

WILD ANIMAL CONTROL AMENDMENT BILL (NO. 2)

AS REPORTED FROM THE TRANSPORT AND ENVIRONMENT
COMMITTEE

COMMENTARY

Recommendation

The Transport and Environment Committee has examined the Wild Animal Control Amendment Bill (No. 2) and recommends that it be passed with the amendments shown in the bill.

Conduct of the examination

The Wild Animal Control Amendment Bill (No. 2) was initially referred to the Primary Production Committee, but was re-referred to the Transport and Environment Committee on 6 March 1997. The closing date for submissions was 7 April 1997. We received and considered 12 submissions from organisations and other interested groups and individuals. Seven submissions were heard orally. Two hours and 13 minutes were spent on the hearing of evidence and consideration took a further two hours and 30 minutes.

Supplementary Order Paper No.7 was referred to the Transport and Environment Committee on 7 May 1997, with the instruction that, in our consideration of the bill, we have the power to adopt the amendments set out on the Supplementary Order Paper. The closing date for submissions was 30 May 1997. We received and considered seven submissions. Five submissions were heard orally. The hearing of evidence took 45 minutes; four hours and 17 minutes was spent on consideration. Advice was received from the Department of Conservation.

This commentary sets out the details of our consideration of the bill and the Supplementary Order Paper and outlines the major issues we addressed.

Background

The bill aims to repeal the licensing and permitting provisions for aerial wild animal recovery under Part II of the Wild Animal Control Act 1977 and to transfer aerial wild animal recovery on certain Crown lands to the concessions regime in Part III B of the Conservation Act 1987.

The Wild Animal Control Act 1977 currently provides for a system of licensing wild animal recovery operators using aircraft (helicopters). The Director-General of Conservation, is responsible under the Act for regularly setting the maximum number of Wild Animal Recovery Service (WARS) aircraft that can operate over all land throughout New Zealand. The current legislation, therefore, effectively regulates wild animal recovery operators.

The current process has left the Department of Conservation open to review. The information on vegetation, animal numbers and land condition, on which the Director-General must base decisions on the number of aircraft (licences), is not always quantitative and defensible. Those seeking review have argued in the past that the department should not decline permits or licences. Their argument is that an increased number of licences will not increase conservation benefits. Under the current regime, the Director-General will no longer be required to set the maximum number of aircraft annually. The concessions regime will require the Minister of Conservation to consider information on vegetation, animal numbers and land condition but only to the extent that these matters further the purposes of the Wild Animal Control Act 1977.

The concessions system will provide for aerial wild animal recovery activities to be carried out solely on specific types of land held under Acts administered by the department and authorised by concessions. Concessions are granted for all business activities on land administered by the department; for example, tourism activities, grazing and aircraft landings. If an area has an approved conservation management strategy or conservation management plan, then a concession must be consistent with that strategy or plan. Conditions can be included in concession documents. It is intended that aerial hunting of wild animals will be subject to a permit which grants a right to undertake an activity but does not grant an interest in land. A permit can be granted for up to five years. Applications for concessions will be made to the relevant regional conservancy and decisions on applications will be delegated to the Regional Conservator, as they are currently.

Supplementary Order Paper No. 7 (SOP No. 7) aims to tidy up the regime under which wild animals can be held in captivity in sections 12, 12A and 12B of the Wild Animal Control Act 1997. The amendments detailed in SOP No. 7 provide for the recognition and permitting of safari parks and subjects them to the same requirements that are imposed on deer farms and farms holding other types of wild animals.

Commencement of the bill

Clause 1 originally provided for the commencement of the bill on 1 July 1997 and clause 10 provided for a one year transition period with current licences remaining in force. Submissions requested a two year delay before the commencement of the bill, on the ground that this would enable consultation on how the concession based system will work. We agree and propose postponing the commencement of the bill until 1 October 1999, to allow the department time to design a concession allocation system and implementation process in consultation with the industry and other interested parties. We recommend that the transitional provisions for wild animal recovery operators in clause 10 be omitted, although we do recommend the inclusion of transitional provisions for the expiry of specific safari park permits (see below). We recommend that clauses 1 (2), 2 (2), (5), and (6), 4, 4A, 4B, 9 (a), and 10 (which contains the transitional provisions) come into force on 1 October 1997.

