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1977, No. 111

An Act to make better provision for the control of harmful species of introduced wild animals and the means of regulating the operations of recreational and commercial hunters, including wild animal recovery hunting using aircraft, so as to achieve concerted action and effective wild animal control, and to consolidate and amend the Noxious Animals Act 1956 [23 December 1977]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. **Short Title**—This Act may be cited as the Wild Animal Control Act 1977.

2. **Interpretation**—In this Act, unless the context otherwise requires,—

“Aerodrome” has the meaning for the time being defined in section 2 of the Civil Aviation Act 1964; and includes any casual landing-site or take-off site used by aircraft:

“Aircraft” has the meaning for the time being defined in section 2 of the Civil Aviation Act 1964; and includes a helicopter:

“Brand” has the meaning for the time being defined in Part V of the Animals Act 1967:

“Carcass”, in relation to any wild animal, means the dead body or any part of the dead body thereof:

“Commercial”, in relation to hunting or killing or capturing or holding any wild animal, means so doing for personal gain or pecuniary reward from the sale, barter, exchange, or giving of the animal or any part thereof, whether or not the commercial activity or transaction constitutes the sole or any lesser part of the means of livelihood of the commercial operator:

“Conservancy” means a forest conservancy under the Forests Act 1949:

“Conservator” means any Conservator of Forests appointed under the Forests Act 1949:

“Crown-owned land”, except where otherwise stated, means unoccupied land vested in Her Majesty and administered by a Minister for the time being charged with the administration of the Department of State

that has control of the land; and includes all land for the time being forming part of any National Park or Maritime Park:

“Defence area” means any land that is set apart, used, or occupied for the purposes of the Armed Forces within the meaning of the Defence Act 1971, and on which any species of wild animal is normally present:

“Director-General” means the Director-General of Forests within the meaning of the Forests Act 1949:

“Domestic animal”—

(a) Means—

(i) Any cattle, sheep, horse, mule, ass, dog, or cat; and

(ii) Any pig or goat that is not a wild animal as defined in this section; but

(b) Does not include any animal referred to in paragraph (a) of this definition that is living in a wild state, or any other animal not referred to in this definition notwithstanding that it may be living in a domestic state:

“Enclosure”, in relation to any wild animal that is kept in captivity, includes any fenced area of land and any premises or cage used to contain the animal:

“Exporter”, in relation to any wild animal that it is intended to export, includes the owner, or consignor, or the agent for the owner or consignor, of the animal:

“Feral range”, in relation to any wild animal, means the area that, in the opinion of the Director-General, is from time to time occupied by a free ranging population of wild animals of that species, excluding transient wanderers from the main herd and from the range of the main herd:

“Firearm” means any gun, rifle, airgun, or air rifle; and includes any kind of weapon or device from which any shot, bullet, arrow, spear, stone, or other missile can be discharged; and “shoot” has a corresponding meaning:

“Forest Officer” means an officer within the meaning of the State Services Act 1962 who is employed in the Forest Service and holds a warrant, signed by or on behalf of the Director-General, as a Forest Officer for the purposes of this Act:

“Forest Service” means the New Zealand Forest Service under the Forests Act 1949:

“ Hunt or kill”⁷ in relation to wild animals, includes—

(a) Hunting or searching for any wild animal, and killing, taking, trapping, capturing, having in possession, tranquilising, or immobilising any such animal by any means:

(b) Pursuing, disturbing, or molesting any such animal:

(c) Taking or using any dog, firearm, vehicle, vessel, aircraft, net, snare, trap, poison, or like method while engaged in hunting any such animal, whether or not this results in capturing or killing any such animal:

(d) Attempting to hunt or capture or kill any such animal while engaged in recreational, commercial, or guided hunting or hunting to capture live wild animals for export, farming, sale, breeding, exchange, public display, scientific, or other purposes:

“Keep in captivity”, in relation to any wild animal, means to enclose, restrain, or otherwise detain or harbour the animal by any means whatsoever; and includes the transport of the animal in a secure conveyance to a duly authorised place of captivity or to a ship or an aircraft for export from New Zealand; but does not include temporary immobilisation for the purpose of marking; and “kept in captivity” has a corresponding meaning:

“Land” means land of any tenure:

“Liberate”, in relation to any wild animal, means to set at liberty or release or allow to go at large, whether or not the act is deliberate or is a result of negligence or lack of care by the person having the wild animal in his ownership or care:

“Licence” or “permit” means a written or printed licence or permit signed by the Director-General of Forests or a Conservator of Forests or a Forest Officer, as is appropriate, which allows the person specified therein to do certain things, subject to any conditions that may be included, in or on a defined area of land, for a specified purpose, and a specified period of time, with or without payment of a specified fee:

“Local authority”—

(a) Means any Regional Council, United Council, Borough Council, County Council, District Council, or Town Council; and includes the Auckland Regional Authority; and

(b) In relation to the County of Fiord and any island adjacent to the coast of New Zealand which is not included in the district of any such Council, means the Minister:

“Mark”, in relation to any wild animal not held under licence or permit, means any method of marking the animal, or attaching something to the animal so that it can be identified; and “marking” has a corresponding meaning:

“Minister” means the Minister of Forests:

“Occupier”, in relation to any land, means any owner, lessee, licensee, or occupant of the land, and includes the known agent of any such owner, lessee, licensee, or occupant, and any manager, overseer, superintendent, or person in possession or charge of the land, and the Minister for the time being responsible for the administration of the Department of State that has the control of the land:

“Operator”, in relation to any commercial hunting for wild animal recovery or air transport of hunters or game meat or other business, means a person directly or indirectly facilitating commercial hunting or wild animal recovery; and includes his employer, employees, and agents:

“Owner”, in relation to any animal, conveyance, or enclosure, means any owner or joint owner thereof (other than a mortgagee not in possession); and includes any superintendent, overseer, employee, agent, carrier, master or captain of a ship or aircraft, or other person, having possession or charge thereof, and any consignee thereof:

“Poison”, in relation to any wild animal, means using or attempting to use or having in possession in a form in which it can be used, any preparation or substance used to immobilise or tranquilise or kill wild animals:

“Public notification” or **“public notice”**, in relation to any act, matter, or thing, means a notice published in the *New Zealand Gazette*, or published in one or more newspapers circulating in the place or area

to which the act, matter, or thing relates or refers or in which it arises; and "publicly notified" has a corresponding meaning:

"Recreation", in relation to hunting, means hunting as a pastime, or with the object of obtaining relaxation, without gaining pecuniary reward or gain from the hunting, or from the sale of any wild animal or part thereof:

"Sale" includes barter and exchange for consideration, and also includes offering or attempting to sell, or receiving for sale, or having in possession for sale, or exposing for sale, or sending or conveying or delivering for sale, or causing or allowing to be sold or raffled, or offered or exposed for sale; and "sell" has a corresponding meaning:

"Specified hunting area", "specified area", or "land", in relation to any zoning of land or in relation to any permit, licence, or written authority to enter onto land to hunt, means the area of land described therein:

"Specified wild animal", means any wild animal of a species or class specially listed or mentioned in this Act as one that may, under permit, licence, or other authority, be captured, conveyed, held in captivity, or exported; or any wild animal of any sex or species or class referred to in any permit or licence or other authority to enter onto land to hunt wild animals:

"Vehicle" means any wheeled or tracked device, or hovercraft, or ski equipped device capable of carrying a person or persons, whether or not it is powered by an internal combustion engine:

"Vessel" has the meaning for the time being defined in section 2 of the Harbours Act 1950:

"Wild animal"—

(a) Means—

- (i) Any deer of the family Cervidae:
- (ii) Any chamois, thar, wallaby, or opossum:
- (iii) Any goat that is deemed under section 20 of this Act to be a wild animal:
- (iv) Any pig that is living in a wild state and is not being herded or handled as a domestic animal or kept within an effective fence or enclosure for farming purposes:

(v) Any member of any species or class of land mammals that the Governor-General may from time to time, by Order in Council, declare to be wild animals for the purposes of this Act; and

(b) Includes the whole or any part of the carcass of any such animal:

(c) Does not include any animal kept in captivity pursuant to a permit or licence that is effective for the purposes of section 12 of this Act during the currency of the permit or licence and the observance of all conditions under which the permit or licence has been issued:

“Wild animal recovery service” means any service by aircraft (whether or not for hire or reward) for the aerial search for wild animals or for the shooting or immobilising thereof; and any service by aircraft for the recovery of wild animals (whether dead or alive) or of any part thereof for any commercial purpose offering pecuniary gain or reward; and includes the carriage by aircraft of persons, supplies, equipment, firearms, ammunition, or poisons essential for the purpose of the wild animal recovery service; and “wild animal recovery” has a corresponding meaning:

“Wild animal recovery service licence” means a licence of that description issued by the Director-General.

Cf. 1956, No. 6, s. 2; 1967, No. 143, s. 2

3. Act to bind Crown—This Act shall bind the Crown.

PART I

WILD ANIMAL CONTROL

4. Wild animals to be controlled—(1) This Act shall apply to all land, having regard to the provisions of any Act applying to the land, and shall be for the purposes of controlling wild animals generally, and of eradicating wild animals locally where necessary and practicable, as dictated by proper land use.

