

HOUSE OF REPRESENTATIVES

# Supplementary Order Paper

Wednesday, 11 August 1993

CONSERVATION AMENDMENT BILL (NO. 2)

*Proposed Amendments*

Hon. DENIS MARSHALL, in Committee, to move the following amendments:

*Clause 2:* To insert, after line 5 on page 4, the following definitions:

“ ‘Director’ means the manager of the New Zealand Fish and Game Council:

“ ‘Fish and game ranger’ means a fish and game ranger appointed pursuant to section 26FA of this Act or deemed to be appointed under that section:

*Proposed clause 15A:* To insert, after clause 15, the following clause:

**15A. Establishment and powers of New Zealand Fish and Game Council**—Section 26B of the principal Act (as inserted by section 17 of the Conservation Law Reform Act 1990) is hereby amended by adding, as subsections (2) and (3), the following subsections:

“(2) The New Zealand Fish and Game Council shall be a body corporate with perpetual succession and a common seal, and, except as provided in this Act, shall have—

“(a) The rights, powers, and privileges of a natural person; and

“(b) The power to do anything it is authorised to do by or under—

“(i) This Act; or

“(ii) Any other enactment; or

“(iii) Any rule of law.

“(3) The New Zealand Fish and Game Council shall not exercise any of its rights, powers, or privileges except for the purpose of performing its functions.”

*Clause 17:* To insert as subclause (2), after line 2 on page 13, the following subclause:

(2) Section 26F of the principal Act (as so inserted) is hereby amended by adding the following subsections:

“(4) Any money that belongs to the New Zealand Fish and Game Council and that is not immediately required for

expenditure by the Council may be invested pursuant to section 25 of the Public Finance Act 1989.

“(5) Notwithstanding anything in section 26B (2) of this Act, the New Zealand Fish and Game Council shall not borrow or contract to borrow any money, or renew any loan made to the Council, without the prior written consent of the Minister of Finance.”

*Proposed clauses 17A to 17c:* To insert, after clause 17, the following clauses:

**17A. New sections inserted—**(1) The principal Act is hereby amended by inserting, after section 26F, the following sections:

“**26FA. Appointment of fish and game rangers—**(1) The Director may from time to time appoint employees of the New Zealand Fish and Game Council or employees of any Fish and Game Council to be fish and game rangers for the purposes of this Act.

“(2) The Director may from time to time appoint other suitable persons to be fish and game rangers in an honorary capacity for the purposes of this Act.

“(3) A fish and game ranger may be appointed—

“(a) For a particular region or area or areas or to act generally throughout New Zealand:

“(b) For a particular purpose or general purposes specified in the warrant issued to that person.

“(4) Every fish and game ranger appointed under subsection (2) of this section shall be appointed for a term not exceeding 3 years specified by the Director; but may be reappointed.

“(5) Any fish and game ranger appointed under subsection (2) of this section may at any time be removed from office by the Director for incapacity, neglect of duty, or misconduct proved to the satisfaction of the Director, or may at any time resign office by writing addressed to the Director.

“(6) Every person shall, on ceasing to be a fish and game ranger, surrender to the Director the warrant of appointment, any badge of office, and any article of uniform issued to that person.

“(7) No fish and game ranger shall be regarded as an employee of the New Zealand Fish and Game Council by reason only of the appointment of that person under this section.

“(8) The Director shall give every fish and game ranger a written warrant, signed by or on behalf of the Director, evidencing the appointment; and the production of the warrant shall, in the absence of proof to the contrary, be conclusive evidence of the appointment.

“(9) Every person who is a member of the Police shall be deemed to be a fish and game ranger.

“(10) There may be paid to any fish and game ranger appointed under subsection (2) of this section, by the New Zealand Fish and Game Council or any Fish and Game Council, reimbursement of the actual and reasonable expenses incurred in the course of acting as a fish and game ranger, if the Director has given prior authorisation and has subsequently approved the amount of the expenses.

**“26FB. Powers of fish and game rangers—**(1) Subject to this Act and the terms of the warrant of appointment of any fish and game ranger, a fish and game ranger shall have and may exercise all the powers exercisable by a warranted officer under this Act or the Wildlife Act 1953, or under any regulations or notices made under either of those Acts.

