

[AS REPORTED FROM THE INTERNAL AFFAIRS AND LOCAL
GOVERNMENT COMMITTEE]

House of Representatives, 4 May 1993.

Words struck out are shown in italics within bold round brackets, or with black rule at beginning and after last line; words inserted are shown in roman underlined with a single rule, or with single rule before first line and after last line.

Hon. Denis Marshall

WILDLIFE AMENDMENT

ANALYSIS

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A BILL INTITULED

An Act to amend the Wildlife Act 1953

BE IT ENACTED by the Parliament of New Zealand as follows:

- 5 **1. Short Title**—This Act may be cited as the Wildlife Amendment Act **1993**, and shall be read together with and deemed part of the Wildlife Act 1953* (hereinafter referred to as the principal Act).

*1953, No. 31 (R.S. Vol. 7, p. 819)

Amendments: 1983, No. 48; 1990, No. 31, ss. 64–89

No. 231—2

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2. Interpretation—(1) Section 2 (1) of the principal Act is hereby amended by inserting, after the definition of the term “game”, the following definition:

“‘Game bird habitat stamp’ means a stamp in a form approved by the Minister under **section 19A** of this Act.”. 5

(2) Section 2 (1) of the principal Act is hereby amended by inserting, after the definition of the term “Minister”, the following definition:

“‘New Zealand Game Bird Habitat Trust Board’ or ‘Board’ means the New Zealand Game Bird Habitat Trust Board established by **section 44B** of this Act.”. 10

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2. Interpretation—(1) Section 2 (1) of the principal Act is hereby amended by inserting, in the definition of the term “game”, after the word “animals”, the words “and game birds”. 15

(2) Section 2 (1) of the principal Act is hereby amended by inserting, in their appropriate alphabetical order, the following definitions: 20

“‘Associated products’ means products made in association with game bird habitat stamps as part of the game bird habitat stamp programme:

“‘Game bird habitat stamp’ means a stamp in a form approved by the Minister under **section 19A** of this Act: 25

“‘Licence’ means any licence to hunt or kill game issued by a Fish and Game Council under regulations made under this Act:

“‘New Zealand Fish and Game Council’ means the New Zealand Fish and Game Council established by section 26B of the Conservation Act 1987: 30

“‘New Zealand Game Bird Habitat Trust Board’ or ‘Board’ means the New Zealand Game Bird Habitat Trust Board established by **section 44B** of this Act.”. 35

3. Game bird habitat stamp—The principal Act is hereby amended by inserting, after section 19, the following section:

“19A. (1) In any notification of an open season given under section 15 of this Act, the Minister may require that a game bird habitat stamp be affixed to every licence to hunt or kill game.

5 “(2) A game bird habitat stamp shall—

“(a) Be in a form—

10 “(i) Approved by the Minister on the recommendation of the New Zealand Fish and Game Council made after having regard to the views expressed by Fish and Game Councils and the New Zealand Game Bird Habitat Trust Board; and

“(ii) Published in the *Gazette*; and

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15 “(b) Be obtainable from places where licences to hunt or kill game are obtainable.

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“(b) If the stamp is being obtained for the purpose of affixing it to a licence to hunt or kill game, be obtained at the same as the licence is obtained.

20 “(3) The prescribed fee shall be payable in respect of every game bird habitat stamp supplied in respect of a licence to hunt or kill game *(or for any other purpose)*.”

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25 “(4) While a requirement under **subsection (1)** of this section is in force during an open season, no person (other than a person authorised by section 19 (3) of this Act) shall hunt or kill game during that open season unless he or she holds a current licence that has affixed to it a game bird habitat stamp.

30 “(5) Every person commits an offence against this Act who, without reasonable excuse, contravenes **subsection (4)** of this section.”

35 **4. New heading and sections inserted**—The principal Act is hereby amended by inserting, after section 44A (as inserted by section 2 of the Wildlife Amendment Act 1968), the following heading and sections:

“New Zealand Game Bird Habitat Trust Board

“44B. New Zealand Game Bird Habitat Trust Board established—There is hereby established a board to be called the New Zealand Game Bird Habitat Trust Board.