(2) This Act shall be administered, having regard to the general purposes specified in subsection (1) of this section, so as to—

(a) Ensure concerted action against the damaging effects of wild animals on vegetation, soils, waters, and wildlife; and

- (b) Achieve co-ordination of hunting measures; and
- (c) Provide for the regulation of recreational hunting, commercial hunting, wild animal recovery, and the training and employment of staff.

5. Minister's general powers—(1) The Minister of Forests shall have the primary responsibility on any land for, and may from time to time do, all or any of the following things:

- (a) Prepare and carry out wild animal surveys, assessments of hunting and hunter influences, and any other matters concerning the incidence of wild animals and the means of controlling them:
- (b) Co-ordinate the policies and activities of Departments of State, local authorities, land owners and occupiers, Boards, and public bodies in relation to the control, and (where necessary) eradication, of any species of wild animals:
- (c) Conduct wild animal research work, co-ordinate such research work, and arrange for other Departments or organisations to do such work or to collaborate in such work:
- (d) Prepare and issue wild animal control plans and publications relating to wild animals and their control, and collect and disseminate information relating to wild animals:
- (e) Acquire, use, and develop land for any of the purposes of this Act, including—
 - (i) Access and roads;
 - (ii) Aerodromes;
 - (iii) Boat ramps;
 - (iv) Camping;
 - (v) Residences;
 - (vi) Other buildings and structures; and
 - (vii) Such other purposes not inconsistent with this Act as the Minister thinks fit:
- (f) Make provision for the setting up of such technical, scientific, advisory, and other kinds of committees as he thinks fit:
- (g) Make provision for the licensing of persons commercially hunting, capturing, transporting, holding, selling, or exporting wild animals, and persons who aid, assist, or guide other hunters in the hunting, capturing, transporting, holding, selling, or exporting of wild animals:

(h) Specify conditions under which wild animals may be hunted, and periods and times at which they may be hunted, including making such charges and setting such fees as he considers necessary for any permit, service, and other matter consistent with this Act:

(i) Prescribe forms for any purpose required by this Act, and vary, modify, or revoke any such form:

(j) Make provision generally for the administration of this Act.

(2) In the exercise of the powers conferred on him by subsection (1) of this section, the Minister may from time to time exercise all or any of the following powers:

(a) Erect dwellings for occupation by officers and employees of the Forest Service engaged in the administration of this Act, and erect other buildings, and provide all necessary conveniences and amenities:

(b) Establish and carry on any operations or industry relative to the control and, where necessary, eradication of wild animals, and pay such bounties, grants, and subsidies and such other money as he thinks fit:

(c) Sell or otherwise dispose of all or any of the following, namely, food, equipment, ammunition, firearms, skins, live wild animals, the carcasses of any wild animals, and articles used for, or recovered as the result of, any operations for the control of wild animals:

(d) Enter into any contract or agreement for carrying out the purposes of this Act:

(e) Undertake training schemes:

(f) Appoint any local authority or Board or special committee or any other person to act as his agent for such of the purposes of this Act as he thinks fit for such period, on such terms and conditions, and at such remuneration, as may be agreed upon by the Minister and that local authority, Board, special committee, or person:

(g) Purchase horses, dogs, and other animals, and vessels and vehicles, and hire or charter and use aircraft, vehicles, vessels, and animals:

(h) With the written consent of the occupier, and subject to the provisions of any other Act, construct and maintain on any land any aerodromes for aircraft, and any roads, roadways, tracks, paths, bridges, culverts, ferries, and other means of access necessary for the purposes of this Act.

(3) All documents that require to be executed for the purposes of this Act by or on behalf of the Crown may be executed by the Minister, and, if so executed, shall be as valid and effectual as if executed by or on behalf of the Crown.

Cf. 1956, No. 6, s. 4

6. Delegation of Minister's powers—(1) The Minister may from time to time delegate in writing to the Director-General of Forests, or to any officer or employee of the Forest Service, or to any local authority or statutory Board, or to any officer or class of officers employed in any Department of State that has control of any Crown-owned land, all or any of his powers under this Act, but not including this present power of delegation.

(2) Subject to any general or special directions given or conditions attached by the Minister, the person to whom any powers are delegated under this section may exercise those powers in the same manner and with the same effect as if they had been conferred on him directly by this section and not by delegation.

(3) Every person purporting to act pursuant to any delegation under this section shall, when called upon to do so, produce evidence of the delegation.

(4) Any delegation under this section may be made to a specified person or to persons of a specified class, or may be made to the holder or holders for the time being of a specified office or class of offices.

(5) Every delegation under this section shall be revocable in writing at will, and no such delegation shall prevent the exercise of any power by the Minister.

(6) Every delegation made under this section by the Minister or by any other person holding any office shall, until it is revoked, continue in force according to its tenor, notwithstanding the fact that the Minister or other officer by whom it was made may have ceased to hold office, and shall continue to have effect as if made by his successor in office.

Cf. 1956, No. 6, s. 7

7. Director-General may delegate certain powers—(1) The Director-General may from time to time, by writing under his hand, either generally or particularly, delegate to any officer or employee of the Forest Service, or any officer or class of officers employed in any Department of State that has control of any Crown-owned land, as he thinks fit, all or any of the powers conferred on him by or under this Act, but not including this present power of delegation:

Provided that the Director-General shall not delegate any power delegated to him by the Minister without the written consent of the Minister.

(2) Subject to any general or special directions given or conditions attached by the Director-General, the officer or employee to whom any powers are delegated under this section may exercise those powers in the same manner and with the same effect as if they had been conferred on him directly by this section and not by delegation.

(3) Every person purporting to act pursuant to any delegation under this section shall, when called upon to do so, produce evidence of the delegation.

(4) Any delegation under this section may be made to a specified officer or employee or to officers or employees of a specified class, or may be made to the holder or holders for the time being of a specified office or class of offices.

(5) Every delegation under this section shall be revocable at will, and no such delegation shall prevent the exercise of any power by the Director-General.

(6) Any such delegation shall, until revoked, continue in force according to its tenor, notwithstanding the fact that the Director-General by whom it was made may have ceased to hold office, and shall continue to have effect as if made by the successor in office of that Director-General; and in the event of the holder of a specified office to whom any such delegation has been made ceasing to hold office it shall continue to have effect as if made to the person for the time being holding that office.

8. Hunting or killing of wild animals—(1) Subject to the provisions of this Act and any other Act, any wild animal may be hunted or killed or had in possession by any person in any part of New Zealand.

(2) Except as provided in section 16 of this Act, and section 56 of the Agricultural Pests Destruction Act 1967, nothing in subsection (1) of this section shall authorise any person to hunt or kill or have in his possession any wild animal on any

land without the express authority of the owner or occupier of that land. Every person commits an offence against this Act who hunts or kills or has in his possession any wild animal on any land without the express authority of the owner or occupier of that land.

(3) Where the Minister considers that hunting by other persons is likely to interfere with any wild animal control operations, studies, investigations, or research carried out by the Forest Service or any other person or body with his authority, he may, by public notification, declare that any specified species of wild animal may not be hunted or killed or held in possession in such area and during such period as are specified in the notification.

(4) The Minister may also, by public notice, from time to time advise that, so far as hunting is concerned, specified areas are to be used for recreational, or guided, or commercial hunting, or wild animal recovery, as the case may be, or for any combination or all or some of these hunting purposes:

Provided that the Minister shall, following prior consultation with the person or authority in charge of any land other than State forest land, at all times retain the right, by public notice, to do all or any of the following things:

- (a) To vary or revoke his previous public notification as to the area of land concerned, or the hunting purposes for which the specified hunting area may be used, or the periods or times during which the area may be hunted:
- (b) To direct that wild animal control operations shall be under the direction of the Forest Service:
- (c) To specify conditions as to the rights of any person to enter, remain on, or use the specified hunting area:
- (d) To specify conditions as to the hunting, killing, or capturing of any species of wild animal:
- (e) To specify conditions as to the information that must be provided regarding wild animals hunted or killed or had in possession during, or at the conclusion of, any period or time spent in the specified hunting area:
- (f) To prescribe such fees or charges as he may consider appropriate for the sale or supply of plans and other printed information, services, and facilities.

(5) Notwithstanding anything in the foregoing provisions of this section the Minister shall at all times retain the right, after giving prior notification to the land controlling authority,

to enter onto any land in any specified hunting area with such assistants as he thinks fit to survey the condition and trend of vegetation or wild animal communities and to do such other things as he thinks necessary.

(6) No person shall, in any specified hunting area and during any period specified in any notification under subsection (3) of this section, hunt or kill or have in his possession any wild animal to which the notification refers.

Cf. 1956, No. 6, s. 3

9. Ownership of wild animals—(1) All wild animals shall be the property of the Crown:

Provided that where any wild animal has been lawfully taken or killed or is lawfully held pursuant to this Act, it shall cease to be the property of the Crown, and the animal shall be deemed to be the property of the person by whom it was so taken or killed, or by whom it is held:

Provided also that nothing in this subsection shall have effect so as to impose any obligation or liability on the Crown in respect of damage done by any wild animal.

