



ANALYSIS

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1996, No. 2

An Act to amend the Wildlife Act 1953

[13 March 1996]

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

1. Short Title and commencement—(1) This Act may be cited as the Wildlife Amendment Act 1996, and shall be read together with and deemed part of the Wildlife Act 1953 (hereinafter referred to as the principal Act).

(2) Sections 2 (1), 3, and 8 of this Act shall come into force on the 1st day of July 1996.

(3) Section 6 of this Act shall come into force on a date to be fixed by the Governor-General by Order in Council.

(4) Except as provided in subsections (2) and (3) of this section, this Act shall come into force on the day on which it receives the Royal assent.

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

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

“ ‘Concession’ or ‘concession document’—

“(a) Means—

“(i) A lease; or

- “(ii) A licence; or
- “(iii) A permit; or
- “(iv) An easement—
granted under section 14AA of this Act; and
- “(b) Includes any activity authorised by the concession document:
- “ ‘Concessionaire’ means a person who is—
 - “(a) A lessee; or
 - “(b) A licensee; or
 - “(c) A permit holder; or
 - “(d) The grantee of an easement—
under section 14AA of this Act:
- “ ‘Lease’—
 - “(a) Means—
 - “(i) A grant of an interest in land that—
 - “(A) Gives exclusive possession of the land; and
 - “(B) Makes provision for any activity on the land that the lessee is permitted to carry out:
 - “(ii) Any document purporting to be a lease (whether or not the document gives the lessee exclusive possession of the land concerned) and issued under any enactment passed before the commencement of section 2 of the Wildlife Amendment Act 1996:
 - “(iii) Any document purporting to be a lease (whether or not the document gives the lessee exclusive possession of the land concerned) and issued under this Act before the commencement of the said section 2; but
 - “(b) Does not include a licence referred to in paragraph (b) (ii) of the definition of the term ‘licence’;—
and ‘lessee’ has a corresponding meaning:
- “ ‘Licence’—
 - “(a) Means—
 - “(i) A *profit à prendre* or any other grant that gives a non-exclusive interest in land; or
 - “(ii) A grant that makes provision for any activity on the land that the licensee is permitted to carry out; and

“(b) Includes—

“(i) Any document purporting to be a licence (whether or not the licence gives an interest, or makes any provision, referred to in paragraph (a) of this definition) and issued under any enactment relating to wildlife that was passed before the commencement of section 2 of the Wildlife Amendment Act 1996; and

“(ii) Any document purporting to be a licence and purporting to grant an exclusive interest in land, and issued under this Act before the date of commencement of the said section 2 or issued under any other enactment relating to wildlife that was passed before that date; and

“(iii) Any document purporting to be a licence (whether or not the licence gives an interest, or makes any provision, referred to in paragraph (a) of this definition) and issued under this Act before the commencement of the said section 2;—

and ‘licensee’ has a corresponding meaning:

“‘Permit’, in relation to section 14AA of this Act,—

“(a) Means a grant of rights to carry out an activity for a purpose referred to in that section that does not require an interest in land; and

“(b) Includes any authorisation or licence granted before the commencement of this definition that granted similar rights;—

and ‘permit holder’ has a corresponding meaning:”.

(2) Section 2 (1) of the principal Act is hereby amended by repealing the definition of the term “open season”, and substituting the following definition:

“‘Open season’ means a period declared under section 15 of this Act to be an open season for game:”.

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

“‘Game hunting guide’ means a person whose services are actively promoted or advertised for hire or reward with the express purpose of organising and assisting persons to undertake game hunting:”.

3. Granting of concessions in wildlife sanctuaries, wildlife refuges, and wildlife management reserves—

(1) The principal Act is hereby amended by inserting, after section 14A (as inserted by section 6 (1) of the Wildlife Amendment Act 1980), the following section:

“14AA. (1) The Minister may, in accordance with Part IIIB of the Conservation Act 1987, grant a concession in respect of any wildlife sanctuary, wildlife refuge, or wildlife management reserve held or managed by the Minister; and the said Part IIIB shall apply as if references in that Part to a conservation area were references to a sanctuary, refuge, or reserve under this Act and with any other necessary modifications.

“(2) The Minister may impose a reasonable charge for the use of any facilities (other than a path or track) provided by the Minister in or in respect of any such sanctuary, refuge, or reserve.

“(3) Any person who, in accordance with any concession or other consent of the Minister,—

“(a) Has erected any structure or facility in any sanctuary, refuge, or reserve; or

“(b) Uses for camping sites or for parking places for vehicles any part of any sanctuary, refuge, or reserve; or

“(c) Carries on any activity in any sanctuary, refuge, or reserve—

may, subject to the relevant conservation management strategy or conservation management plan (if any) and the terms and conditions (if any) of the concession document or other consent concerned, impose a reasonable charge in respect of the carrying on or products of the activity.

