

WILDLIFE AMENDMENT BILL

EXPLANATORY NOTE

THIS Bill makes miscellaneous amendments to the Wildlife Act 1953.

Clause 2 declares that the species of animals specified in the *Second Schedule* are noxious animals subject to the *Noxious Animals Bill*. The animals referred to are deer, chamois, goats, opossums, pigs, thar, and wallaby. At present the control and eradication of those animals is the responsibility of the Wildlife Division of the Department of Internal Affairs, but the *Noxious Animals Bill* transfers those functions to the New Zealand Forest Service. The clause authorises the list of noxious animals to be varied from time to time by Order in Council, and makes consequential amendments to other provisions of the principal Act.

The clause replaces the existing Fourth Schedule to the principal Act (which specifies the species of wildlife that are not protected, except in areas and during periods specified in notifications by the Minister) by a Schedule which omits reference to the animals now declared to be noxious animals, and also omits reference to Cape Barren geese. Though Cape Barren geese were liberated in New Zealand, investigations by the Department show that they have all now died out.

The clause is retrospective to *1 April 1956*, the proposed date of the commencement of the *Noxious Animals Bill*.

Clause 3 enables the use of boats in wildlife refuges to be prohibited or restricted by Proclamation or Order in Council. Power already exists in section 72 (2) (d) of the principal Act to make regulations for this purpose, but the proposed amendment will enable the use of boats to be prohibited or restricted by the Proclamation or Order in Council by which the wildlife refuge is constituted, and the prohibition or restriction can be made appropriate to the conditions existing in the particular wildlife refuge, instead of being a general one relating to all wildlife refuges.

Clause 4 provides that a member of an acclimatisation society is not eligible for election to the council of the society unless he resides in the district of that society. At present, all members of the society must reside in the district, but the effect of *clause 5 (1)* of this Bill is to remove this requirement. The purpose of *clause 4* is to retain the residential qualification so far as members of the council are concerned.

Clause 5 amends provisions of section 29 (2) of the principal Act, which specifies the matters which must be provided for in the rules of acclimatisation societies. *Subclause (1)* amends the provision that the holders of whole season shooting or fishing licences who reside in the district (and in the case of holders of fishing licences have attained sixteen years of age) are entitled to membership of the society. The effect of this amendment is that the residential qualification is abolished and the minimum age requirement applies to holders of both classes of licences. The subclause also contains a new provision that the holder of a fishing licence retains his membership until 1 December in the next financial year of the society in which there is an open season for the species of fish in respect of which the licence was issued. At present his membership expires on 31 August in that year, but the amendment will enable him to continue as a member until the annual general meeting in that year.

Subclause (2) re-enacts in an amended form the existing provisions for the election of members of the council and the president and other officers of societies. At present the president must be elected by postal ballot of all the members, but the new provision will enable societies to provide in their rules for the president to be elected by the members of the council from among their number.

Clause 6 amends the definition of the term "injurious birds" for the purposes of Part IV of the principal Act relating to the destruction of injurious birds by local authorities. The amendment will enable action to be taken under that Part for the destruction of Canada geese in areas where, by their habits or excessive increase, they have become or threaten to become injurious.

Clause 7 makes it clear that, where application is made to the Secretary for Internal Affairs for authority to liberate or export certain animals or birds referred to in section 56 of the principal Act, the Secretary has an absolute discretion to refuse the application or to grant it either unconditionally or subject to conditions.

Hon. Mr Smith

WILDLIFE AMENDMENT

Title	ANALYSIS
1. Short Title	5. Rules of acclimatisation societies
2. Noxious animals	6. Injurious birds
3. Use of boats in wildlife refuges	7. Restrictions on liberation or export of animals, birds, etc.
4. Disqualification of officers of societies	Schedules

A BILL INTITULED

An Act to amend the Wildlife Act 1953

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 Wildlife Amendment Act 1956, and shall be read together with and deemed part of the Wildlife Act 1953 (hereinafter referred to as the principal Act).

10 **2. Noxious animals**—(1) The principal Act is hereby amended by inserting, after section seven, the following section:

15 “7A. (1) Wild animals of any of the species for the time being specified in the Sixth Schedule hereto are hereby declared to be noxious animals, and shall be subject to the *Noxious Animals Act 1956*.”

“(2) The Governor-General may from time to time, by Order in Council,—

“(a) Amend the Sixth Schedule hereto by including a reference to any other species of animal, or by omitting the reference to any species of animal for the time being included therein: 5

“(b) Amend any other Schedule hereto by omitting the reference to any species of animal included in the Sixth Schedule hereto under paragraph (a) of this subsection, or by including the reference to any species of animal excluded from the Sixth Schedule hereto under that paragraph.” 10

(2) The principal Act is hereby amended as follows:

(a) By revoking the Fourth Schedule, and substituting the Fourth Schedule set out in the *First* Schedule to this Act: 15

(b) By inserting, after the Fifth Schedule, the Sixth Schedule set out in the *Second* Schedule to this Act:

(c) By omitting from the Sixth Schedule the word “Sixth”, and substituting the word “Seventh”: 20

(d) By omitting from the Seventh Schedule the word “Seventh”, and substituting the word “Eighth”:

(e) By omitting from section seventy-one the word “Sixth”, and substituting the word “Seventh”:

(f) By omitting from subsection one of section seventy-three the word “Seventh”, and substituting the word “Eighth”. 25

(3) Section two of the principal Act is hereby amended by repealing the definition of the term “wildlife”, and substituting the following definition: 30

“‘Wildlife’ means all animals that are living in a wild state; but does not include any animals of any species for the time being specified in the Sixth Schedule hereto (being animals that are noxious animals subject to the *Noxious Animals Act 1956*):”. 35

(4) Section fifty-four of the principal Act is hereby amended as follows:

(a) By omitting from subsection one the words “any wildlife”, and substituting the words “any animals”:

(b) By omitting from subsection one the words “such wildlife” wherever they occur, and substituting in each case the words “such animals”. 40

(5) Section seventy-two of the principal Act is hereby amended by repealing paragraph (v) of subsection two.