(2) The presence of any wild animal on any land confers no right of ownership of the wild animal or its carcass on the owner or occupier of the land unless and until the animal is captured, held, or conveyed under a valid permit issued by the Director-General, or is killed by a person who hunts or kills a wild animal on the land with the consent of the owner or occupier, or is hunted or killed by the owner or occupier by lawful means, or the animal is branded in accordance with Part V of the Animals Act 1967.

(3) The taking or killing of any wild animal shall be deemed to be unlawful where any person takes or kills the animal—

(a) While he is on any land without the express authority of the owner or occupier or authority in control of the land, or in any case where, while recovering any animal or the carcass thereof, he lands on or enters upon any land without the express authority of the owner or occupier or authority in control of the land; or

(b) By any unlawful means while he is lawfully on any land; or

(c) In the course of any hunting if, during that hunting, he commits or has committed any offence against this Act, or against the Trespass Act 1968, the Civil

Aviation Act 1964, the Air Services Licensing Act 1951, or any other enactment directly related to the purposes of this Act or to the protection or administration of the land or of the flora or fauna of the land whereon the offence took place; or

- (d) By discharging a firearm into or over or across any land without the authority of the owner or occupier or authority in control of the land.

(4) Where the whole carcass of any wild animal of a kind which may be farmed under any Act and to which Part V of the Animals Act 1967 applies is to be sold or delivered to a game depot or game packing house by the person who killed the animal or by his agent or employer, it shall be an offence against this Act to so sell or deliver that carcass without the ears attached to the hide.

Cf. 1956, No. 6, s. 9

10. Provisions to secure concerted action—(1) In order to secure concerted and simultaneous action the following provisions shall apply:

- (a) The Minister may from time to time, by notice in the *Gazette*, divide the whole or any portion of New Zealand into districts, with such names and boundaries as he thinks fit:
- (b) The Minister may from time to time—
- (i) Appoint such persons as he thinks fit as a committee to ensure concerted action or to carry out any function that aids the attainment of concerted action:
- (ii) Dissolve or reconstitute any such committee:
- (c) In appointing any committee the Minister shall nominate the chairman and any other officers he wishes, provide the terms of reference of the committee, and prescribe such other conditions relating to the functions of the committee as he thinks fit:
- (d) All persons appointed to any such committees shall hold office at the pleasure of the Minister.

(2) Where any district constituted under this section falls within the boundaries of more than one forest conservancy, the Director-General shall nominate the Conservator of Forests who shall administer the district for the purposes of this Act as if it was wholly within his conservancy.

Cf. 1956, No. 6, s. 16

11. Restrictions on liberation of wild animals—(1) No person shall without the written authority of the Minister—

- (a) Capture or attempt to capture any wild animal, or convey or have in his possession any wild animal, for the purpose of liberating it or turning it at large; or
- (b) Liberate any wild animal or turn it at large or allow it to go at large.

(2) The Director-General in his discretion may grant or refuse to grant, or at any time vary or revoke, any permit for the capture or conveyance of any wild animal or for the keeping of any wild animal in captivity for any of the purposes specified in section 12 of this Act or in any regulations made under this Act, and may grant his authority or any such permit either unconditionally or subject to such conditions as he thinks fit.

(3) Every person commits an offence against this Act who fails to comply with or acts in contravention of any of the provisions of this section, or of any regulations that relate to this section.

Cf. 1956, No. 6, s. 8

12. Keeping of specified wild animals in captivity—(1) No person shall, except pursuant to and in accordance with and for the purposes and under the conditions stated in a permit or licence that is effective for the purposes of this subsection, capture or convey or keep in captivity—

- (a) Any wild animal for the purpose of farming, or for the purpose of sale or breeding for such farming; or
- (b) Any wild animal for the purposes of any zoo as for the time being defined in the Zoological Gardens Regulations 1977.

(2) Notwithstanding anything to the contrary in this section, any person may muster, herd, drive, capture, or convey any wild goat without a permit where the purpose of the mustering, herding, driving, capturing, or conveying of the animal is the immediate slaughter thereof, or the branding thereof as provided for in Part V of the Animals Act 1967.

(3) For the purposes of subsection (1) of this section, the following permits and licences shall be effective in relation to any specified wild animal:

- (a) Every permit or licence that authorises the capture or conveyance of the animal, or the keeping of the animal in captivity, being a permit or licence that is issued by the Director-General of Forests:
- (b) Every permit or licence that authorises the keeping of the animal for farming purposes, and is issued by the Director-General of Agriculture and Fisheries, with the concurrence of the Director-General of Forests, under regulations made under section 107 of the *Animals Act 1967*:
- (c) Every permit or licence that authorises the keeping of the animal in any such zoo, and is issued by the Director-General of Agriculture and Fisheries, with the concurrence of the Director-General of Forests, under regulations made under section 25 of the *Animals Act 1967*.

(4) The Director-General of Forests shall not issue any permit or licence to hold wild animals for farming purposes or concur under paragraph (b) of subsection (3) of this section in the farming of any specified wild animal unless he has called for and received a report from the National Water and Soil Conservation Authority, and is satisfied that the land on which the animal will be farmed is within the feral range of that species, and is not unsuitable for such farming because of its susceptibility to erosion, and is or will be adequately equipped with effective fences to his satisfaction:

Provided that, the Director-General of Forests may authorise the holding for breeding purposes of fallow deer, red deer, wapiti, and wapiti-red deer hybrid animals on deer farms outside the feral range of the species:

Provided also that the Director-General of Forests shall not authorise the holding of any deer, wapiti, or hybrid deer on any land in an area where deer of any species are not established in the wild if he considers that the land is outside the feral range of any species of deer.

(5) Except as authorised by a permit or licence that is effective for the purposes of subsection (1) of this section, no person shall, without a permit issued by the Director-General of Forests, capture or convey or keep in captivity, or export alive, any deer, wapiti, thar, chamois, opossum, or wallaby:

Provided that the Director-General of Forests shall not issue any such permit to keep any such animal in captivity unless he is satisfied that—

- (a) The enclosure or land on which, or the conveyance in which, the animal will be kept or conveyed is suitable to contain the animal in a manner that will ensure its welfare and prevent its escape; or
- (b) The animal will be secured with some suitable restraining device to prevent its escape.

(6) The Director-General of Forests shall not issue, or concur in issuing, any permit or licence in respect of the keeping of any species of wild animal in captivity in any part of any National Park or Maritime Park or reserve, or of any sanctuary set aside for the preservation of native flora or native fauna.

(7) The Director-General of Forests may refuse to issue, or to concur in issuing, any permit or licence to which any of the foregoing provisions of this section apply, or may issue or concur in issuing any such permit or licence for such period and subject to such conditions as he thinks fit.

(8) Any permit or licence to which any of the foregoing provisions of this section apply may relate to a specified animal, or to all animals of a specified species or class or of specified species or classes or to a specified number or specified numbers of any of them.

(9) Any such permit or licence that is issued by the Director-General of Forests may at any time be revoked by him if the permit or licence holder fails to comply with any of the provisions of this Act or any regulations made thereunder, whether the permit or licence was issued before or after the commencement of this Act:

Provided that the revocation of any such permit or licence shall not release the holder of the permit or licence from liability for any antecedent breach of the conditions of the permit or licence or for any offence committed against this Act.

(10) Any Forest Officer shall have power, on production of his warrant of appointment if so required, to enter at all reasonable times on the land or premises of the holder of any permit or licence to which any of the foregoing provisions of this section applies, or any other land or premises where he has reasonable cause to suspect that any animal is being kept in breach of this section, and inspect any part of the land or premises for the purpose of ascertaining whether the conditions of the permit or licence are being complied with or, as the case may be, whether any animal is being kept in contravention of this section:

Provided that a Forest Officer shall not enter any dwelling-house or the enclosed garden or curtilage of any dwellinghouse, unless he is authorised by a warrant under the hand of a Magistrate, who shall not grant such a warrant unless he is satisfied that the Forest Officer has reasonable grounds for requiring entry into the dwellinghouse, garden, or curtilage.

(11) Any Magistrate who is satisfied on oath that there is probable cause to suspect that any breach of this section has been or is being committed within any dwellinghouse, garden, or curtilage may, by warrant under his hand, empower a Forest Officer to enter therein for the purpose of detecting that offence at such time or times of the day as are mentioned in the warrant, but no such warrant shall continue in force for more than 14 days from the date thereof.

(12) Where any wild animal lawfully held under a permit issued under this Act escapes from its enclosure and strays from the property of the lawful owner, it shall be deemed to be a wild animal and may be hunted or killed as provided for in section 8 of this Act.