Wild animal recovery

Clause 5 of the bill as introduced replaces Part II of the principal Act to give the Minister of Conservation exclusive authority to grant concessions in accordance with Part IIIB of the Conservation Act 1987. New Part II authorises a concession holder to enter land held under legislation administered by the department to engage in aerial wild animal control activities. The bill originally provided that the Minister must have regard to the interests of recreational hunters when deciding whether or not to grant concessions.

Concessions

Submissioners were concerned that personal criteria needed to obtain a licence under the current regime would no longer be applied. However, we understand that the department will incorporate into concession permit conditions similar criteria to those which are currently used. Criteria set out in section 17U of the Conservation Act 1987 will also apply. Other submissioners were concerned that the criteria for granting a concession should clarify the balance between protecting the conservation estate and fostering recreation. We recommend that clause 5 be amended to make it clear that the Minister must also consider the purpose of the Wild Animal Control Act 1977 when considering concession applications.

Interests of recreational hunters

Submissioners were divided over the obligation of the Minister to have regard to the interests of recreational hunters when granting concessions. Some submissioners believed that the wording diminished the status of recreational hunters, while other submissioners believed it was not consistent with the role of the department and the Minister. We recommend that the wording be amended to read “. . . Minister must have regard . . . to . . . the role of persons engaged in hunting for recreation in achieving the purposes of this Act”. We believe this recognises the contribution of recreational hunters in wild animal control without compromising the animal control purposes of the Act.

Penalties

Clause 7 of the bill relates to penalties for carrying out wild animal recovery without a concession on land managed by the department. It inserts new offence provisions and new penalty provisions into section 39 of the Wild Animal Control Act 1977. Submissioners pointed out that the penalties for recovering wild animals without a concession will be considerably higher than penalties for illegally liberating wild animals or poaching protected species. We agree that this is an anomaly. However, officials have told us that, when this bill was being drafted, the Ministry of Justice advised that such issues could not be addressed within the scope of this bill. We propose no changes at this stage but recommend that the department address this problem as soon as it is able.

Other amendments

During our consideration of the bill the department advised us that the definition of “wild animal recovery” should be amended to “wild animal recovery operation”. We support this amendment as it clarifies the bill’s intent to regulate aerial operations of wild animal recovery under the concessions regime. We also recommend that clause 5 be amended to restrict “other land” to national park land and should not apply to other categories of land. For instance, land may not be Crown-owned but may be administered as a National Park under the National Parks Act 1980. We recommend that clause 5 be amended to clarify how wild animal recovery operations will be administered under the different Acts that

may be applicable. That is, the Conservation Act 1987 under which the concessions regime will be administered, the Wild Animal Control Act 1977 and the relevant Act for the land over which a concession is granted, for example a national park or reserve.

Revenue collecting

Some of the submissioners believed that the bill is intended to increase revenue for the department. The department assured us that this is not the case and that no fee increase is planned. The department further assured us that there is value in wild animal recovery activities and any cost recovery will be balanced against this value.

Unsafe airways

Concerns were expressed by submissioners that safety in the industry could be jeopardised through too many aircraft being in the air under a concessions-based regime. The Civil Aviation Authority (CAA) is the primary agency responsible for air safety. The department will liaise with the CAA and industry operators to maintain safe practices in the wild animal recovery industry. Matters of safety involving both the number of aircraft and the use of firearms in areas of high public use will be taken into account when concession applications are considered and could be addressed by determining the level of aerial wild animal hunting and the areas in which it may occur.

Resource management consents

Some submissioners needed clarification on whether or not wild animal recovery operators were subject to resource consents under the Resource Management Act 1991. Commercial hunters operate in the private sector and the department's concession regime does not change this status. The Resource Management Act 1991 will apply to wild animal recovery where it is not a permitted activity under a district plan, and wild animal recovery will be subject to a resource consent only in this event.

