

WILDLIFE AMENDMENT BILL

EXPLANATORY NOTE

THIS Bill makes miscellaneous amendments to the Wildlife Act 1953.

Clause 2 provides that any animal or thing is in the possession of any person when he has it in his possession or under his control, or has possession or control of any vessel, vehicle, container, package, or place where it is. It will be a good defence in any proceedings for 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 if he proves that he did not know it was there.

In recent prosecutions for offences against the principal Act and against similar provisions in regulations made under the Fisheries Act 1908 doubts have arisen as to the meaning of the term "possession". The purpose of this subclause is to remove those doubts.

Clause 3: Section 9 of the principal Act provides for the constitution of any area of land as a wildlife sanctuary. The effect of this clause is to enable any area of land or water to be constituted a wildlife sanctuary.

Clause 4: Section 14 (2) of the principal Act includes provisions authorising certain persons to destroy noxious animals on any land included in a wildlife refuge. The purpose of *subclause (1)* of this clause is to extend the term "noxious animals" to include, not only those animals which are now included in the Sixth Schedule to the principal Act as noxious animals, but also all unprotected animals and rabbits and hares which are doing harm to the land.

Subclause (2) provides that stipendiary rangers of the Department of Internal Affairs or of acclimatisation societies and other persons authorised by the Secretary for Internal Affairs may bring firearms on to a wildlife refuge for the purpose of destroying any unprotected wildlife or noxious animals or rabbits or hares which are a nuisance or are causing damage to the refuge or to any wildlife therein. At present the consent of the Minister and of the occupier of the land must be obtained before firearms may be taken on to a wildlife refuge.

Clause 5 enables the Minister, when notifying an open season for game, to limit the number of game that any person may have in his possession on any one day.

Clause 6 re-enacts in an amended form the provisions of section 17 of the principal Act, which prohibits pond feeding except with the consent of the Minister. The new section prohibits absolutely pond feeding with the intention of attracting game for the purpose of hunting or killing that game. It also prohibits the placing or planting of food on any land and then flooding the

land for the purpose of enticing game thereon with the intention of hunting and killing the game. Where the acclimatisation society for the district has reason to believe that a pond has been fed within one month before the opening of a game season, it may, with the consent of the occupier of the land, place notices warning shooters that the pond has been fed. If the owner will not consent, he must warn all persons coming on to his land for the purpose of hunting or killing game that the pond has been fed.

Clause 7: The effect of paragraph (a) of this clause is to permit the use of a boat for the purpose of retrieving wounded game.

The effect of *paragraph (b)* is to prohibit the spreading of oil on any water for the purpose of preventing game from alighting thereon.

The effect of *paragraph (c)* is to extend the definition of the term "row boat" to include a boat propelled by poles.

Clause 8 makes it clear that a Proclamation under section 37 of the principal Act constituting a wildlife district may vest in the Department the control of wildlife in the wildlife district and not the wildlife in the whole acclimatisation district of which the wildlife district forms part.

Clause 9 is a drafting amendment only, and inserts in section 56 (1) of the principal Act words which were inadvertently omitted when the subsection was amended by section 7 (2) of the Wildlife Amendment Act 1956.

Clause 10 re-enacts in an amended form the existing provisions as to offences relating to homing pigeons, and includes a new provision making it an offence to disable or detain registered homing pigeons or interfere with them while in transit. The clause also makes a consequential change in view of the transfer of the registration of homing pigeons from the Post Office to the New Zealand Homing Pigeon Federation.

Clause 11: The effect of this clause is that a statement in Court proceedings that any area forms part of an acclimatisation district or wildlife district will be sufficient proof of that fact unless the defendant proves to the contrary. This enables the boundaries of such districts to be proved in the same manner as is at present provided by section 69 of the principal Act in the case of wildlife sanctuaries or wildlife refuges or closed game areas.

Clause 12 reduces from twelve months to six months the period for which property seized may be held before being dealt with as provided in section 70 of the principal Act.

Hon. Mr Anderton

WILDLIFE AMENDMENT

ANALYSIS

Title	7. Restrictions on taking of game
1. Short Title	8. Wildlife districts
2. Meaning of possession	9. Restrictions on the liberation or export of animals, birds, etc.
3. Wildlife sanctuaries	10. Homing pigeons
4. Wildlife refuges	11. Evidence of boundaries
5. Open-season notifications	12. Forfeitures
6. Feeding of game areas	

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, as
5 follows:

1. **Short Title**—This Act may be cited as the Wildlife
Amendment Act 1959, and shall be read together with and
deemed part of the Wildlife Act 1953 (hereinafter referred
to as the principal Act).
- 10 2. **Meaning of possession**—Section two of the principal Act
is hereby amended by adding the following subsection as
subsection two thereof:

“(2) For the purposes of this Act, any animal or thing shall be deemed to be in the possession of any person when that person has, alone or jointly 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: 5

“Provided that, 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 with any other person, it shall be a good defence if the defendant satisfies the Court that he had no knowledge that the animal or thing was in or on that vessel, vehicle, container, package, or place.” 10 15

3. Wildlife sanctuaries—Section nine of the principal Act is hereby amended by omitting from subsection one the words “of land”.

4. Wildlife refuges—(1) Section fourteen of the principal Act is hereby amended by repealing paragraph (d) of subsection two, and substituting the following paragraph: 20

“(d) To destroy any animal specified in the Fifth Schedule or Sixth Schedule hereto or any rabbit or hare on the land:”.

