dollars”:
- (d) By omitting from paragraph (b) of subsection (2) the words “two hundred dollars”, and substituting the words “three hundred dollars”:
- (e) By omitting from paragraph (b) of subsection (2) the words “twenty dollars”, and substituting the words “thirty dollars”. 25

6. Regulations—Section 25 of the principal Act is hereby consequentially amended by inserting, after paragraph (a) of subsection (2), the following paragraph:

- “(aa) Prescribing terms under which the Director-General of Forests may, for the purposes of section 8A of this Act (as substituted by section 3 of the Noxious Animals Amendment Act 1967), issue or concur in issuing permits or licences for the keeping in captivity or exporting of animals to which the said section 8A applies:”.