**“26FC. Provisions relating to Director and fish and game rangers—**(1) Sections 37, 40, 42, 43, 43A, 46, and 47 of this Act shall apply in respect of fish and game rangers as if—

“(a) References in those provisions to the Director—

General were references to the Director:

“(b) References in those provisions to the Department were references to the New Zealand Fish and Game Council or a Fish and Game Council:

“(c) References in those provisions to a warranted officer were references to a fish and game ranger:

“(d) References to money appropriated by Parliament were references to money belonging to the New Zealand Fish and Game Council or a Fish and Game Council.

“(2) The Director may in writing delegate to any employee of the New Zealand Fish and Game Council or of any Fish and Game Council all or any of the Director’s functions and powers under this Act or any other Act, except the power to appoint fish and game rangers under section 26FA of this Act.”

(2) Every person who, at the close of the 31st day of August 1994,—

(a) Is employed by the New Zealand Fish and Game Council or a Fish and Game Council; and

(b) Holds a warrant of appointment issued under section 59 (2) of the principal Act—

shall, on the 1st day of September 1994, cease to be a warranted office under the principal Act and be deemed to be appointed as a fish and game ranger under section 26FA (2) of that Act.

**17B. New sections substituted—**The principal Act is hereby amended by repealing sections 26H and 26I (as inserted by section 17 of the Conservation Law Reform Act 1990), and substituting the following sections:

**“26H. Crown entity—**(1) The New Zealand Fish and Game Council shall be a Crown entity for the purposes of the Public Finance Act 1989.

“(2) The annual financial statements of the Council 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.

**“26I. Annual report—**(1) The New Zealand Fish and Game Council 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.”

**17c. Establishment and powers of Fish and Game Councils—**Section 26P of the principal Act (as inserted by section 17 of the Conservation Law Reform Act 1990) is hereby

amended by adding, as subsections (2) and (3), the following subsections:

“(2) Each Fish and Game Council shall be a body corporate with perpetual succession and a common seal, and, except as provided in this Act, shall have—

“(a) The rights, powers, and privileges of a natural person; and

“(b) The power to do anything it is authorised to do by or under—

“(i) This Act; or

“(ii) Any other enactment; or

“(iii) Any rule of law.

“(3) A Fish and Game Council shall not exercise any of its rights, powers, or privileges except for the purpose of performing its functions.”

*Proposed clause 19A:* To insert, after clause 19, the following clause:

**19A. Powers of Fish and Game Councils**—Section 26s of the principal Act (as inserted by section 17 of the Conservation Law Reform Act 1990) is hereby amended by adding the following subsections:

“(9) Any money that belongs to a Fish and Game Council and that is not immediately required for expenditure by the Council may be invested pursuant to section 25 of the Public Finance Act 1989.

“(10) Notwithstanding anything in section 26p (2) of this Act, a Fish and Game Council shall not borrow or contract to borrow any money, or renew any loan made to the Council, without the prior written consent of the Minister of Finance.”

*Proposed clause 20A:* To insert, after clause 20, the following clause:

**20A. New sections substituted**—The principal Act is hereby amended by repealing sections 26w and 26x (as inserted by section 17 of the Conservation Law Reform Act 1990), and substituting the following sections:

“26w. **Crown entity**—(1) Each Fish and Game Council shall be a Crown entity for the purposes of the Public Finance Act 1989.

“(2) The annual financial statements of each Council 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.

“26x. **Annual report**—(1) Each Fish and Game Council 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.”

*Proposed clause 22A:* To insert, after clause 22, the following clause:

**22A. Meetings of Fish and Game Councils**—Section 26zD (7) of the principal Act (as inserted by section 17 of the Conservation Law Reform Act 1990) is hereby amended by omitting the words “commencement of the 31st day of August and not later than the 30th day of November”, and substituting the words “end of its financial year and not later than 3 months thereafter.”

*Clause 29:* To insert as subclause (2), after line 9 on page 16, the following subclause:

(2) Section 26zo (3) of the principal Act (as so inserted) is hereby amended by inserting, after the words "warranted officer" in both places where they occur, the words "or fish and game ranger".