Cf. 1956, No. 6, s. 8A; 1967, No. 143, s. 3

13. Powers of Forest Officers—(1) Every Forest Officer holding a warrant for the purposes of this Act may, on production of his warrant of appointment if so required, in the exercise of his duty,—

(a) At all times without let or hindrance,—

(i) Where he has good reason to believe that an offence is about to be or is being or has been committed, enter upon, pass through, or remain on any land (including any yard and enclosure), shed, barn, hut, tent, and other erection, and any other premises of any description for the purpose of preventing or detecting offences against this Act:

(ii) Enter any vehicle, vessel, or aircraft that is about to be used or is being used or has been used in contravention of this Act or that he has good reason to believe is about to be or is being or has been so used:

(iii) Where he has good reason to believe that any offence has been committed against this Act, search any land, or any hut, tent, caravan, bach, or other erection, or any barn, storehouse, or other premises of any description, or any trailer, vehicle, vessel, or aircraft to which paragraph (e) of this subsection

applies, or any riding or pack animal, or any other device for transportation or carriage found on any premises or on any water:

Provided that nothing in this paragraph shall apply to any dwellinghouse or other permanent residence or to the enclosed garden or curtilage of any dwellinghouse or other permanent residence:

- (b) Seize any wild animal unlawfully taken or had in possession or that he has good reason to believe to be unlawfully taken or had in possession:
- (c) Seize all nets, traps, snares, tranquillising drugs, ammunition, firearms, poisons, vessels, horses, vehicles, and devices that are about to be used or are being used or have been used in contravention of this Act, or that he has good reason to believe are about to be so used or are being so used or have been so used:
- (d) Seize any bag, container, refrigerator, portable chiller or safe or similar structure, crate, trailer, vehicle, or other thing, that is being used for the purpose of conveying or holding any wild animal or the carcass thereof unlawfully taken or had in possession or that he has good reason to believe is being so used:
- (e) Stop any vehicle, or any riding or pack animal, or any vessel, or any aircraft while on the ground or on the water, or any other device for carriage or transportation, or stop in transit any case or crate or other container that is, or that he has good reason to believe to be, in the possession of the owner or of any other person (including any carrier or forwarding agent, whether by land or sea or air), if he has good reason to believe that any contravention of this Act or of any regulations under this Act has been committed by the owner or by the person in possession thereof or by any other person, and, in the presence of the owner or other person as aforesaid or of any servant of any of them, search any such vehicle, riding or pack animal, vessel, aircraft, or other device for carriage or transportation, and in such presence as aforesaid open and search any such case or crate or other container:
- (f) Hunt or kill any wild animal:
- (g) Remove or sell or otherwise dispose of any wild animal or its carcass or part thereof where the animal is taken or killed by employees or agents or officers of

the Forest Service on any occupied or unoccupied Crown-owned land, or any National Park land, or any other land, and pay any money received from any such transaction into the Public Account:

(h) Require, by notice in writing, the owner or manager of any domestic animals, or any wild animals held under permit issued under this Act or regulations made under this Act, to remove any such domestic or wild animals from the land where they are normally held or are present, as the case may be, for a specified period and from a specified date where:

(i) The domestic animals are trespassing on Crown-owned land over which wild animal control operations are planned or are under way; or

(ii) The wild animals are causing or are liable to cause damage to the land, soils, vegetation, natural water, or wildlife on the land, or are liable to encourage the spread of any animal disease:

Provided that, where any domestic animals may be affected by any requirement under this paragraph, notice in writing in respect thereof shall be given, at least 10 days before the requirement is to take effect, to the owner and manager of any animal to which the requirement relates and (if applicable) every owner or occupier of the land where the animals are normally held or are present, as the case may be.

(2) Where any article or animal is seized by a Forest Officer it shall be retained by the Director-General pending the trial of the person from whom it was seized for the offence in respect of which it was seized. If proceedings are not taken within 12 months against the person from whom the article or animal was seized, it shall, at the expiry of that period, be returned to him. Where proceedings are so taken against the aforesaid person, the article or animal shall, when the proceedings are completed, be returned to that person unless the Court, where it enters a conviction, directs that the article or animal be forfeited to the Crown, in which case the article or animal shall be forfeited to the Crown accordingly, and shall be disposed of as the Minister directs.

(3) Where a wild animal is seized or removed from any place, it may be held in any convenient place as the property of the Crown pending the prosecution of any person in respect

of an offence against this Act; and any expenses incurred in holding the animal may be awarded by the Court in fixing the penalty for the offence and may be recovered as a fine.

(4) Where any wild animal or its carcass is sold or disposed of under paragraph (g) of subsection (1) of this section, all proceeds from the sale or disposition shall belong to the Crown.

(5) Notwithstanding the foregoing provisions of this section, the Director-General may, if he thinks fit, at any time restore any animal or thing removed or seized by a Forest Officer under this section to the person who owned or was in possession of the animal or thing at the time when it was removed or seized, either unconditionally or upon compliance with such conditions (including payment to the Crown) as the Director-General thinks fit.

(6) Any Forest Officer shall have power, on production of his warrant of appointment if so required, to enter at all reasonable times on the land or premises of the holder of any permit or licence or other authority to which any of the provisions of this Act apply, or any other land or premises where he has good reason to believe that an offence against this Act is about to be or is being or has been committed, and inspect any part of the land or premises for the purpose of ascertaining whether the conditions of the permit or licence or other authority are being complied with or, as the case may be, whether any offence against this Act has been committed; and where he has good reason to believe that any offence has been committed against this Act, search any land, or any hut, tent, caravan, bach, or other erection, or any barn, storehouse, or other premises of any description, or any trailer, vehicle, vessel, or aircraft to which paragraph (e) of subsection (1) of this section applies, or any riding or pack animal, or any other device for transportation or carriage found on any premises or on any water:

Provided that a Forest Officer shall not enter any dwellinghouse or the enclosed garden or curtilage of any dwellinghouse, unless he is authorised by a warrant under the hand of a Magistrate, who shall not grant such a warrant unless he is satisfied that the Forest Officer has reasonable grounds for requiring entry into the dwellinghouse, garden, or curtilage.

(7) Any Magistrate who is satisfied on oath that there is probable cause to suspect that any breach of this section has been or is being committed within any dwellinghouse, garden, or curtilage may, by warrant under his hand, empower a

Forest Officer to enter therein for the purpose of detecting that offence at such time or times of the day as are mentioned in the warrant, but no such warrant shall continue in force for more than 14 days from the date thereof.

(8) The Director-General shall supply to every Forest Officer a written warrant signed by himself or on his behalf evidencing the Forest Officer's appointment, and the production of that warrant shall be sufficient proof of the appointment.

14. Forest Officers' powers of inspection of occupied Crown-owned land—(1) Any Forest Officer or any person authorised by the Director-General may at any time and from time to time enter onto any occupied Crown-owned land, whether held under permit, lease, licence, or other authority, to inspect the adequacy of any wild animal control operations that may be under way, or to inspect the land as to the presence of wild animals, or to assess damage done by wild animals, or to inspect the habitat of any native wildlife that may be threatened by wild animals, or for any other purpose consistent with this Act:

Provided that, on the first of any inspections of land held under any permit, lease, licence, or other authority, at least 28 days' prior notice shall be given in writing to the occupier of the land, and on any subsequent inspection made within 6 months of the first inspection and concerned with the same purpose at least 7 days' prior notice shall be given in writing to the occupier of the land.

Provided also that, where the occupier of land held under any permit, lease, licence, or other authority has a good and sufficient reason for requesting that any inspection be brought forward or delayed in time, the inspecting officer shall not enter onto the land except on the agreed date unless the suggested advance date cannot be complied with or the delay sought by the occupier is greater than 14 days, in which case the inspection may be carried out as previously notified in writing by the inspecting officer.

(2) Nothing in subsection (1) of this section shall prevent a Forest Officer, on production of his warrant of appointment if so required, from entering onto any Crown-owned land at any time where he has good reason to believe that an offence against this Act or any regulations made under this Act is about to be, or is being, or has been, committed:

Provided that a Forest Officer shall not enter any dwellinghouse or the enclosed garden or curtilage of any dwellinghouse, unless he is authorised by a warrant under the hand of a Magistrate, who shall not grant such a warrant unless he is satisfied that the Forest Officer has reasonable grounds for requiring entry into the dwellinghouse, garden, or curtilage.

15. Obligations of lessees of Crown-owned land—(1) In any case where the Director-General considers that the occupier of any Crown-owned land held under permit, lease, licence, or other authority has not fulfilled his obligations to control wild animals under the terms of his permit, lease, licence, or other authority, or where no obligation in respect to the control of wild animals on the land is included in the permit, lease, licence, or other authority, the occupier of the land shall, when called upon to do so by the Director-General, carry out or arrange to be carried out, as is appropriate, such wild animal control measures as are in the opinion of the Director-General necessary to ensure protection of any watercourse, or of the soil, or any plants, or any wildlife, or to achieve concerted action, or for such other purpose as the Director-General shall specify.

(2) Where any occupier, or (where appropriate) the land controlling authority, requests that the Director-General arrange for a wild animal control operation, or where an occupier fails without good and sufficient cause to carry out any direction of the Director-General, the Director-General may, after giving prior notification to the occupier, and (where appropriate) the land controlling authority, of the land, enter onto the land, or arrange that any agent or employee or officer of the Forest Service enter onto the land, and carry out under the supervision of a Forest Officer such control measures as are considered by the Director-General to be necessary:

Provided that in all cases the Director-General shall give to the occupier, and where appropriate the authority administering the land, not less than 28 days' notice of his intentions.