Private land

There was concern from private land owners that the amendments would leave them more vulnerable to harassment from unauthorised aircraft hunting wild animals on their land. Wild animal recovery operators will still require the permission of the land owner, but will no longer be required to have a WARS licence. However, the department will still investigate complaints from private land owners regarding aerial hunting of wild animals without the land owner's permission. One particular concern was the inability to identify aircraft from the ground. The department informed us that concession permit conditions may include criteria for aircraft identification. The department will consult with the CAA over this matter. We recommend to the CAA that it require the lettering identification on aircraft to be enlarged.

Safari parks

Currently the Wild Animal Control Act 1977 does not allow the Director-General to set minimum fencing standards or restrict the keeping of wild animals in safari parks to either the feral range or, in the case of deer, the permissible farming range of the species. The lack of effective control has become a threat to conservation and animal health.

Feral range

Submissioners on SOP No. 7 called for an amendment to the bill that would allow safari parks outside the feral range of species if strict conditions were complied with. We considered whether effects-based legislation might allow the Director-General a discretion to permit the keeping of wild animals outside of the species' feral range without establishing new populations. The department advised us that its current policy is well researched. New deer populations have been established from deer farm escapes since the early 1980s despite firm assurances from deer farmers that this would not happen. The spread of illegally liberated or escaped animals contributes directly to the spread of bovine tuberculosis. The department believes that its policy is effects-based as it seeks to minimise the risk of new populations arising from the inevitable escapes from safari parks.

We asked the department to provide us with an example of the type of rules or conditions that would allow the Director-General greater flexibility to exercise discretion for the keeping of wild animals outside the feral range of the species, while protecting conservation values. The department advised us that it is well established in administrative law that the conditions for a concession cannot be so onerous as to preclude the activity itself. The department further advised us that current trends suggest that the judiciary is more likely to rule in favour of the applicant rather than the regulator. The department could not guarantee that the application of "reasonable" conditions would not result in the establishment of new feral populations. The extra cost of administration and monitoring applicant compliance would be significant.

We received evidence from a submissioner who had been granted an interim permit to hold Thar outside the feral range of the species. The submissioner had made significant investment in the expectation that the interim permit would be extended on its expiry. The department advised us that the submissioner in question had been assured on a number of occasions before the interim permit was granted that it was only temporary and would not be renewed. The department further advised us that the submissioner was granted the interim permit because of a loophole in the law that could allow safari parks to hold wild animals outside the feral range of the species. The department granted the permit only on an interim basis because it was in the process of addressing this situation. The submissioner keeps other wild animals for the purpose of safari hunting. We accept the department's advice but do not wish to be unduly harsh on the submissioner who, while he keeps other wild animals, has invested in this species. We therefore recommend a new clause 10 that sets out transitional provisions for certain animals held under the interim permit to remain for hunting until 31 August 1998.

Given that it is not possible to rule out the risk of wild animal escapes and the extra cost to the department of administering an effects-based regime, we recommend that the amendments outlined in Supplementary Order Paper No. 7 be incorporated into the bill without further amendment.

KEY TO SYMBOLS USED IN REPRINTED BILL
AS REPORTED FROM A SELECT COMMITTEE

Struck Out (Unanimous)

Subject to this Act,

Text struck out unanimously

New (Unanimous)

Subject to this Act,

Text inserted unanimously

(Subject to this Act,)

Words struck out unanimously

Subject to this Act,

Words inserted unanimously

Hon. Simon Upton

WILD ANIMAL CONTROL AMENDMENT (NO. 2)

