

1985/201



**THE WILDLIFE (FARMING OF UNPROTECTED WILDLIFE)  
REGULATIONS 1985**

DAVID BEATTIE, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 12th day of August 1985

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to section 72 of the Wildlife Act 1953, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

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## REGULATIONS

**1. Title and commencement**—(1) These regulations may be cited as the Wildlife (Farming of Unprotected Wildlife) Regulations 1985.

(2) These regulations shall come into force on the 14th day after the date of their notification in the *Gazette*.

**2. Interpretation**—In these regulations, unless the context otherwise requires,—

“The Act” means the Wildlife Act 1953:

“Authority” means an authority to capture and convey unprotected wildlife issued pursuant to regulation 14 of these regulations:

“Facilities” means the structure or structures within which unprotected wildlife are, or are intended to be, kept in captivity; and includes any security fencing, building, cage or cage units, run, hutch, or pen:

“Farm” includes the keeping in captivity of more than 3 specimens of unprotected wildlife as domestic pets:

“Holder” means, in relation to an authority, the person who has been issued with that authority:

“Licence” means a licence issued pursuant to regulation 6 of these regulations:

“Licensee” means a person who holds a licence:

“Premises” means any farm or other property on which unprotected wildlife are, or are intended to be, kept in captivity:

“Unprotected wildlife” means any wildlife specified in the Eighth Schedule to the Act:

Expressions defined in the Act have the meanings so defined.

**3. Areas where keeping in captivity of unprotected wildlife prohibited**—Notwithstanding anything in these regulations, no person shall keep in captivity or liberate any unprotected wildlife on, or convey any unprotected wildlife to, any of the following areas:

(a) The Chatham Islands:

(b) Stewart Island:

(c) Great Barrier Island:

(d) Any other island within the territorial sea of New Zealand, except the North and South Islands.

*Licence to Farm, Breed, or Sell Unprotected Wildlife*

**4. Unprotected wildlife not to be farmed, bred, or sold without licence**—No person shall—

(a) Farm, breed, or sell; or

(b) Convey or keep in captivity for the purposes of farming, breeding, or selling—

any live unprotected wildlife unless he is the holder of a licence authorising him to do so.

**5. Application for licence**—(1) Every application for a licence to farm, breed, or sell unprotected wildlife shall be lodged with the Secretary in the form provided by the Department for the purpose.

(2) Notwithstanding subclause (1) of this regulation, the Secretary may require the applicant to provide details relating to the applicant’s proposed operation, in addition to those requested in the application form.

(3) Every application shall be accompanied by a fee of \$100 or, if an applicant seeks a licence to farm, breed, or sell unprotected wildlife solely in respect of a pet shop, by a fee of \$25.

**6. Issue of licences**—(1) The Secretary may in his discretion issue a licence to farm, breed, or sell unprotected wildlife to an applicant if the Secretary is satisfied that the applicant will provide at the premises named in the licence, and during any conveyance of the wildlife, adequate safeguards to contain in captivity the unprotected wildlife specified in the application.

(2) Notwithstanding regulation 7 of these regulations, the Secretary may issue a licence either unconditionally or subject to such further conditions as he may specify.

(3) Every licence shall be issued in such form as the Secretary prescribes with a copy of the application attached.

(4) Without derogating from the general discretion of the Secretary in subclause (1) of this regulation, the Secretary may decline to issue a licence where the applicant seeks to farm in any of the following areas:

- (a) Any area in the vicinity of any wildlife refuge, wildlife sanctuary, or wildlife management reserve within the meaning of the Act:
- (b) Any area in the vicinity of any nature reserve within the meaning of the Reserves Act 1977:
- (c) Any area in the vicinity of any national park within the meaning of the National Parks Act 1980:
- (d) Any area where the Secretary considers that farming of unprotected wildlife may significantly threaten the protection of rare, endangered, or threatened species of wildlife.

**7. Condition of licence**—(1) It shall be a condition of every licence to farm, breed, or sell unprotected wildlife, unless the Secretary specifies otherwise in the licence, that the licensee shall—

- (a) Erect around the area within his premises in which it is intended to keep the unprotected wildlife specified in the licence; and
- (b) Maintain in a satisfactory state of repair—  
security fencing of a type approved by the Secretary under regulation 8 of these regulations.

(2) Subclause (1) of this regulation shall not apply in respect of any licence issued solely in respect of a pet shop.

**8. Approval of security fencing**—(1) The Secretary may from time to time approve, subject to such conditions (if any) as he may specify, any type of fencing that he considers suitable for the securing of any unprotected wildlife farmed, bred, or kept in captivity under any licence.

(2) In granting any approval under subclause (1) of this regulation, the Secretary shall consider the species of unprotected wildlife that the fencing is intended to secure.