“44C. Board to be body corporate—The Board shall be a body corporate with perpetual succession and a common seal, and be capable of acquiring, holding, and disposing of real and personal property, and of suing and being sued, and of doing and suffering all other acts and things that bodies corporate may do and suffer.

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“44CA. Functions of Board—The Board shall have the following functions:

- “(a) Primarily to improve New Zealand’s game bird habitat and secondarily to improve the habitat of other wildlife:** 15
- “(b) To identify and evaluate areas of New Zealand worthy of protection, restoration, improvement, creation, or procurement primarily as game bird habitat and secondarily as habitat for other wildlife:** 20
- “(c) To negotiate, where appropriate, the protection, restoration, improvement, creation, or procurement of game bird habitat with landowners:**
- “(d) To receive submissions and applications from any person or organisation within New Zealand for the protection, restoration, improvement, creation, or procurement primarily of game bird habitat and secondarily of habitat for other wildlife, and to evaluate each submission or application for the purpose of determining whether or not to support it:** 25
- “(e) To promote and provide advice to prospective applicants on the protection, restoration, improvement, creation, or procurement of habitat suitable for game birds and associated wildlife:** 30
- “(f) To promote the sale of game bird habitat stamps and associated products to game bird hunters and to the public within New Zealand and to persons outside New Zealand:** 35
- “(g) To ensure that the revenue arising from the game bird habitat stamp programme and associated products is clearly separated from other revenue arising for** 40

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- the management of New Zealand's game bird resources:
- 5 “(h) To recommend to the New Zealand Fish and Game Council that it enter into such contracts as may be appropriate to annually produce a game bird habitat stamp and associated products:
- 10 “(i) To operate in the name of the Board such bank accounts as the Board thinks fit and to keep proper records of such accounts:
- “(j) To disburse by way of grants such proportion of its funds each year as it considers appropriate for the purpose of carrying out its functions:
- 15 “(k) To recommend to the New Zealand Fish and Game Council the fees for the following year's game bird habitat stamp:
- “(l) Annually—
- 20 “(i) To recommend to the New Zealand Fish and Game Council the game bird or other wildlife species to be depicted on the following year's game bird habitat stamp:
- “(ii) To appoint, or select by competition, an artist to produce the stamp artwork of the species approved by the New Zealand Fish and Game Council:
- 25 “(m) To liaise with the New Zealand Fish and Game Council, or individual Fish and Game Councils, as the case may be, to have provision on licences for the affixing of a game bird habitat stamp:
- 30 “(n) To co-ordinate with the New Zealand Fish and Game Council the production of game bird habitat stamps and their affixing to licences:
- 35 “(o) To provide regular reports to the New Zealand Fish and Game Council, Fish and Game Councils, the Department of Conservation, Ducks Unlimited New Zealand Incorporated, and other similar interested persons or organisations.

“44D. Powers of Board—

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- (1) The Board shall have the following functions:
- “(a) To hold and dispose of money received from the sale of game bird habitat stamps and associated products in accordance with regulations made under section 72 of the principal Act: 5
- “(b) To receive and approve applications for grants for game bird and other wildlife habitat protection in accordance with such regulations: 10
- “(c) Such other functions as may be prescribed by such regulations. 10

“(2) Without limiting the generality of **section 44c** of this Act, the Board shall have all such powers as may be reasonably necessary or expedient to enable it to carry out its functions. 15

“(3) Without limiting the generality of **subsection (2)** of this section, the Board may—

- “(a) Establish committees of members and other suitable persons, and delegate to them such functions as may be specified in regulations made under section 72 of this Act: 20
- “(b) Advocate the interests of the Board at any public forum or in any statutory planning process:
- “(c) Fund the production of game bird habitat stamps and associated products: 25

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“(d) Impose such conditions and requirements on the use of its funds as it considers appropriate to ensure that the programme for which the funds have been granted has ongoing and long term benefits primarily for game bird and secondarily for other wildlife habitat. 30

“(4) In exercising its powers and functions the Board shall have regard to any views expressed in writing by the Minister and addressed to the Board. 35

“(5) The Board shall not release its annual report for public information until it has sent the report to the Minister in accordance with **section 44J** of this Act.