ANALYSIS

Title	22. Power to grant concessions for wild animal recovery operations on certain Crown-owned and other land
1. Short Title and commencement	23. Matters to which Minister to have regard in considering application for concession
2. Interpretation	5A. Offences
3. Delegation of Minister's powers	6. Presumptions and obligations in connection with hunting and killing
4. Keeping of specified wild animals in captivity	7. Penalties
4A. Deer farms	8. Regulations
4B. Safari parks	9. Repeals
5. New Part II substituted	10. Transitional provision in relation to safari parks
PART II	
CONCESSIONS FOR WILD ANIMAL RECOVERY OPERATIONS ON CERTAIN CROWN-OWNED AND OTHER LAND	
21. Purpose of this Part	

A BILL INTITULED

An Act to amend the Wild Animal Control Act 1977

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

5 **1. Short Title and commencement**—(1) This Act may be cited as the Wild Animal Control Amendment Act (No. 2) 1996, and is part of the Wild Animal Control Act 1977* (“the principal Act”).

((2) This Act shall come into force on the 1st day of July 1997.)

New (Unanimous)

10 (2) This section and sections 2 (2), (5), and (6), 4, 4A, 4B, 9 (a), and 10 come into force on 1 October 1997.

(3) The rest of this Act comes into force on 1 October 1999.

*R.S. Vol. 33, p. 957

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

“ ‘Activity’ includes a business, trade, or occupation:”.

(2) Section 2 (1) of the principal Act is amended by repealing the definition of the term “catchment authority” (as inserted by section 4 (3) of the Wild Animal Control Amendment Act 1979). 5

(3) Section 2 (1) of the principal Act is amended by inserting, after the definition of the term “commercial”, the following definition: 10

“ ‘Concession’ means a concession granted under **section 21** in the form of a licence or permit that does not create an interest in land or that does create an interest in land that is non-exclusive:” 15

(4) Section 2 (1) of the principal Act is amended by adding to the definition of the term “hunt or kill” the following paragraph:

(“(e) *Wild animal recovery.*”.)

“(e) Engaging in a wild animal recovery operation.”. 20

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

“ ‘Regional council’ has the same meaning as in the Local Government Act 1974:” 25

(6) Section 2 (1) of the principal Act is amended by omitting, in paragraph (a) (ii) of the definition of the term “wild animal”, the word “opossum”, and substituting the word “possum”.

(7) Section 2 (1) of the principal Act is amended by repealing the definitions of the terms “wild animal recovery service” (as substituted by section 2 (3) of the Wild Animal Control Amendment Act 1982) and “wild animal recovery service licence”, and substituting the following definition: 30

Struck Out (Unanimous) 35

“ ‘Wild animal recovery’ means any one or more of the following activities by aircraft (whether or not for hire or reward):

“(a) The searching for wild animals or their shooting or immobilising: 40

“(b) The recovering of wild animals (whether dead or alive) or of any part of such wild animals:

Struck Out (Unanimous)

“(c) The carriage of persons, supplies, equipment, firearms, ammunition, or poisons essential for the purpose of **paragraph (a) or paragraph (b)** of this definition.”

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New (Unanimous)

“ ‘Wild animal recovery operation’ means the use of an aircraft (whether or not for hire or reward) to carry out one or more of the following activities:

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“(a) The searching for, shooting, or immobilising of wild animals:

“(b) The recovering of wild animals (whether dead or alive) or of any part of those wild animals:

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“(c) The carriage of persons, supplies, equipment, firearms, ammunition, poisons, or other things essential for the purpose of **paragraph (a) or paragraph (b)**.”

3. Delegation of Minister’s powers—(1) Section 6 (1) of the principal Act is amended by inserting, at the beginning of that subsection, the words “Subject to **subsection (1A)**”.

20 (2) Section 6 of the principal Act is amended by inserting, after subsection (1), the following subsection:

“(1A) The Minister must not delegate the power to grant concessions under **Part II** other than to the Director-General or to any other officer or employee of the Department.”

Struck Out (Unanimous)

25 **4. Keeping of specified wild animals in captivity**—
(1) Section 12 (4) of the principal Act is hereby amended by omitting the words “has consulted the local catchment authority, and”, and substituting the words “has consulted the relevant regional council, and”.

30 (2) Section 12 (5) of the principal Act is hereby amended by omitting the word “opossum”, and substituting the word “possum”.