(3) Where an occupier has failed, without good and sufficient cause, to carry out any direction of the Director-General, the Minister may, on the advice of the Director-General, notify the occupier that he is required to pay a reasonable part or all of the costs of the control operation, which shall be recoverable as a debt due to the Crown:

Provided that the Minister shall not exercise this power where the occupier can establish to the satisfaction of the Minister that:

- (a) The cost of the control operation would have caused him undue hardship; or
- (b) He could not obtain the manpower, or the assistance of commercial or recreational hunters, or technical or material needs, to enable him to comply with the direction; or
- (c) There were other factors that the Minister accepts as sufficient cause for non-compliance with the direction.

16. Entry on land for purposes of Act—(1) If in the opinion of the Minister—

- (a) Wild animals are causing or are likely to cause injury or damage to any land, or to the native flora or fauna on the land or any adjacent land, or to any person, or to any animals or crops, or to any chattel; or
- (b) Wild animals are causing or are likely to cause injury or damage to any trees, shrubs, plants, or grasses that may tend to—
 - (i) Protect the habitat of any absolutely protected wildlife or game as defined for the time being in the Wildlife Act 1953; or
 - (ii) Mitigate soil erosion, or promote soil and water conservation or the control of floods; or
- (c) Entry onto the land is necessary for the purpose of achieving concerted action against any wild animals,—

the Director-General may request the owner or occupier or person in control of the land to allow entry onto the land for the purposes of this Act.

(2) Where the owner or occupier or person in control of the land has refused a written request from the Director-General for entry onto the land, the Minister may authorise in writing the Director-General or any other officer or employee or agent or contractor of the Forest Service to enter at any time and from time to time on any land vested in or administered by the Crown, or on any other land, with such assistants as he thinks fit, for all or any of the following purposes:

- (a) To investigate the incidence on the land of wild animals and to make studies or other investigations of any such wild animals:

- (b) To catch alive or to hunt or kill or (subject to the Agricultural Chemicals (Vertebrate Pest Control) Regulations 1977 and any other enactment relating to the use of poisons) poison any such wild animals:
- (c) To erect and maintain tents on the land, and to provide all necessary services, conveniences, and amenities and, with the agreement of the occupier, owner, or authority in control of the land, erect such huts and other structures and develop such tracks and other works as are necessary for the success of the wild animal control operation:

Provided that, where there is any loss of pasture, farm production, or income other than that derived from the hunting or sale of wild animals as a consequence of any such structures or works on the land, the Minister may, on the production of evidence to his satisfaction of such loss, pay such compensation as he considers fair and reasonable:

- (d) To erect notices or publish or broadcast information advising or warning of any action being taken under this Act:
- (e) To have access for any of the purposes specified in this subsection to any other land (whether adjoining or not) on which any such wild animals are present:
- (f) To do any other act or thing necessary for any of the purposes specified in this subsection.

(3) Before entry on any land pursuant to this section, the Director-General or other officer or employee or agent or contractor of the Forest Service authorised by the Minister shall give at least 28 days' written notice to the owner, occupier, or controlling authority of the land of the intention to have officers, employees, agents, or contractors of the Forest Service, as the case may be, enter thereon or commence wild animal control operations at such time and place as may be specified in the notice, which notice shall advise that an appeal to the Minister for a review of the matter may be lodged with the Minister within 21 days of the giving of the notice, and that the Minister's decision regarding any appeal shall be final.

(4) Where any Crown-owned land or any National Park land or Maritime Park land or any defence area is concerned, the Director-General shall ensure that there is prior consultation with the land controlling authority, and shall include in the authority to enter onto the land issued to any

officer, employee, agent, or contractor of the Forest Service such conditions of entry and use of the land as may be laid down by the controlling authority and agreed to by the Director-General.

(5) Where any hut, track, aerodrome, or other structure is intended to be erected or developed on any National Park land or Maritime Park land or any defence area, and the Director-General and the appropriate Board or Minister cannot agree regarding the structure or work, the matter shall be referred to the Minister of Forests for decision in consultation with the appropriate Minister.

(6) Subject to prior consultation with the occupier or the land controlling authority, and having satisfied himself that the authorisation that he intends to grant does not conflict with any Act or bylaw relating to the Crown-owned land to which the said authorisation is to apply, and in the case of any other land that the authorisation that he intends to grant has been discussed with the occupier and will not unduly affect farm management or cause the occupier undue hardship, the Director-General may authorise any person entering on any land pursuant to subsection (1) of this section to bring with him any vehicle, vessel, aircraft, machine, horse, or dog, and any equipment necessary for any of the purposes specified in that subsection, and to convey any necessary supplies or equipment onto or over that land.

(7) Every person commits an offence against this Act, who, not being duly authorised, takes away or is found in possession of, or occupies or fails to vacate, or removes, destroys, or displaces, or moves the position of, any tent or other structure, or any services or conveniences, or any vehicle, vessel, or aircraft, or any amenity or notice erected or provided on any land pursuant to this section, or wilfully removes or injures or damages in any way any vessel, aircraft, vehicle, animal, equipment, or supplies brought onto or used on or present on any land pursuant to this section.

Cf. 1956, No. 6, s. 10

17. Wild animals on State forest land—(1) The Minister may authorise any officer or employee of the Forest Service or any other person authorised by him to hunt or kill any wild animal by day or night on State forest land, or any land leased to or managed by the Minister; and nothing in subsection (2B) of section 16 of the Arms Act 1958 (as inserted by section 6 (1) of the Arms Amendment Act 1964), or any other enact-

ment except subsections (2) and (2A) of the said section 16, shall prevent any officer, employee, or person so authorised from hunting or killing any wild animal on any forest road not effectively open at the time for use by the public.

(2) Every person commits an offence against this Act who wilfully obstructs or hinders or resists the Director-General or any authorised officer or employee of the Forest Service in the exercise of any of the powers conferred by this section.

Cf. 1956, No. 6, s. 10A; 1967, No. 143, s. 4

18. Fencing of land—(1) The Minister may from time to time take such steps as he thinks fit for the fencing of any land held by the Crown for the purposes of this Act.

(2) The Minister may enter into any agreement upon such terms and conditions as he considers reasonable with any person having an interest in land adjoining any land held by the Crown for the purposes of this Act for the fencing of the common boundary:

Provided that no person shall be obliged to contribute more than half of the cost of any boundary fence.

(3) Where any fence is erected pursuant to an agreement with any such person, the person shall be liable to pay such amount or to contribute such materials or labour as may have been agreed upon by the Minister and the person, and the agreed amount may be recovered from the person as a debt due to the Crown.

(4) Notwithstanding any other provisions of this Act, the Minister may, after prior consultation and agreement with the owner or occupier or land controlling authority, fence any land where such action is necessary to exclude other persons or domestic animals from the fenced area because of its use as a poison holding or mixing or distributing area, or as a contaminated area, or for any other purpose consistent with this Act.

(5) Where any area is fenced pursuant to subsection (4) of this section, the owner or occupier of the land shall be entitled to a fair rental for the use of the land, or compensation for the loss of the use of the land, as the Minister may determine.

Cf. 1956, No. 6, s. 5

19. Tenancies—Subject to the Tenancy Act 1955, the Minister may grant tenancies or occupancies of dwellings on Crown-owned land for the purposes of this Act to officers

or employees of the Forest Service at such rent and upon such terms and conditions as may be approved by the State Services Commission, or to any other person under such circumstances, at such rent, and upon such terms and conditions, as the Minister determines.

20. Special provisions relating to goats—(1) Irrespective of the tenure of the land on which any goat is present or found, it shall, subject to subsection (2) of this section and subsections (1) and (2) of section 12 of this Act, be deemed to be a wild animal unless:

- (a) It is captured or conveyed or held under a permit, licence, or authority issued under section 12 of this Act, or any regulations made under this Act for regulating the capture or holding of goats for the purpose of farming or export or for research purposes approved by the Director-General or for public display; or
- (b) It is held in a zoo in accordance with the Zoological Gardens Regulations 1977, or it is held under a permit issued under those regulations; or
- (c) It is held behind effective fences or is otherwise restrained from straying and has the prescribed brand as provided for under Part V of the Animals Act 1967, and is held:
 - (i) For goat farming for the production of meat, skins, mohair, or other by-products; or
 - (ii) As part of a milking herd; or
 - (iii) For control of noxious weeds; or
 - (iv) For research purposes approved by the Director-General.

(2) Nothing in this Act shall affect section 100 of the Animals Act 1967 as it applies to branded Angora or Saanen or Toggenburg goats.

(3) Where goats are present on any land and are deemed to be wild animals and the owners or occupiers and those administering the land have refused a Forest Officer entry onto the land to destroy wild animals, the Director-General shall not request that the Minister exercise his power to authorise entry onto land under section 16 of this Act until the Director-General has given to each affected owner, occupier, and administrator of land, as is appropriate, and to any local or district committee of Federated Farmers of New Zealand

(Incorporated), at least 28 days' written notice of his intention to obtain entry onto the land for the destruction of wild animals, which notice shall advise that—

- (a) An appeal against the making of such a request may be made to the Minister within 21 days of the issue of the notice, and any decision of the Minister in respect of any appeal shall be final; and
- (b) At the expiry of the period of the notice (being not less than 28 days) the Director-General will use his best endeavours to arrange a meeting of all affected persons and will call such a meeting for the purpose of making known his full intentions, and to hear the objections of those affected, with a view to arriving at a mutually acceptable agreement as to the timing, conduct, and means of wild animal control, and for entry onto the land.