“(6) The power conferred by **subsection (3) (b)** of this section shall include the right to appear before courts and tribunals in New Zealand and be heard on matters affecting or relating to the Board’s functions.

5 “44E. **Membership of Board**—The members of the Board shall be appointed by the Minister having regard to the functions of the Board and the Board shall consist of—

 “(a) A chairperson:

10 “(b) *(Two)* Three persons appointed (on the recommendation of) after consultation with the New Zealand Fish and Game Council:

 “(c) One person appointed *(on the recommendation of)* after consultation with the Director-General:

15 “(d) One person appointed *(on the recommendation of)* after consultation with the Board of Ducks Unlimited (New Zealand) New Zealand Incorporated.

 “44F. **Term of office of members of Board**—(1) Subject to **subsections (2) to (5)** of this section, every member of the Board shall hold office for a term of 3 years.

20 “(2) Any member of the Board may at any time be removed from office by the Minister for bankruptcy, disability, neglect of duty, or misconduct.

 “(3) Any member of the Board may at any time resign his or her office by writing addressed to the Minister.

25 “(4) If any member of the Board dies, resigns, or is removed from office, the vacancy so created shall be filled in the manner in which the appointment to the vacant office was originally made, and the person so appointed shall be appointed for the residue of the term for which the vacating member was

30 appointed.

 “(5) Unless a member sooner dies, resigns, or is removed from office, every member of the Board shall continue in office until that member’s successor comes into office, notwithstanding that the term for which that member was

35 appointed may have expired.

 “44G. **Servicing**—(1) The Board shall be serviced by the Secretariat of the New Zealand Fish and Game Council.

40 “(2) The costs incurred by the New Zealand Fish and Game Council in servicing the Board (including disbursements of the Board) shall be paid by the Board out of money in *(its bank account)* a bank account operated by it.

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“(3) The costs incurred by any committee established by the Board, or by any person providing advice to the Board pursuant to a request by or an agreement with it, shall also be paid out of money in a bank account operated by the Board.

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“44H. **Funds to be held on trust**—(1) All money held by the Board shall be held on trust and may be expended *(for such charitable and other purposes, and in such manner, as may be prescribed in regulations made under section 72 of this Act)* in accordance with the provisions of this Act.

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“(1A) The Board shall pay administration expenses only where the payment of such expenses is provided for or contemplated by this Act or regulations made under section 72 of this Act.

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“(2) For the purposes of the application to the Board of the provisions of any other enactment or rule of law, all the purposes for which the Board holds and expends money shall be deemed to be charitable purposes.

“44I. **Crown entity**—(1) The Board shall be a Crown entity for the purposes of the Public Finance Act 1989.

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“(2) The annual financial statements of the Board shall be audited by the Audit Office, which, for that purpose, shall have and may exercise all such powers as it has under Part II of the Public Finance Act 1977.

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“44J. **Annual report**—(1) The Board shall, as soon as practicable after the end of each financial year, furnish to the Minister a report on its operations for that financial year.

“(2) The Minister shall lay a copy of the report before the House of Representatives in accordance with section 44A of the Public Finance Act 1989.

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5 “44k. **Members not personally liable**—No member of the Board shall be personally liable for any default made by the Board or by any member of it, in good faith in the course of its operations.”

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10 **5. Penalties**—Section 67 (1) of the principal Act is hereby amended by inserting, after paragraph (c), the following paragraph:

“(ca) Commits an offence against **section 19A** of this Act (which relates to hunting or killing game without a licence that has affixed to it a game bird habitat stamp) shall be liable to a fine not exceeding \$200.”

15 **6. Regulations**—Section 72 (2) of the principal Act is hereby amended by inserting, after paragraph (w), the following paragraph:

“(wa) Prescribing functions of the New Zealand Game Bird Habitat Trust Board that are not inconsistent with the provisions of this Act:

20 “(wb) Providing for such matters in relation to the membership and management of the affairs of the Board as may be considered necessary:

“(wc) Prescribing the purposes for which money held by the Board may be expended:

25 “(wd) Providing for the collection and disposal of revenue from game bird habitat stamps:

30 “(we) Prescribing a fee or a scale of fees payable in respect of game bird habitat stamps and the basis on which such fees are payable; and prescribing the bodies to whom such fees are payable.”