*New (Unanimous)***4. Keeping of specified wild animals in captivity—**

(1) Section 12 (1) of the principal Act is amended by repealing paragraph (b), and substituting the following paragraphs:

“(b) Any wild animal for the purposes of any zoo within the meaning of the Zoological Gardens Regulations 1977; or 5

“(c) Any wild animal for the purposes of operating a safari park.”

(2) Section 12 of the principal Act is amended by repealing subsection (4), and substituting the following subsections: 10

“(4) The Director-General must not—

“(a) Issue any permit or licence to hold wild animals for farming purposes or in a safari park; or

“(b) Concur under subsection (3) (b) to the farming of any specified wild animal— 15

unless satisfied, after consulting the relevant regional council, as to the matters specified in **subsection (4A)**.

“(4A) Those matters are that the land on which the wild animals will be farmed or held— 20

“(a) Is within the feral range of the species; and

“(b) Is not unsuitable for farming or holding the wild animals because of its susceptibility to erosion; and

“(c) Will be adequately equipped with effective fences.”

(3) Section 12 (5) of the principal Act is amended by— 25

(a) Omitting the word “opossum”, and substituting the word “possum”; and

(b) Inserting, after the word “farming”, the words “or operating a safari park”.

4A. Deer farms—(1) Section 12A of the principal Act is amended by inserting, after subsection (2), the following subsection: 30

“(2A) The requirements of this section that apply in respect of deer kept in a safari park on land on which the farming of deer is regulated also apply in respect of deer kept in a safari park on land on which the farming of deer is not regulated.” 35

(2) Section 12A of the principal Act is amended by adding the following subsection:

“(11) In this section, the term “farming”, in relation to deer, includes the keeping of deer in a safari park, whether or not other wild animals are also kept in the safari park.” 40

New (Unanimous)

4B. Safari parks—Section 12B of the principal Act is amended by inserting, after subsection (1), the following subsections:

5 “(1A) The requirement to hold a permit under subsection (1) is in addition to the requirement to hold a permit or licence under section 12, and to complying with section 12A.

10 “(1B) A permit must not be issued under subsection (1) unless the Director-General is satisfied that the requirements of sections 12 and 12A have been complied with.”

Struck Out (Unanimous)

5. New Part II substituted—The principal Act is hereby amended by repealing Part II, and substituting the following Part:

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“PART II

“CONCESSIONS FOR WILD ANIMAL RECOVERY ON CERTAIN
CROWN-OWNED AND OTHER LAND

20 “**21. Power to grant concessions for wild animal recovery on certain Crown-owned and other land**—
(1) Notwithstanding anything in any other Act but subject to **subsection (2)** of this section, the Minister shall have the exclusive authority to grant, in accordance with Part IIIB of the Conservation Act 1987, concessions authorising the holder of a concession to enter any Crown-owned land or other land that
25 is—

“(a) A conservation area, or deemed to be a conservation area, under the Conservation Act 1987; or

30 “(b) A national park under the National Parks Act 1980 or to which that Act is applied as if it were a national park; or

“(c) A reserve under the Reserves Act 1977, including a reserve controlled or managed by an administering body under any of sections 28, 29, 30, 35, and 36 of that Act; or

35 “(d) A wildlife sanctuary or wildlife refuge or wildlife management reserve under the Wildlife Act 1953—

Struck Out (Unanimous)

and engage in wild animal recovery; and Part IIIB of Conservation Act 1987 (except for **section 170 (4)** in that Part) shall apply as if references in that Part to a conservation area included references to the land specified in **paragraphs (b) to (d)** of this subsection and with any other necessary modifications. 5

“(2) Nothing in **subsection (1)** of this section limits or affects the powers of the Director-General under section 27 of this Act.