(2) Section fourteen of the principal Act is hereby further amended by inserting, after subsection two, the following subsection: 25

“(2A) Any officer of the Department of Internal Affairs appointed as a ranger under subsection one of section thirty-eight of this Act or any ranger appointed under paragraph (c) of subsection two of that section or any other person authorised in writing in that behalf by the Secretary, either generally or in any particular case, may bring firearms or explosives on to any wildlife refuge for the purpose of destroying any animal specified in the Fifth Schedule or Sixth Schedule hereto or any rabbit or hare, where that animal or rabbit or hare is a nuisance or is causing damage to that wildlife refuge or to any wildlife in that wildlife refuge.” 30 35

(3) Section fourteen of the principal Act is hereby further amended by inserting in subsection three, after the words “subsection two” where they first occur, the words “or subsection two A”. 40

5. Open-season notifications—Section sixteen of the principal Act is hereby amended by adding to paragraph (c) of subsection one the words “and the number of game which may be had in possession by any one person on any one day”.

5 **6. Feeding of game areas**—The principal Act is hereby amended by repealing section seventeen, and substituting the following section:

10 “17. (1) No person shall, with the intention of attracting any game for the purpose of hunting or killing that game,—
 “(a) Cast, throw, or place, or cause or permit to be cast, thrown, or placed, or assist in casting, throwing, or placing, in or near the margin of any water (including any river, stream, lake, lagoon, pond, estuary, swamp, or other water, whether natural or artificially constructed) any corn, wheat, barley, maize, or other grain, or any products of grain, or any peas or any other food; or

15 “(b) Plant or place in or on any land any corn, wheat, barley, maize, or other grain, or any products of grain, or any peas or any other food, and thereafter flood that land to form an artificial lake, lagoon, or pond.

20 “(2) Where any society has reason to believe that food of any of the kinds referred to in subsection one of this section has been cast, thrown, placed, or planted in any place referred to in that subsection within the period of one month immediately preceding an open season for game in that place, the society, with the consent of the occupier, may erect or affix a notice in, or in the near vicinity of, that place to the effect that
25 food has been so cast, thrown, placed, or planted, and on any such notice there shall be displayed the date of the erection or affixing of that notice. If the occupier does not consent to the erection or affixing of any such notice, the society may serve written notice upon him requiring him to inform all persons
30 entering upon his land for the purpose of hunting or killing game that food has been cast, thrown, placed, or planted in that place.

35 “(3) Every person commits an offence against this Act who during any open season hunts or kills game in any place—
40 “(a) In which, or in the near vicinity of which, there is a notice under subsection two of this section erected or affixed during that open season or within the period of one month immediately preceding that open season; or

“(b) In which the occupier of the land has informed him that any such food has been cast, thrown, planted, or placed during that open season or within the period of one month immediately preceding that open season; or

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“(c) In which he otherwise knows any such food has been cast, thrown, placed, or planted during that open season or within the period of one month immediately preceding that open season.

“(4) Every person commits an offence against this Act who destroys, defaces, or in any way tampers with any notice affixed or erected under the provisions of subsection two of this section.

“(5) Every person commits an offence against this Act who, being an occupier of land and having been served with a written notice under subsection two of this section requiring him to inform other persons that food has been cast, thrown, placed, or planted in any place on that land, fails to comply with the terms of that notice.”

7. Restrictions on taking of game—Section eighteen of the principal Act is hereby amended as follows:

(a) By inserting in subparagraph (v) of paragraph (f) of subsection one, after the words “has been killed”, the words “or wounded”:

(b) By adding to paragraph (g) of subsection one the words “or for the purpose of preventing game from alighting on that water or on any part thereof”:

(c) By adding to the definition of the term “row boat” in subsection two the words “or poles”.

8. Wildlife districts—Section thirty-seven of the principal Act is hereby amended by omitting from paragraph (a) of subsection two the word “district”, and substituting the words “wildlife district”.

9. Restrictions on the liberation or export of animals, birds, etc.—Section fifty-six of the principal Act, as amended by subsection two of section seven of the Wildlife Amendment Act 1956, is hereby further amended by omitting from subsection one the words “and to”, and substituting the words “granted subject to”.

10. Homing pigeons—(1) Section fifty-eight of the principal Act is hereby amended by repealing subsection one, and substituting the following subsection:

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- “ (1) Every person commits an offence against this Act who—
- 5 “ (a) Intentionally shoots at, kills, disables, or otherwise injures, or ensnares, or detains any homing pigeon belonging to any other person; or
- “ (b) Without lawful authority disturbs, opens, or in any way tampers with any cage or other receptacle while that cage or receptacle is being used for the carriage of homing pigeons.”
- 10 (2) Section fifty-eight of the principal Act is hereby further amended by omitting from subsection three the words “the Chief Postmaster of the postal district in which he resides”, and substituting the words “the secretary of the New Zealand Homing Pigeon Federation”.
- 15 **11. Evidence of boundaries**—Section sixty-nine of the principal Act is hereby amended by inserting in subsection one after the words “closed game area”, the words “or acclimatisation district or wildlife district”.
- 12. Forfeitures**—Section seventy of the principal Act is
- 20 hereby amended by omitting from subsection two and also from subsection three the words “twelve months”, and substituting in each case the words “six months”.