**9. Effect of licence**—A licence shall authorise the licensee—

- (a) At the premises specified in the licence and in the facilities specified in the application for the licence, to farm, breed, or keep in captivity for the purposes of farming, breeding, or selling, the species of unprotected wildlife specified in the licence:
- (b) To convey those species of unprotected wildlife for the purposes of farming, breeding, and selling them:

(c) To sell those species of unprotected wildlife—  
subject to all the conditions imposed by or under these regulations.

**10. Term of licence and renewal**—(1) Every licence, unless it is sooner surrendered or revoked, shall continue in force until the expiry of the 30th day of September next following the date on which it was issued.

(2) A licensee may apply for the renewal of the licence by forwarding to the Secretary, not later than 2 weeks before the expiry of the licence or on such later date as the Secretary may allow, a written application together with a fee of \$25 or, if the licence relates only to a pet shop, a fee of \$5.

(3) Every application for renewal of a licence (other than a licence relating only to a pet shop) shall state the number of breeding females of unprotected wildlife that the licensee has in captivity at the time of application.

(4) On receiving an application and fee in accordance with this regulation, the Secretary shall issue a certificate renewing the licence until the 30th day of September next following the date of expiry of the licence.

**11. Secretary to be advised of transfer of licence**—(1) If any licence is transferred to or becomes vested in any other person, that other person shall notify the Secretary in writing of the change of ownership within 28 days after the date on which the change occurred.

(2) Every such notification shall be accompanied by a fee of \$25.

(3) Any licence which has been transferred or become vested in any other person shall not be renewed unless the change of ownership and fee have been received by the Secretary.

*Authority to Capture and Convey Unprotected Wildlife*

**12. Authority to capture and convey unprotected wildlife**—No person shall capture and convey, for the purposes of farming or breeding or selling, any live unprotected wildlife unless he is the holder of an authority authorising him to do so.

**13. Application for authority**—(1) Every application for an authority to capture and convey unprotected wildlife shall be lodged with the Secretary in the form provided by the Department for the purpose.

(2) Notwithstanding subclause (1) of this regulation, the Secretary may require the applicant to provide details relating to the applicant's proposed operation, in addition to those requested in the application form.

(3) Every application shall be accompanied by a fee of \$10.

**14. Issue of authorities**—(1) The Secretary may in his discretion issue an authority to capture and convey unprotected wildlife to an applicant if the Secretary is satisfied from the information supplied by the applicant that the applicant, during capture or conveyance of the unprotected wildlife specified in the application, will provide adequate safeguards to keep the unprotected wildlife in captivity.

(2) The Secretary may issue an authority either unconditionally or subject to such conditions as he may specify.

(3) Every authority shall be issued in such form as the Secretary prescribes with a copy of the application attached.

**15. Effect of authority**—An authority shall authorise its holder to—

- (a) Capture the species of unprotected wildlife specified in the authority; and
- (b) Convey those species of unprotected wildlife in the manner specified in the application for the authority—

subject to such conditions as have been imposed under regulation 14 (2) of these regulations.

**16. Authority not transferable**—Every authority shall be personal to the holder of it, and it shall not be transferable to, or vest by operation of law in, any other person.

**17. Term of authority and renewal**—(1) Every authority, unless it is sooner surrendered or revoked, shall continue in force until the expiry of a period of 12 months after the date on which it was issued.

(2) A holder of an authority may apply for the renewal of the authority by forwarding to the Secretary, not later than 2 weeks before the expiry of the authority or on such later date as the Secretary may allow, a written application together with a fee of \$10.

(3) On receiving an application and fee in accordance with this regulation, the Secretary shall issue a certificate renewing the authority for a period of 12 months after the date of its expiry.

#### *Miscellaneous Provisions*

**18. Surrender of licences and authorities**—Any licensee or holder of an authority may at any time surrender the licence or authority by forwarding written notification to that effect, together with the licence or authority, to the Secretary.

**19. Revocation of licences and authorities**—(1) Any licence or authority may be revoked by the Secretary at any time, if—

- (a) The Secretary considers on reasonable grounds that—
  - (i) The licensee no longer provides at the premises named in the licence or during conveyance, adequate safeguards to contain in captivity the unprotected wildlife specified in the licence; or
  - (ii) The holder of the authority no longer provides during conveyance adequate safeguards to contain in captivity the unprotected wildlife specified in the authority; or
- (b) The Secretary considers on reasonable grounds that—
  - (i) The licensee has failed to comply with any condition to which the licence is subject under these regulations; or
  - (ii) The holder of the authority has failed to comply with any condition to which the authority is subject under these regulations; or
- (c) The licensee or holder has liberated unprotected wildlife; or
- (d) The licensee or holder has failed to notify the Secretary of any escape of unprotected wildlife; or
- (e) The licensee or holder has conveyed unprotected wildlife in breach of regulation 20 (3) of these regulations.

(2) Before the Secretary revokes any licence or authority on either, or both, of the grounds set out in paragraphs (a) and (b) of subclause (1) of this regulation, the licensee or holder shall be given not less than 28 days'

written notice of the intention to revoke the licence or authority and shall be given a reasonable opportunity to improve the safeguards or to comply with the conditions or, as the case may be, to take both courses of action.