“**22. Minister to have regard to interests of recreational hunters**—In considering any application for a concession under **section 21** of this Act, the Minister shall have regard, in addition to the matters specified in section 17U of the Conservation Act 1987 (as applied by **section 21** of this Act), to the interests of persons engaged in hunting for recreation.” 10

New (Unanimous)

5. New Part II substituted—The principal Act is amended by repealing Part II, and substituting the following Part: 15

“PART II

“CONCESSIONS FOR WILD ANIMAL RECOVERY OPERATIONS ON CERTAIN CROWN-OWNED AND OTHER LAND 20

“**21. Purpose of this Part**—The purpose of this Part is to—

“(a) Provide for the granting of concessions to authorise wild animal recovery operations on certain land; and

“(b) Apply the provisions of Part IIIB of the Conservation Act 1987 for the purpose of granting those concessions; and 25

“(c) In applying Part IIIB of the Conservation Act 1987, require the Minister to have regard to—

“(i) The provisions of the Act under which the land concerned is held; and 30

“(ii) The purposes for which that land is held; and

“(iii) The purposes of this Act.

“**22. Power to grant concessions for wild animal recovery operations on certain Crown-owned and other land**—(1) Despite any other Act, the Minister has exclusive authority to grant, in accordance with Part IIIB of the Conservation Act 1987, concessions authorising the holder of 35

New (Unanimous)

the concession to enter any land described in **subsection (2)** and engage in wild animal recovery operations.

“(2) The land is—

5 “(a) Crown-owned land that is—

“(i) A conservation area, or deemed to be a conservation area, under the Conservation Act 1987:

10 “(ii) A national park under the National Parks Act 1980:

“(iii) A reserve under the Reserves Act 1977,—

“(A) Including a reserve that is controlled or managed by an administering body under any of sections 28, 29, 30, 35, and 36 of that Act; but

15 “(B) Excluding a reserve vested in an administering body under that Act or another Act:

20 “(iv) A wildlife sanctuary or wildlife refuge or wildlife management reserve under the Wildlife Act 1953:

“(b) Other land to which the National Parks Act 1980 is applied as if the land were a national park.

25 “(3) For the purposes of **subsection (1)**, Part IIIB of the Conservation Act 1987 (except for sections 17O (4) and 17U (3)) applies as if references in that Part to a conservation area were references to—

“(a) A national park in the case of land described in **subsection (2) (a) (ii)**:

30 “(b) A reserve in the case of land described in **subsection (2) (a) (iii)**:

“(c) A wildlife sanctuary or wildlife refuge or wildlife management reserve, as appropriate, in the case of land described in **subsection (2) (a) (iv)**:

35 “(d) Land administered as if it were a national park in the case of land described in **subsection (2) (b)**,—

and in each case with any other necessary modifications.

“(4) Nothing in this section limits or affects the powers of the Director-General under section 27.

New (Unanimous)

“23. Matters to which Minister to have regard in considering application for concession—In considering an application for a concession under **section 22**, the Minister must have regard not only to the matters specified in section 17U (other than subsection (3)) of the Conservation Act 1987 (as applied by **section 22**), but also to—

“(a) The provisions of the Act under which the land concerned is held and the purposes for which that land is held; and

“(b) The purposes of this Act; and

“(c) The role of persons engaged in hunting for recreation in achieving the purposes of this Act.”

5A. Offences—Section 36 of the principal Act is amended by adding the following subsection:

“(3) Every person commits an offence who engages in a wild animal recovery operation on land described in **section 22 (2)** and who does not hold a concession under **section 22** authorising wild animal recovery operations.”

6. Presumptions and obligations in connection with hunting and killing—(1) Section 38 (2) of the principal Act is amended by inserting, after the word “permit”, in each place where it occurs, the word “concession,”.

(2) Section 38 (4) of the principal Act is amended—

(a) By omitting the expression “section 24”, and substituting the expression “(section 39) section 36”; and

(b) By omitting the words “wild animal recovery service licence” in both places where they occur, and substituting the word “concession”.