(4) Where the Director-General, after complying with subsection (3) of this section, cannot obtain permission to enter onto any land to destroy goats that are wild animals, or cannot reach agreement with those affected to amend or not to insist upon conditions which the Director-General considers would seriously affect the proposed wild animal control operations or cause unnecessary increased expenditure, or where the land owners, occupiers, or administrators singly or collectively fail to meet with the Director-General, or where any portion of the total number of land owners, occupiers, or administrators fails to agree to entry onto their land, or where for any reason the Director-General considers he will not have such freedom of entry and decision as would allow him to conduct a successful and efficient wild animal control campaign, he shall notify the Minister of the situation and request that he provide entry onto the land by invoking section 16 of this Act:

Provided that, before the Minister meets such a request, he shall give full consideration to any appeal lodged pursuant to paragraph (a) of subsection (3) of this section on which he is required to give a decision.

(5) In every instance where entry onto land has been freely granted by a land owner, occupier, or administrator, the Director-General shall ensure that all the provisions of section 16 of this Act relating to prior consultation and notification being given to land controlling authorities are complied with.

PART II

WILD ANIMAL RECOVERY BY AIRCRAFT ON CROWN-OWNED LAND, INCLUDING NATIONAL PARK LAND AND MARITIME PARK LAND, AND ON CERTAIN OTHER LAND

21. Power to issue permits to enter onto Crown-owned land for wild animal recovery hunting—(1) Notwithstanding anything to the contrary in any other Act, the Director-General shall, subject to section 22 of this Act, have exclusive authority for the issue of permits to enter onto Crown-owned land, including National Park land and Maritime Park land, and other land as provided for in this section, and to use aircraft for the purpose of hunting or killing wild animals for the recovery thereof, and may in his discretion refuse, vary, or revoke any such permit.

(2) Subject to written notification of agreement by any owner or occupier or land controlling authority of any such other land, the authority of the Director-General shall also extend to issuing permits to enter onto that land for wild animal recovery purposes.

(3) The Director-General's said authority to issue permits includes all operations where an aircraft is used—

- (a) In the hunting, capturing, or killing of any wild animal that is on any such Crown-owned land or any other land, whether or not it is the intention of the hunter to hold the animal in captivity, or to dispose of live wild animals by sale, or to dispose of any part of the killed or slaughtered bodies of wild animals, or to dispose of any part of any wild animal for reward or pecuniary gain; or
- (b) To transport hunters or other persons who are engaged for wild animal recovery purposes in the hunting, capturing, or killing of any wild animal that is on any such Crown-owned land or other land; or
- (c) At any time on any Crown-owned land or other land to transport any live wild animal or the carcass of any wild animal from the vicinity of the place where it was hunted, or killed, or from or to any collection point for live animals or their carcasses, or to or from any other place or premises on any Crown-owned land.

(4) Any person whose application for a permit to enter onto land for wild animal recovery purposes has been refused or whose permit has been revoked may appeal to the Minister against the refusal to grant any such permit or against the

revocation of the permit, as the case may be. The Minister may confirm or reverse the decision appealed against, and the decision of the Minister on any appeal under this section shall be final.

(5) All permits, licences, and concessions for the recovery of wild animals in force at the commencement of this Act shall, unless they sooner expire, continue in force until 3 months after the commencement of this Act, and shall then expire.

(6) Any permit issued for the purposes of this Part of this Act shall not be transferable and shall (where an aircraft is used) be carried on the aircraft at all times and shall stipulate:

- (a) The make and model and registration number and means of identification of any aircraft to be used;
- (b) The full name and address of the pilot of each aircraft, or where more than one pilot is to be engaged in flying a specified aircraft during the period of the permit, the full name and address and period during which each such pilot will be in command of that aircraft;
- (c) The full names and addresses of the hunters who are to work with the pilot of any aircraft to be used; and, where more than one team of hunters is to work from a specified aircraft during the period of the permit, the full names and addresses of all such persons;
- (d) All relevant details of the wild animal recovery service licence, including number, date of issue and expiry, any limitations, terms, conditions, and localities covered by the licence, and such other details as are relevant;
- (e) That the pilot in command of any such aircraft has a commercial pilot's licence, or any higher licence, and shall produce any such licence to a Forest Officer or agent or employee of the land owner or controlling authority forthwith after being required by that Officer or agent or employee to do so;
- (f) The name and address of the company or operator or person employing the pilot of any aircraft, or the owner of the aircraft;
- (g) The name and address of the game packing house licensed under the Game Regulations 1975 to which the carcasses recovered will be forwarded for processing;

- (h) The description of the land or area or location as shown on a plan over which the permit is to apply, and any excluded areas such as land not owned by the Crown or specified reserves for the protection of native wildlife or other prohibited areas; and
- (i) Any other matter or condition that the Director-General considers should be included.

(7) Notwithstanding anything to the contrary in this section, where a National Park or Maritime Park is involved and the wild animal control plan provides for wild animal recovery, or where no such plan is in existence and the Director-General in consultation with the Park Board has satisfied himself that there should be wild animal recovery in the park, and the Park Board has agreed to such recovery, the Director-General shall issue entry permits for wild animal recovery, and shall incorporate such conditions as the Park Board may require:

Provided that where there is any disagreement the matter shall be referred to the Minister of Forests for decision in consultation with the Minister of Lands.

(8) Every person commits an offence against this Act if, without a permit for wild animal recovery issued under this Part of this Act, he operates on or recovers wild animals from any Crown-owned land or National Park land or Maritime Park land or other land in respect of which the Director-General has authority to issue such permits.

22. Consultation with authority or person in control of land—(1) Where in respect of Crown-owned land, including National Park land and Maritime Park land and defence areas, the Director-General considers, or the land controlling authority of any Crown-owned land or the owner or occupier of any other land requests, that, for the purposes of controlling wild animals, the land should be hunted for wild animal recovery using aircraft, the Director-General shall seek and give effect to the views of the owner or occupier or authority in control of the land as to the areas to be hunted, the periods during which any permits are to apply, and any other conditions that the owner, occupier, or authority in control of the land may consider should apply:

Provided that the Director-General shall not be obliged to give effect to any condition or view expressed by any authority or person in control of any land if he considers such a condition or view to be unduly restrictive or to mitigate

against any campaign to achieve concerted action, or to achieve efficient control of wild animals, or is otherwise contrary to the intent and purposes of this Act.

(2) Before any permit is issued for any wild animal recovery hunting on any Crown-owned land or on any land included by authority of the owner or occupier thereof, the Director-General shall advise the owner or occupier of the land or the land controlling authority, as the case may be, of—

- (a) The number of wild animal recovery operators to be issued entry permits to hunt on the land, and any special conditions; and
- (b) All details of any zoning extending over the land and zone boundaries, and seasons, periods, and times during which wild animal recovery hunting may be restricted or prohibited:

Provided that where the Director-General wishes to cancel or vary the boundaries of any wild animal recovery zone, or any conditions under which any permit to enter to hunt wild animals is issued, he shall first seek the views of the owner or occupier of the land, or the land controlling authority.

(3) Notwithstanding anything in subsection (2) of this section, where in the opinion of the Director-General it is necessary to cancel, or vary any permit for wild animal recovery because of a danger to life or property or any emergency that has arisen, or where the owner or occupier of the land or the land controlling authority is not available for immediate prior consultation, the Director-General may cancel, or vary the entry permit for wild animal recovery without prior consultation.

23. Zoning of land into specified wild animal recovery hunting areas—(1) The Director-General may, subject where appropriate to prior consultation with the owner or occupier or land controlling authority, from time to time issue, vary, or revoke any plans and descriptions showing Crown-owned land and land of other tenure, and such zoning as may be required for the specified purposes of specifying areas that are available, or are to be made available or unavailable for wild animal recovery, and of indicating the boundaries of land districts or areas within which wild animal recovery hunting may or may not be allowed.

(2) The zoning of any land, or the issue of any plans or descriptions that purport to show wild animal recovery hunting areas, shall not confer any right of entry onto the land.

(3) Any plans and descriptions issued under the foregoing provisions of this section may be inspected at all conservancy offices and at the Head Office of the Forest Service in Wellington; and, where Crown-owned land other than State forest land is concerned, at any District Office of the Department of Lands and Survey or at a National Park or Maritime Park Headquarters, as is appropriate.

24. Licensing of operators for wild animal recovery services—(1) The Director-General may issue a licence to operate a wild animal recovery service on any land.

(2) Every person commits an offence against this Act who, at any time after the expiration of 3 months from the date of the commencement of this Act, commercially hunts or kills animals as the operator of a wild animal recovery service without a licence issued under this section.

(3) Any person whose application to the Director-General for such a licence has been refused or granted otherwise than in terms of his application, or any person whose existing licence is varied or revoked, may appeal to the Minister in writing stating the grounds of his appeal.

(4) For the purpose of deciding any such appeal, the Minister may consult any person or body, or refer any matter for decision by an independent appeal authority, whether an existing authority or one set up by the Minister for the purpose, and any decision of the Minister or of any such independent appeal authority which is given to the appellant in writing in respect of the appeal shall be final.