(3) If the licensee or holder does not take such action, or fails to do so to the satisfaction of the Secretary within the time allowed under subclause (2) of this regulation, the Secretary may revoke the licence or authority.

(4) Every revocation of a licence or authority under this section shall be in writing and shall be served on the licensee or holder—

(a) By delivering it personally to the licensee or holder; or

(b) By leaving it, or sending it by post in a registered letter addressed to the licensee or holder, at the licensee's or holder's usual or last known place of residence or business in New Zealand—

and shall take effect at the time of service.

(5) If a revocation is sent by post in the manner prescribed by subclause (4) (b) of this regulation, it shall be deemed to be served at the time at which it would have been delivered in the ordinary course of post; and in proving service of any such revocation it shall be sufficient to prove that it was properly addressed and that it was accepted by the post office as a registered letter and that the revocation has not, to the knowledge of the person making the declaration or affidavit of service or otherwise proving service, been returned by the post office to the sender.

**20. Conveyance of unprotected wildlife**—(1) A licensee shall not convey any specimen of unprotected wildlife except in a securely-fastened cage which will prevent its escape.

(2) The holder of an authority shall not convey any specimen of unprotected wildlife except in a cage specified in the holder's application for the authority.

(3) Except as provided in subclause (4) of this regulation, no licensee or holder of an authority shall convey any specimen of unprotected wildlife to any person who is not a licensee or a person authorised to contain unprotected wildlife in captivity under regulation 26 of these regulations.

(4) A licensee or holder of an authority may convey not more than 3 specimens of unprotected wildlife to any person intending to keep those specimens as domestic pets.

**21. Unprotected wildlife not to be liberated**—No person shall liberate any specimen of unprotected wildlife from any premises of any kind whatsoever, or from any cage in which it is being conveyed.

**22. Licensees and holders of authorities to notify escapes**—(1) Every licensee shall immediately notify the Secretary of the escape of any specimen of unprotected wildlife from the licensee's premises or while it is being conveyed.

(2) Every holder of an authority shall immediately notify the Secretary of the escape of any specimen of unprotected wildlife while it is being conveyed.

**23. Disposal of unprotected wildlife**—Every licensee whose licence has been surrendered or revoked, or whose licence has expired without being renewed, shall dispose of the unprotected wildlife on the premises in such manner and within such period as the Secretary specifies.

**24. Inspection of premises**—(1) Any person specifically or generally authorised in writing in that behalf by the Secretary may at any reasonable time enter and inspect the premises of any licensee for the purpose of ensuring that the licensee is complying with the terms of the licence and the conditions to which it is subject.

(2) Every written authorisation under subclause (1) of this regulation shall contain—

- (a) A reference to this regulation; and
- (b) The full name of the authorised person; and
- (c) A statement of the powers conferred on the authorised person by this regulation.

(3) Every person exercising any power of entry to any premises under this regulation shall be in possession of the appropriate written authorisation, and evidence of identity, and shall produce them to the person in charge of the premises—

- (a) If practicable, on first entering the premises; and
- (b) Whenever subsequently reasonably required to do so by the person in charge of the premises.

**25. Offences**—Every person who acts in contravention of or fails to comply in any respect with any provision of these regulations commits an offence against these regulations and is liable on summary conviction to a fine not exceeding \$100.

**26. Scientific research and zoological gardens**—(1) Notwithstanding anything in these regulations, it shall not be necessary for any person to obtain a licence or any authority in order to conduct scientific research into unprotected wildlife for non-commercial purposes.

(2) Notwithstanding anything in these regulations, no zoo (as defined in regulation 2 of the Zoological Gardens Regulations 1977) shall require either a licence or an authority to contain any unprotected wildlife in captivity.

**27. Conveyance and sale of dead specimens permitted**—It shall be permissible for any person to convey or sell any dead specimen, or part of a dead specimen, of unprotected wildlife without being the holder of a licence or authority under these regulations.

P. G. MILLEN,  
Clerk of the Executive Council.

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## EXPLANATORY NOTE

*This note is not part of the regulations, but is intended to indicate their general effect.*

These regulations provide for—

- (a) The issue of licences to farm, breed, and sell unprotected wildlife (ferrets, polecats, stoats, and weasels):
- (b) A prohibition on the farming, breeding, or selling of unprotected wildlife without a licence:
- (c) The issue of authorities to capture and convey unprotected wildlife:
- (d) A prohibition on the capture and conveyance of unprotected wildlife for the purposes of farming, breeding, or sale without holding an authority:
- (e) A total prohibition on the keeping in captivity, liberation, or conveyance of unprotected wildlife in or to the following areas:
  - (i) The Chatham Islands:
  - (ii) Stewart Island:
  - (iii) Great Barrier Island:
  - (iv) Any other island within the territorial sea of New Zealand, except the North and South Islands.

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Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 15 August 1985.

These regulations are administered in the Department of Internal Affairs.