Struck Out (Unanimous)

7. Penalties—Section 39 of the principal Act is hereby amended by repealing subsection (2), and substituting the following subsections:

“(2) Every person commits an offence who engages in wild animal recovery on Crown-owned land or other land that is—

“(a) A conservation area, or deemed to be a conservation area, under the Conservation Act 1987; or

Struck Out (Unanimous)

- “(b) A national park under the National Parks Act 1980 or to which that Act is applied as if it were a national park; or
- 5 “(c) A reserve under the Reserves Act 1977, including a reserve controlled or managed by an administering body under any of sections 28, 29, 30, 35 and 36 of that Act; or
- 10 “(d) A wildlife sanctuary or wildlife refuge or wildlife management reserve under the Wildlife Act 1953,— and who does not hold a concession under **section 21** of this Act authorising that wild animal recovery.
- “(2A) Every person who commits an offence under **subsection (2)** of this section is liable on conviction—
- 15 “(a) In the case of an individual, to a fine not exceeding \$10,000:
- “(b) In the case of a body corporate, to a fine not exceeding \$80,000.
- “(2B) Every person who commits an offence under section 8
- 20 (2) of this Act, in relation to wild animal recovery, is liable on conviction—
- “(a) In the case of an individual, to a fine not exceeding \$10,000:
- “(b) In the case of a body corporate, to a fine not exceeding
- 25 \$80,000.”

New (Unanimous)

- 7. Penalties**—Section 39 of the principal Act is amended by repealing subsection (2), and substituting the following subsections:
- 30 “(2) Every person who, in carrying out a wild animal recovery operation, commits an offence under section 8 (2) is liable on conviction,—
- “(a) In the case of an individual, to a fine not exceeding \$10,000:
- 35 “(b) In the case of a body corporate, to a fine not exceeding \$80,000.
- “(2A) Every person who commits an offence under **section 36 (3)** is liable on conviction,—

New (Unanimous)

“(a) In the case of an individual, to a fine not exceeding \$10,000:

“(b) In the case of a body corporate, to a fine not exceeding \$80,000.”

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8. Regulations—Section 40 (1) of the principal Act is amended by repealing paragraphs (a) and (b).

9. Repeals—The following enactments are consequentially repealed:

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(a) Sections 4 (2) (a) and (3), 8, 9 (2) and (3), and 12 (1) of the Wild Animal Control Amendment Act 1979:

New (Unanimous)

“(a) Sections 4 (2) and (3) of the Wild Animal Control Amendment Act 1979:

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“(aa) Sections 8, 9, and 12 (1) of the Wild Animal Control Amendment Act 1979:”

(b) Sections 2 (3) (7, and 10 (2)) and 7 of the Wild Animal Control Amendment Act 1982:

Struck Out (Unanimous)

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(c) Section 3 (1) of the Wild Animal Control Amendment Act 1985:

(d) So much of the Second Schedule to the Conservation Act 1987 as relates to section 23 (3) of the principal Act:

(e) So much of the First Schedule to the Department of Justice (Restructuring) Act 1995 as relates to section 24 (7) of the principal Act.

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Struck Out (Unanimous)

10. Transitional provision in relation to permits and licences—Every wild animal recovery permit granted under section 21 of the principal Act, and every wild animal recovery service licence granted under section 24 of the principal Act, that is in force at the commencement of this Act shall (unless sooner surrendered, suspended, or revoked under the principal Act) continue in force until the 30th day of June 1998 and then expire, and the provisions of the principal Act shall continue to apply to every such permit and licence and the holder of every such permit and licence as if this Act had not been passed.

New (Unanimous)

10. Transitional provision in relation to safari parks—

(1) The wild animals described in **subsection (2)** may be kept in a safari park, without a licence or permit effective for the purposes of section 12 (1) of the principal Act but subject to **subsection (3)**, until the close of 31 August 1998.

(2) The wild animals are those—

(a) In a safari park as at the close of 30 September 1997 pursuant to a licence or permit in force as at that date; and

(b) In respect of which a permit or licence could not be issued because of section 12 (4) and (4A) (a) of the principal Act (as inserted by **section 4**).

(3) **Subsection (1)** applies only for so long as the conditions (if any) in the licence or permit in force as at 30 September 1997 are complied with.