25. Obligations of holders of permits—(1) Any person, company, firm, or operator issued with a permit to enter onto Crown-owned land or other land for the purpose of hunting wild animals for wild animal recovery by or with the assistance of aircraft shall ensure that he and his agents and employees observe all the conditions of the permit, any bylaws or statutory provisions or other conditions applying to the land and natural water and any flora or fauna thereon, and any reasonable requests made by any owner or occupier, or land controlling authority or any person authorised to act on behalf of the owner or occupier of the land.

(2) Any person entering onto Crown-owned land or other land under a permit issued under this Part of this Act shall obtain the written approval of the owner or occupier, or land controlling authority or person authorised on behalf of the owner or occupier, of the land before using any aerodrome, accommodation, road, bridge, or other structure or work on the land.

(3) Every holder of a permit issued under this Part of this Act shall ensure that all written requirements of the Director-General and of the occupier or land controlling authority or person authorised on behalf of the occupier of the land concerning notification of numbers or species or sex of animals killed, and the locations where animals were killed, and details of the daily movements, where practicable, of the holder of the permit and his agents and employees on or over the land are advised as required.

(4) The holder of any permit may apply to the Director-General for a review of the information that needs to be supplied by the holder, and the method and detail of supplying and distributing that information. On receipt of any such application, the Director-General shall consult the land controlling authority. The decision of the Director-General on any such review shall be final.

26. Allocation, cancellation, and variation of permits—

(1) The Director-General may from time to time advertise in any local newspaper circulating in the district for which permits are to be issued, and at least twice in a major newspaper circulating in that district, information concerning any area to be made available for wild animal recovery hunting using aircraft and inviting applications for permits for the area.

(2) Irrespective of anything stated in this Part of this Act the Director-General shall not be obliged to issue any permit for any Crown-owned land or other land if he does not consider that a permit should be issued for the area involved, or over the period involved, or to any applicant involved, or for any other reason that is not inconsistent with the intent of this Act, and similarly the Director-General may issue any permit for any Crown-owned land or other land under any system of allocation that he considers most appropriate, and may vary or revoke any such permit.

(3) Every newspaper advertisement issued under subsection (1) of this section shall indicate the location of the land

involved, and such other matters as the Director-General may consider necessary.

(4) Where the holder of any permit issued under this Part of this Act authorising entry onto any land to hunt wild animals for wild animal recovery—

- (a) Is convicted of any offence committed while engaged in wild animal recovery, being an offence against this Act, the Trespass Act 1968, the Civil Aviation Act 1964, the Air Services Licensing Act 1951, or any regulations made under any of the said Acts, or any bylaw or enactment relating to the land or the flora or fauna of the land whereon the offence was committed; or
- (b) Fails to operate in the specified wild animal recovery area of his permit, or fails to operate to the satisfaction of the Director-General; or
- (c) Notifies the Director-General or the land controlling authority for the permit area, or any part thereof, that he does not wish to exercise his permit in full or in part,—

the Director-General may amend, suspend, or cancel the permit, as he considers appropriate, and may invite fresh applications for the permit area or part thereof, as is appropriate.

(5) Where the holder of any permit issued under this Part of this Act is found by the authority in control of any land to which the permit applies, or any authorised person acting for the land controlling authority, in circumstances where non-compliance with permit conditions, or an offence against any bylaws or any enactment relating to the land or the flora or fauna thereon has occurred, the land controlling authority may suspend all or any part of the wild animal recovery operations of the permit holder, and such suspension shall remain in force until such time as the land controlling authority has notified the Director-General, and the Director-General (where appropriate, following a decision of a Court concerning any alleged offence) has notified the said permit holder in writing of his decision to cancel the suspension or to amend, suspend, or cancel all or any permits to enter onto land for wild animal recovery purposes held by the said permit holder.

(6) In any instance where an applicant for a permit, or the holder of a permit, or a person wishing to hunt on land for which the Director-General has not issued permits, considers that the Director-General's decision in respect to the

allocation, variation, or cancellation of the permit or permits is contrary to the intent of this Act or causes undue hardship, he may appeal to the Minister, and any decision of the Minister on any such appeal shall be final.

PART III

RECREATIONAL HUNTING

27. **Declaration of recreational hunting areas**—(1) The Director-General may from time to time, by notice in the *Gazette*, subject to such conditions as he may indicate, publicly notify that any area of Crown-owned land (other than National Park land or Maritime Park land), and any other land included with the agreement of the owner or occupier or land controlling authority, being land on which wild animals are present, shall form or be part of a recreational hunting area where hunting as a means of recreation is to be used to control (though not exclusively) the numbers of wild animals.

(2) The Director-General shall not declare any land other than State forest land as a recreational hunting area unless he has first sought the views of, and received written approval to such use of the land from, the person or Board or authority or Minister having or charged with the administration or control of the land.

(3) The Director-General may at any time vary or revoke any such notice, or the conditions under which any recreational hunting area may be used; and, where studies and investigations have shown that the presence of wild animals is detrimental to the maintenance of the land and vegetation or the natural waters flowing through the land in a satisfactory state, he may:

- (a) Permit for a specified period the hunting of all or any part of the area by wild animal recovery hunters under Forest Service supervision; or
- (b) Introduce control measures carried out by Forest Service officers and employees; or
- (c) Agree to allow for a specified period a trial of intensive recreational hunting.

(4) The Director-General may at any time carry out control operations against any species of wild animals not sought after by recreational hunters in a recreational hunting area, or such species of wild animals as are not listed in a wild animal control plan for an area as animals to be controlled by recreational hunting.

28. Management of recreational hunting areas—(1) Each recreational hunting area shall be managed under a wild animal control plan issued by the Director-General and revised from time to time at intervals no greater than 5 years.

(2) Not less than one month before any such plan is prepared or revised the Director-General shall advertise, on 2 occasions in at least one local newspaper and on 2 occasions in one major newspaper circulating in the district wherein the area lies, his intention to revise, or to prepare, a wild animal control plan for the management of the recreational hunting area, and inviting submissions or proposals for the hunting of the area.

29. National Recreational Hunting Advisory Committee—The Minister may set up a National Recreational Hunting Advisory Committee composed of such persons as the Minister thinks fit, or of representatives of organisations whose object is to foster hunting or shooting in recreational hunting areas, and any Advisory Committee so established shall hold office during the pleasure of the Minister, and shall have such functions and powers as the Minister may decide.

PART IV

POWERS OF LOCAL AUTHORITIES

30. Local authority may apply funds for destruction of wild animals—Notwithstanding anything to the contrary in any other Act, any local authority may from time to time, by ordinary resolution, apply money towards the destruction of wild animals:

Provided that no local authority may exercise any powers under this section without the prior consent of the Minister.

Cf. 1956, No. 6, s. 13

31. Local authorities to submit plans for destruction for approval of Minister—(1) Every local authority, before taking any action for the destruction of wild animals in its district, shall prepare and submit its plans in that behalf to the Minister for his approval.

(2) The Minister may approve any such plans subject to such conditions as he in his discretion thinks fit, or may require the local authority to modify the plans.

Cf. 1956, No. 6, s. 14

PART V

GENERAL PROVISIONS

32. Protection of officers and others—No matter or thing done by any person in good faith in the exercise of his powers or in the performance of his duties under this Act or under any regulations made under this Act shall subject that person to any personal liability in respect thereof.

Cf. 1956, No. 6, s. 20

33. Notices—(1) Where any notice is to be given to any person pursuant to this Act, it may be given by—

- (a) A notice, in writing or in print, or partly in writing and partly in print, delivered personally, or (as the case may require) left at or posted addressed to the office or address of the person, or at or to the usual or last known place of abode in New Zealand of the person; or
- (b) A public notice in a newspaper, or a notice published in the *Gazette*; or
- (c) By affixing a written or painted or printed notice, which bears the symbol of the New Zealand Forest Service and the name or designation of the Minister of Forests or the Director-General of Forests or any Conservator of Forests or Forest Officer, as is appropriate, at or on some other conspicuous or frequented place on the land of the person, or on any place where it will be seen by the person should he frequent the land.

(2) Nothing in this section shall affect section 71 of the Maori Affairs Amendment Act 1974.

34. Offenders to give name and address to officers, etc.—

(1) Where any person is found offending against or acting in contravention of this Act or any regulations or notification under this Act, it shall be lawful for any officer or employee of the Forest Service to require the offender forthwith to desist from so doing and also to give his real first name, surname, and place of abode and to show for identification purposes his driving licence, his firearm serial number, his dog registration number, or any other means of identification.

(2) If the person, after being so required, fails to give his real first name or surname or place of abode, or to give a means of identification when called upon to do so, or gives a

false name or address, or gives such a description of his place of abode as is illusory for the purpose of discovery, or wilfully continues the offence or contravention, he commits an offence, or (as the case may be) a further offence against this Act.

Cf. 1956, No. 6, s. 22

35. Offenders liable for payment of expenses—(1) Every person convicted of an offence against this Act shall be liable for any expenses arising from or caused by the act constituting the offence in addition to the penalty for the offence, and the amount payable in respect of that expense may be awarded by the Court in fixing the penalty and may be recovered as a fine. In assessing the amount so payable the Court may take into account salaries, wages, and incidental expenses incurred in the investigation of the act constituting the offence and in remedying the damage caused by that act and all other relevant factors.

