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*This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES,
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the LEGISLATIVE COUNCIL for its concurrence.*

*House of Representatives,
11th January, 1922.*

Hon. Mr. Downie Stewart.

ANIMALS PROTECTION AND GAME.

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A BILL INTITULED

Title.	AN ACT to provide for the Protection of Animals, the Regulation of Game-shooting Seasons, and the Constitution and Powers of Acclimatization Societies.	
	BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows :—	5
Short Title and commencement.	1. This Act may be cited as the Animals Protection and Game Act, 1921, and shall come into force on the first day of April, nineteen hundred and <i>twenty-two</i> .	10
Interpretation.	2. In this Act, except where a contrary intention appears,— “Animal” includes bird and reptile : “Close season” means, with respect to any imported game or native game, any period other than an open season as hereinafter defined : “District” means an acclimatization district under this Act : “Imported game” means all animals for the time being included in the <i>Second</i> Schedule hereto : “Minister” means the Minister of Internal Affairs : “Native game” means all animals for the time being included in the <i>Third</i> Schedule hereto : “Notification” means a notice published in the <i>Gazette</i> : “Open season” means, with respect to any imported game or native game, a period declared by the Minister to be an open season for the taking or killing of such game in any district : “Opossum” includes an animal of the species <i>Trichosurus vulpecula</i> or of the subspecies <i>Trichosurus fuliginosus</i> : “Take or kill,” and all references thereto, include the hunting, taking, shooting, pursuing, or destruction of any animal by any lawful means, whether the animal is actually taken or killed or not.	15 20 25 30

PART I.

ANIMALS PROTECTION.

Certain animals to be absolutely protected.	3. (1.) The animals specified in the <i>First</i> Schedule hereto are hereby declared to be absolutely protected throughout New Zealand.	35
	(2.) The Governor-General may from time to time, by Warrant under his hand, declare that any animal specified in such Warrant, and not being an animal specified in the said Schedule, shall be deemed to be included in that Schedule.	
	(3.) The Governor-General in like manner may declare that any animal specified in the said Schedule shall cease to be included therein.	40
	(4.) Every such Warrant shall have effect according to the tenor thereof.	
	(5.) Any such Warrant may in like manner be revoked.	
Partial protection of animals.	4. (1.) The Governor-General may from time to time, by Warrant under his hand, declare that any animal specified in such Warrant shall be protected in such part or parts of New Zealand as are described in the Warrant, and may in like manner revoke any such Warrant.	45

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(2.) While any such Warrant remains in force it shall not be lawful for any person, except with the consent in writing of the Minister, to take or kill any such animal in the part or parts of New Zealand described in such Warrant.

- 5 5. In any case where, by Warrant under section *three* hereof, the Governor-General declares that any animal shall cease to be included in the *First* Schedule he shall in such Warrant declare whether that animal shall thenceforth be deemed to be imported game or native game, in which case that animal shall be deemed to be included in the
10 *Second* Schedule or the *Third* Schedule hereto, as the case may be, or whether that animal shall thenceforth cease to be subject to the provisions of this Act.

As to animals ceasing to be absolutely protected.

6. (1.) The Governor-General may from time to time, by Warrant under his hand, declare any area described in such Warrant to be a
15 sanctuary, and may in like manner revoke any such Warrant.

Sanctuaries for imported and native game.

- (2.) While any such Warrant remains in force it shall not be lawful for any person, except pursuant to an authority granted under section *thirty-one* or section *thirty-two* of this Act, to take or kill in the area affected thereby any imported game or native game, or for any person,
20 except under such conditions as may from time to time be prescribed by the Minister, to take any dog or firearm into such area, or to discharge any firearm or explosive in such area, or to do anything likely to cause any such animal to leave such area.

- (3.) Every reserve under the Scenery Preservation Act, 1908, shall
25 be deemed to be a sanctuary under this Act.

(4.) Every person who unlawfully takes or kills any animal within a sanctuary is liable to a fine of *ten* pounds for every such offence, and to a further fine of *one* pound for each animal so taken or killed.

7. (1.) Land may be taken by the Governor-General under the
30 Public Works Act, 1908, as a sanctuary under this Act, or as a reserve for the breeding and preservation of imported game or native game, in the same manner in all respects as if such land were taken for a public work under such first-mentioned Act.

Land may be taken for sanctuaries, &c.

- (2.) Land taken or acquired by the Crown for any of the said
35 purposes may be let for such term of years at such rents and subject to such conditions as the Governor-General in each case thinks fit.

PART II.

GAME.

8. (1.) The animals specified in the *Second* Schedule hereto are
40 hereby declared to be imported game.