(6) This section shall be deemed to have come into force on the *first* day of April, nineteen hundred and *fifty-six*.

3. Use of boats in wildlife refuges—Section fourteen of the principal Act is hereby amended by inserting, after subsection 5 one, the following subsections:

“(1A) Where a wildlife refuge has been declared under subsection one of this section, the Governor-General may, by the Proclamation or Order in Council declaring the wildlife refuge, or by a subsequent Proclamation or Order in Council, 10 prohibit or restrict the use of boats (including any launch, boat, canoe, or other similar craft, whether propelled by mechanical power or not) in the wildlife refuge or in any portion thereof, and by any person or classes of persons, as may be specified in the Proclamation or Order in Council:

15 “Provided that nothing in any such prohibition or restriction shall derogate from any provision of the Harbours Act 1950 or the Shipping and Seamen Act 1952.

20 “(1B) Any prohibition or restriction under subsection one A of this section may be absolute or conditional, and the Proclamation or Order in Council may authorise the Minister or the Secretary to grant exemptions from the prohibition or restriction.

25 “(1C) Every person commits an offence against this Act who does any act that is for the time being prohibited by a Proclamation or Order in Council under subsection one A of this section or fails to comply in any respect with any condition imposed in any such Proclamation or Order in Council.”

4. Disqualification of officers of societies—Section twenty-eight of the principal Act is hereby amended by inserting, 30 after subsection one, the following subsection:

“(1A) No person shall be capable of being elected or appointed as a member of the council of any society unless his permanent and principal or only place of residence is within the district of the society. Where any member of the council 35 ceases to have his permanent and principal or only place of residence within the district, then, unless he sooner vacates his office under the provisions of this Act or of the rules of the society, he shall cease to be a member of the council as from the commencement of the next annual general meeting.”

40 **5. Rules of acclimatisation societies**—(1) Section twenty-nine of the principal Act is hereby amended by repealing the proviso to paragraph (c) of subsection two, and substituting the following proviso:

“Provided that any person who—

“(i) Has attained the age of sixteen years; and

“(ii) Is the holder of a licence under this Act to hunt or kill game in the district or a whole season licence under Part II of the Fisheries Act 1908 to fish for acclimatised fish issued by the society during any financial year; and 5

“(iii) Makes written application to the council for membership of the society—

shall be enrolled as a member of the society without payment of any other fee, and shall, unless he sooner resigns his membership or his licence is sooner revoked, continue to be a member of the society during that financial year and, in the case of the holder of a licence under this Act, until the commencement of the open season in the next financial year in which there is an open season in the district for the species of game in respect of which the licence was issued, or, in the case of the holder of a licence under Part II of the Fisheries Act 1908, until the first day of December in the next financial year in which there is an open season in the district for the species of fish in respect of which the licence was issued:” 10 15 20

(2) Section twenty-nine of the principal Act is hereby further amended by repealing paragraph (g) of subsection two, and substituting the following paragraph:

“(g) The procedure for the election of the members of the council of the society and for the election or appointment of the president and other principal officers of the society: 25

“Provided that, unless in special circumstances the Minister approves some other method of election, the rules shall provide for every election of members of the council to be by secret ballot of the members of the society, and the rules may provide for the president and vice-presidents of the society to be elected by the members of the council from among those members:” 30 35

6. Injurious birds—Section forty-five of the principal Act is hereby amended by inserting in the definition of the term “injurious birds”, after the words “specified in”, the words “the Fourth Schedule or”. 40

7. Restrictions on liberation or export of animals, birds, etc.—(1) Section fifty-six of the principal Act is hereby amended by inserting, after subsection one, the following subsection:

“(1A) The Secretary in his discretion may refuse to grant his authority to do any act referred to in subsection one of this section, or may grant his authority either unconditionally or subject to such conditions as he thinks fit to impose.”

- 5 (2) Section fifty-six of the principal Act is hereby further amended by omitting from subsection one the words “granted subject to such conditions as he thinks fit to impose”.

SCHEDULES

FIRST SCHEDULE

NEW FOURTH SCHEDULE TO PRINCIPAL ACT

“FOURTH SCHEDULE

“WILDLIFE NOT PROTECTED, EXCEPT IN AREAS AND DURING PERIODS SPECIFIED IN MINISTER’S NOTIFICATION

Birds—

Goose—

Canada goose (*Branta canadensis*), except in the area described in the First Schedule hereto in which Canada goose is game.”

SECOND SCHEDULE

NEW SIXTH SCHEDULE TO PRINCIPAL ACT

“SIXTH SCHEDULE

“ANIMALS DECLARED TO BE NOXIOUS ANIMALS SUBJECT TO THE NOXIOUS ANIMALS ACT 1956

Mammals—

Deer—

Axis deer (*Axis axis*).

Fallow deer (*Dama dama*).

Japanese deer (*Sika nippon*).

Javan rusa deer (*Cervus timoriensis*).

Moose (*Alces americana*).

Red deer (*Cervus elaphus*).

Sambar deer (*Cervus unicolor*).

Virginian deer (*Odocoileus virginianus*).

Wapiti (*Cervus canadensis*).

Any other member of the family Cervidae.

Chamois (*Rupicapra rupicapra*).

Goat (*Capra*).

Opossum (family Phalangeridae).

Pig (*Sus*).

Thar (*Hemitragus jemlaicus*).

Wallaby (family Macropodidae).”