(2) Where any person is convicted of an offence against this Act the Crown shall not be liable to that person for any loss or cost incurred through the death or loss through any cause of any wild animal before the hearing by the Court in respect of the act that constituted the offence against this Act.

36. Offences—(1) Every person commits an offence against this Act who—

- (a) Personates or falsely pretends to be an officer or employee of the Forest Service or any other person authorised to exercise any power under this Act:
- (b) Counterfeits upon or without due authority fixes to any notice or sign or property any mark used by the Forest Service as a means of identification of that notice or sign or property:
- (c) Without due authority, makes or causes to be made, or uses or causes to be used, or has in his possession a brand or stamp such as is usually used by officers or employees of the Forest Service:
- (d) Assaults, resists, impedes, or obstructs, or incites or encourages any other person to assault, resist, impede, or obstruct, or uses abusive or threatening language or behaves in a threatening manner to, any Forest Officer or constable or other authorised person while in the performance or execution of his duty under this Act:

(e) Acts in contravention of any sign, notice, poster, or other lawful direction issued by the Director-General or any Forest Officer:

(f) Fails to comply in any respect with any of the provisions of this Act or does any act in contravention thereof.

(2) For the purposes of paragraph (f) of subsection (1) of this section, any person who refuses to allow any Forest Officer or constable or other authorised person to exercise any of the powers conferred by this Act shall be deemed to obstruct the Forest Officer, constable, or other authorised person.

Cf. 1956, No. 6, s. 21

37. Offences to be tried summarily—(1) Every offence against this Act or against any regulations under this Act shall be punishable on summary conviction before a Magistrate alone.

(2) Any officer or employee of the Forest Service, although not the informant, may appear and conduct the prosecution in all proceedings for offences against this Act.

(3) The Court by which any person is convicted of any such offence may direct that any part, not exceeding half, of any fine recovered under this Act shall be paid to any person or National Park Board instrumental in securing the conviction in respect of which the fine is imposed (not being a person in the employment of the Crown acting in the course of his official duties), and, where such a direction is made, that part of the fine shall be paid to that person or Board by the Registrar of the Court in which the conviction is recorded.

(4) Notwithstanding anything in the Summary Proceedings Act 1957, any information in respect of any offence against this Act or any regulation under this Act may be laid at any time within 12 months from the time when the matter of the information arose.

Cf. 1956, No. 6, s. 24

38. Presumptions and obligations in connection with hunting and killing—(1) In any prosecution for an offence against this Act, proof that any person found in any area where wild animals are usually present had with him or under his control any poison, snare, net, trap, or firearm, or any vessel, vehicle, or aircraft so adapted or equipped as to be capable of being used for hunting or killing any wild animal, or any dog or weapon that could be used for the purpose of hunting

or killing any wild animal, shall be evidence from which the Court may infer that the person was hunting or killing wild animals in the area.

(2) Where any person is found on any land in an area where wild animals are usually present in circumstances that create a prima facie presumption under subsection (1) of this section that he was hunting or killing wild animals in the area, if a licence, permit, or other authority under this Act to hunt or kill wild animals in the area is required, or if any licence, permit, or other authority under any other Act to enter onto the land to hunt or kill wild animals is required, the person shall produce his licence, permit, or other authority to any authorised person demanding its production within a reasonable time, and if he fails to do so and if he is unable to prove that he was not hunting or killing wild animals in the area or on the land, as the case may be, he commits an offence against this Act.

(3) For the purposes of subsection (2) of this section, the term "authorised person" means any constable or Forest Officer; and, in relation to any land, includes the owner and occupier of the land and any employee or agent of the owner or occupier of the land.

39. Penalties—(1) Every person who commits an offence against section 11 of this Act (which relates to the liberation of animals) is liable to a fine not exceeding \$1,000.

(2) Every person who fails to comply with or acts in contravention of any provision of this Act, which relates to wild animal recovery by aircraft on Crown-owned land and certain other land, or fails to comply with any provision of this Act while engaged in wild animal hunting on any land, commits an offence against this Act and is liable,—

(a) If he is an employee or agent of the holder of a permit or licence issued under Part II of this Act, or of any express authority to hunt on any land other than Crown-owned land, to a fine not exceeding \$1,000, and if the offence is a continuing one to a further fine not exceeding \$100 for each day on which the offence continues:

(b) If he is the holder of a permit or licence issued under Part II of this Act, or of any express authority to hunt on any land other than Crown-owned land, to a fine not exceeding \$3,000, and if the offence is a continuing one to a further fine not exceeding \$300 for each day on which the offence continues:

- (c) If he is neither the holder, nor an employee or agent of the holder, of a permit or licence issued under Part II of this Act, or of any express authority to hunt on any land other than Crown-owned land, to a fine not exceeding \$5,000, and if the offence is a continuing one to a further fine not exceeding \$1,000 for each day on which the offence continues.
- (3) Every person who commits an offence against this Act or any regulations made under this Act for which no penalty is provided elsewhere than in this subsection is liable,—
- (a) In the case of an individual, for a first offence against this Act or any regulations made under this Act to a fine not exceeding \$300, and for a second or subsequent offence against this Act or any regulations made under this Act to a fine not exceeding \$600, and, if any offence to which this paragraph applies is a continuing one, to a further fine not exceeding \$30 a day for every day during which the offence has continued:
- (b) In the case of a body corporate, for a first offence against this Act or any regulations made under this Act to a fine not exceeding \$600, and for a second or subsequent offence against this Act or any regulations made under this Act to a fine not exceeding \$1,200, and, if the offence to which this paragraph applies is a continuing one, to a further fine not exceeding \$60 a day for every day during which the offence has continued.
- (4) Any wild animal taken or killed during the commission of any offence against this Act, the Trespass Act 1968, the Air Services Licensing Act 1951, or any other Act or bylaw relating to the land or the natural waters of the land or the flora or fauna of the land whereon the offence was committed, and any part of the carcass of any wild animal so taken or killed during the commission of any offence against any of the said Acts, shall be deemed to be unlawfully taken or killed, and shall remain the property of the Crown, and any money paid in respect of the animal or its carcass shall be paid to the Forest Service for credit to the Public Account, or shall be recoverable from the person who sold the animal or carcass as a debt due to the Crown, and every person who fails to comply with this subsection commits an offence against this Act.

Cf. 1956, No. 6, s. 23

40. Regulations—(1) The Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes:

- (a) The control of wild animal recovery on all Crown-owned land, including National Park land and Maritime Park land:
- (b) Prescribing conditions, including charges or fees, in respect of any permit, right, service, or other matter intended to aid the control of wild animal recovery hunting:
- (c) Providing for the control of wild animals:
- (d) Regulating or prohibiting the sale of wild animals, and prescribing the purposes for which money arising from any such sale may be used:
- (e) Prescribing terms under which the Director-General may, for the purposes of section 12 of this Act, issue or concur in issuing permits or licences for the capture or conveyance or keeping in captivity or exporting of animals to which the said section 12 applies:
- (f) Regulating or prohibiting or restricting the taking, killing, or harbouring of any wild animals:
- (g) Providing for the setting apart and control of specified hunting areas defined under this Act, and for the prohibition or restriction of the use of vehicles or vessels of any description or aircraft in a defined hunting area, and for the conditions on which they may be used in such an area:
- (h) Providing for the prescribing and revocation of any charges, fees, conditions, permits, or licences in respect of the hunting or killing of wild animals as a commercial operator, hunting guide, or recreational hunter, and for the refusal of the issue of licences:
- (i) Prescribing procedures and fees in connection with appeals under this Act:
- (j) Providing for such matters as are contemplated by or necessary for giving full effect to the provisions of this Act and for the due administration thereof.

(2) Regulations made under this Act may be so made as to apply generally throughout New Zealand or within any specified part or parts thereof.

Cf. 1956, No. 6, s. 25

41. Remuneration and travelling allowances for members of committees—There may be paid to the members of any National Recreational Hunting Advisory Committee or other committee set up under this Act remuneration by way of fees, salary, or allowances and travelling allowances and expenses in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly as if the committee were a statutory Board within the meaning of that Act.

42. Financial provisions—(1) All money received by the Crown from the operation of this Act shall be paid into the Public Account and shall be credited to such fund or funds or accounts as may be determined from time to time by the Minister of Finance.

(2) All money payable under this Act shall be paid out of money from time to time appropriated by Parliament.

Cf. 1956, No. 6, s. 11

43. Annual report—The Director-General shall, in his annual report with respect to all operations under the Forests Act 1949, include a report with respect to the operation of this Act as if it formed part of and was included in that Act.

Cf. 1956, No. 6, s. 26

44. Repeals—The enactments specified in the Schedule to this Act are hereby repealed.

SCHEDULE

Section 44

ENACTMENTS REPEALED

1956, No. 6—The Noxious Animals Act 1956. (1957 Reprint, Vol. 11, p. 317.)

1962, No. 42—The Noxious Animals Amendment Act 1962.

1967, No. 143—The Noxious Animals Amendment Act 1967.

This Act is administered in the New Zealand Forest Service.