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6. Regulations—Section 72 (2) of the principal Act is hereby amended by inserting, after paragraph (w), the following paragraphs:

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| “(wa) Providing for the conduct of meetings of the Board: | |
| “(wb) Providing for the allowances and expenses to which a Board member is entitled in respect of his or her service as a member of the Board: | 5 |
| “(wc) Prescribing the procedure in respect of applications to the Board for grants and prescribing the criteria to be applied by the Board in considering such applications; and authorising the Board to make any grant subject to conditions imposed by the Board: | 10 |
| “(wd) Providing for the collection and disposal of revenue from game bird habitat stamps and associated products: | |
| “(we) Prescribing a fee or a scale of fees payable in respect of game bird habitat stamps and the basis on which such fees are payable; and prescribing the persons or bodies to whom such fees are payable:”. | 15 |

7. Amendments—The enactments specified in the Schedule to this Act are hereby amended in the manner indicated in that Schedule. 20

SCHEDULE

Section 7

ENACTMENTS AMENDED

Title of Act	Amendment
1975, No. 9—The Ombudsmen Act 1975 (R.S. Vol. 21, p. 657)	By inserting in Part II of the First Schedule, in its appropriate alphabetical order, the following item: “The New Zealand Game Bird Habitat Trust Board.”
1987, No. 65—The Conservation Act 1987	<p>By inserting in section 2 (1), after the definition of the term “game” (as inserted by section 3 (1) of the Conservation Law Reform Act 1990), the following definition: “‘Game bird habitat stamp’ means a stamp in a form approved under section 19A of the Wildlife Act 1953:”.</p> <p>By inserting in section 26c (1) (as enacted by section 17 of the Conservation Law Reform Act 1990), after paragraph (j), the following paragraphs: “(ja) To recommend to the Minister, after having regard to the views and recommendations (if any) of Fish and Game Councils and the New Zealand Game Bird Habitat Trust Board, an appropriate fee in respect of any game bird habitat stamp and the form of such stamps: “(jb) To sell or arrange the sale of, in New Zealand or outside New Zealand, gamebird habitat stamps and associated products:”.</p> <p style="text-align: center;"><i>New</i></p>
	<div style="border: 1px solid black; padding: 5px;"> <p>By inserting, after section 26d (as so enacted), the following section: “26DA. Members not personally liable—No member of the New Zealand Fish and Game Council shall be personally liable for any default made by the Council or any member of it, in good faith in the course of its operations.”</p> </div>

SCHEDULE—*continued*
 ENACTMENTS AMENDED—*continued*

Title of Act	Amendment
1987, No. 65—The Conservation Act 1987— <i>continued</i>	<p>By adding to section 26F(2)(d) (as so enacted) the words “and enter into contracts on behalf of, and subject to the authorisation of, any Fish and Game Council”.</p> <p>By inserting in section 26Q(1)(d)(ii) (as so enacted), after the word “costs”, the words “and game bird habitat stamp fees”.</p> <p>By inserting in section 26Q(1)(f)(i) (as so enacted), after the word “game,”, the words “and game bird habitat stamps,”.</p> <p>By adding to section 26Q(1) (as so enacted) the following <i>(paragraph)</i> paragraphs:</p> <p>“(g) To sell or arrange the sale of, in New Zealand or outside New Zealand, game bird habitat stamps and associated products:</p> <p style="text-align: center;"><i>New</i></p> <div style="border: 1px solid black; padding: 5px; margin: 5px 0;"> <p>“(h) To recommend to the New Zealand Fish and Game Council the form of game bird habitat stamps.”</p> </div>
1989, No. 44—The Public Finance Act 1989	<p>By inserting in section 26R(2) (as so enacted), before the word “Fish”, the words “Except as provided in section 26Q(1) of this Act,”.</p> <p>By inserting in the Fourth Schedule and also in the Fifth Schedule (as added by section 41 of the Public Finance Amendment Act 1992), in its appropriate alphabetical order, the following item:</p> <p>“New Zealand Game Bird Habitat Trust Board.”</p>