“(4) Nothing in this section authorises any person to do anything on or in respect of any private land.”

(2) Where any person lawfully occupied any wildlife sanctuary, wildlife refuge, or wildlife management reserve at the commencement of this Act in accordance with any right lawfully granted on or before 1 April 1987 under any Act or any contract made on or before 1 April 1987 then, notwithstanding sections 17U or 17W of the Conservation Act 1987, as inserted by section 7 of the Conservation Amendment Act 1996, the Minister may grant a concession to that occupant for the area lawfully occupied by the occupant, but the extent of the activities authorised by any such concession shall be no greater than was lawfully exercised by the occupant.

(3) Where any concession is granted under subsection (2) of this section to the occupant, any prior right given to the occupant to occupy the land shall be void and of no effect.

(4) The provisions of section 17T(4) and (5) of the Conservation Act 1987 (as so inserted) shall not apply to any concession granted under subsection (2) of this section.

4. Open season for game—The principal Act is hereby amended by repealing section 15, and substituting the following section:

“15. (1) Every Fish and Game Council shall, through the New Zealand Fish and Game Council, recommend for approval by the Minister a draft set of conditions it considers should be included in the notification of an open season for game for its region under subsection (4) of this section.

“(2) The New Zealand Fish and Game Council shall, if satisfied as to the form of the notice, submit it for the Minister’s approval.

“(3) The Minister may—

“(a) Approve the Council’s draft notice; or

“(b) Require the Council to amend the draft notice in such manner as the Minister may specify.

“(4) As soon as practicable after the draft notice is approved by the Minister, the New Zealand Fish and Game Council shall publish that notice in the *Gazette*.

“(5) At any time during an open game season declared under subsection (4) of this section, the notice published in respect of that season may in like manner—

“(a) Be amended; or

“(b) Be revoked and be replaced by a new notice.

“(6) Except as may otherwise be expressly provided in this Act, game may be hunted or killed only during the open season.”

5. Notification as to conditions on which open season declared—(1) Section 16(1) of the principal Act is hereby amended—

(a) By omitting the words “The Minister, in notifying”, and substituting the words “Every notification of”;

(b) By omitting the words “, in the Minister’s discretion,”.

(2) Section 16 of the principal Act is hereby amended by repealing subsection (3).

6. Game hunting guides to be licensed—The principal Act is hereby amended by inserting, after section 22, the following section:

“22A. Every person commits an offence and is liable to a fine not exceeding \$5,000 who acts as a game hunting guide without holding a game hunting guide licence issued under this Act.”

7. Sale of game and sale of shooting rights prohibited—Section 23 of the principal Act is hereby amended by adding the following subsection:

“(4) Nothing in this section—

“(a) Prohibits the provision of game hunting guide services by a game hunting guide in accordance with this Act or the charging of fees in respect of such services; or

“(b) Prevents the Minister granting to a game hunting guide any concession.”

8. Other offences—Section 65 (f) of the principal Act is hereby amended by inserting, after the word “permit,” in both places where it occurs, the word “concession,”.

9. Regulations—Section 72 (2) of the principal Act is hereby amended by inserting in paragraphs (a), (b), and (c), after the words “to hunt or kill game”, the words “, and licences to operate as game hunting guides,”.

10. Amendment to Conservation Law Reform Act 1990—Section 89 of the Conservation Law Reform Act 1990 is hereby amended by adding the following subsection:

“(6) Notwithstanding anything in subsection (1) of this section, the Minister may transfer to the New Zealand Fish and Game Council or any Fish and Game Council all or any of the following:

“(a) The assets of the Council of North Island Acclimatisation Societies:

“(b) The assets of the Council of South Island Acclimatisation Societies:

“(c) The assets of the National Executive of Acclimatisation Societies:

“(d) The assets vested in or held by the Minister or any department of State in his or her or its capacity as the person having control of an acclimatisation district under the Wildlife Act 1953;—

and, upon such transfer, the following provisions apply:

- “(e) The assets so transferred shall vest in the New Zealand Fish and Game Council or the Fish and Game Council, as the case may be:
- “(f) Nothing in the Public Works Act 1981 or in Part IVA of the Conservation Act 1987 shall apply in respect of any such transfer of assets:
- “(g) All proceedings pending by or against the Council or Executive whose assets are so transferred, or by or against the Minister or a department of State in his or her or its capacity as the person having control of such a district, may be carried on, completed, and enforced by or against the body to whom the assets are so transferred:
- “(h) District Land Registrars are hereby directed and empowered to do all such things as are reasonably necessary to give effect to the transfer of any land under this subsection.”

This Act is administered in the Department of Conservation.