*Clause 31:* To omit subclause (2) from lines 23 to 25 on page 16, and substitute the following subclause:

(2) Section 26zr of the principal Act (as so inserted) is hereby amended by repealing subsection (2), and substituting the following subsection:

"(2) Subsection (1) of this section shall not apply to actions taken by—

"(a) A warranted officer or a fish and game ranger; or

"(b) Any person authorised in writing for the purpose by the Director-General or the Director."

*Proposed clause 34A:* To insert, after clause 34, the following clause:

**34A. Offences in respect of warranted officers and fish and game rangers**—Section 41 of the principal Act is hereby amended—

(a) By inserting, after the words "warranted officer" wherever they occur, the words "or fish and game ranger":

(b) By inserting in paragraph (a), after the words "officer's", the words "or ranger's":

(c) By inserting in paragraph (d), after the words "warranted officer's" in both places where they occur, the words "or fish and game ranger's".

*Clause 43:* To omit subclause (1) from lines 20 to 25 on page 20, and substitute the following subclause:

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

"Commercial game hunting guide' means a person who, for hire or reward, acts as a guide to persons undertaking game hunting:

"Director' means the manager of the New Zealand Fish and Game Council:

"Fish and game ranger' means a fish and game ranger appointed pursuant to section 26FA of the Conservation Act 1987 or deemed to be appointed under that section:"

To insert, after line 30 on that page, the following subclause:

(3) Section 2 (1) of the principal Act is hereby amended by adding to the definition of the term "ranger", the words "; and includes a fish and game ranger".

*Proposed clauses 48A to 48E:* To insert, after clause 48, the following clauses:

**48A. Fish and game rangers to be rangers under this Act**—The principal Act is hereby amended by inserting, after section 38, the following section:

"38A. Every fish and game ranger shall, by virtue of his or her office, be deemed to be a ranger appointed under this Act

to exercise the duties of a ranger generally throughout New Zealand.”

**48B. Other offences**—Section 65 of the principal Act is hereby amended—

- (a) By inserting, after the word “Department” wherever it occurs, the words “or the New Zealand Fish and Game Council or any Fish and Game Council”:
- (b) By inserting in paragraph (j), after the words “this Act”, the words “or of any regulation or notice made under this Act,”.

**48C. Offences to be tried summarily**—Section 68 (2) of the principal Act is hereby amended by inserting, before the words “may appear”, the words “and any fish and game ranger,”.

**48D. Evidence of boundaries, etc.**—Section 69 (1) of the principal Act is hereby amended—

- (a) By inserting, before the words “shall be sufficient evidence”, the words “, or of the Director or of any person to whom the Director has delegated powers vested in him or her under this section,”:
- (b) By inserting, before the words “as aforesaid”, the words “, or the Director or other person,”.

**48E. Forfeitures**—Section 70 of the principal Act is hereby amended—

- (a) By inserting in subsection (2), after the words “Director-General” (as substituted by section 65 (1) of the Conservation Act 1987), the words “(or, in the case of any such animal or part of any animal or egg or nest seized by a fish and game ranger, to the Director)”:
- (b) By inserting in subsection (3), after the words “Director-General” (as so substituted) wherever they occur, the words “or the Director, as the case may be,”:
- (c) By inserting in subsection (4), after the words “Director-General” (as so substituted), the words “or the Director”.

*Schedule:* To insert in the Schedule set out in Supplementary Order Paper No. 246, in its appropriate order, the following item:

1989, No. 44—The Public Finance Act 1989	By inserting in the Fourth and Fifth Schedules (as added by section 41 of the Public Finance Amendment Act 1992), in their appropriate alphabetical order, the following items: “New Zealand Fish and Game Council. “Fish and Game Councils.”
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## EXPLANATORY NOTE

This Supplementary Order Paper amends the Conservation Amendment Bill (No. 2) in 2 principal respects.

First, provisions are inserted into the Bill to provide that the New Zealand Fish and Game Council and Fish and Game Councils are to be bodies corporate with the powers of a natural person and Crown entities for the purposes of the Public Finance Act 1989. This will give them similar powers and make them subject to the same financial reporting requirements, as comparable bodies.

Secondly, provisions are inserted into the Bill to provide for the appointment and powers of fish and game rangers. These rangers will have similar powers as warranted officers under the Conservation Act 1987 and Wildlife Act 1953 but will be appointed by Fish and Game Councils rather than by the Director-General of Conservation.