Imported game and native game.

(2.) The animals specified in the *Third* Schedule hereto are hereby declared to be native game.

- (3.) The Governor-General may from time to time, by Warrant under his hand, declare that any animal other than an animal specified
45 in the said Schedules shall be deemed to be included in such one of those Schedules as may be stated in the Warrant; or the Governor-General may in like manner declare that any animal included in either of the said Schedules shall cease to be included therein.

(4.) Every such Warrant shall have effect according to the tenor thereof.

(5.) Any Warrant under this section may apply generally or with respect to any particular part or parts of New Zealand.

(6.) Any Warrant under this section may in like manner be 5
revoked.

Open seasons for
imported and
native game.

9. (1.) Except as may be otherwise expressly provided in this Act, imported game or native game may be taken or killed in any district only during an open season.

(2.) The Minister may from time to time, by notification, declare 10
an open season in any district for imported game or native game or both :

Provided that, except with regard to deer, godwits, and knots respectively, an open season in any year shall not be declared to begin earlier than six o'clock in the morning of the first day of May or to end later than seven o'clock in the evening of the thirty-first day of 15
July in that year.

Offence to take or
kill game during
close season.

(3.) Any person who, except as provided by this Act, takes or kills any imported game or native game during a close season commits an offence, and is liable to a fine of *ten* pounds for every such offence and to a further fine of *one* pound for each head of such game so taken 20
or killed.

Notification as to
conditions on which
open season
declared.

10. (1.) The Minister, in notifying an open season for imported game or native game, shall specify—

(a.) The particular species or sex of imported game or native game that may be taken or killed during such season : 25

(b.) The areas (if any) other than sanctuaries excepted from such open season :

(c.) The number of imported game or native game, or both, that may be taken or killed by any person in any one day :

(d.) Such other conditions (if any) as he thinks fit to impose 30
respecting the taking or killing during such season of imported game or native game, or any particular species thereof.

(2.) No person shall take or kill any imported game or native game otherwise than in terms of such notification.

(3.) The Minister may, at any time before the expiration of the 35
open season, in like manner vary any such notification or revoke the same and issue a fresh notification in lieu thereof.

No game to be
trapped.

11. (1.) No imported or native game shall be trapped or taken by means of traps or by any other means than by hunting or shooting, nor shall any trap, net, or snare be erected or set for the purpose of such 40
trapping or taking at any time whatever, except by persons duly authorized under section *thirty-one* hereof.

(2.) It shall be unlawful to use, for the purpose of taking or killing any imported game, any metal-patched or metal-cased bullet :

Provided that this provision shall not apply to the use of the bullet 45
known as the expansive or mushroom bullet.

Use of metal-
patched or
metal-cased bullets
unlawful.

12. (1.) No person shall kill or destroy any imported game or native game, or shoot at, or attempt to shoot at, any imported game or native game, with any swivel gun or pump gun, or use any gun other 50
than a shoulder gun.

Use of heavy guns
unlawful.

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(2.) No gun shall be used for the purposes aforesaid the bore of which is larger than the size known as number twelve at the muzzle, nor shall any gun be used which exceeds ten pounds in weight.

13. (1.) No person shall use any cylinder for the purpose of taking or killing imported or native game in any lake or river; nor shall the apparatus known as a silencer be used on any gun in the taking or killing of imported game or native game. Use of cylinders, silencers, and live decoys unlawful.

(2.) No person shall use any live decoys for the purpose of taking or killing imported game or native game.

10 14. (1.) No person shall take or kill any imported game or native game during an open season in any district unless he is the holder of a license under this Act to take or kill imported game or native game in such district during that season. License to take or kill imported game.

(2.) Except as hereinafter provided, every person who not being the holder of such a license takes or kills any imported game or native game during an open season commits an offence, and is liable to a fine of not less than five pounds for every such offence.

15 (3.) Notwithstanding anything in the foregoing provisions of this section, any person in *bona fide* occupation of any land, and any one son or daughter of such person, may during an open season take or kill on that land without a license (but subject to all other restrictions imposed by or under this Act) any imported game or native game that may lawfully be taken or killed under a license in the district within the boundaries of which such land is situated, or such first-mentioned person may in writing appoint one other person to take or kill such game in his stead during such open season, in which case he shall not himself take or kill imported game or native game without a license while such appointment remains in force.

20 (4.) No appointment under the *last preceding* subsection shall have any force or effect unless and until approved by the acclimatization society of the district and a note of such approval is endorsed on the instrument of appointment.

25 15. Nothing in any license to take or kill imported game or native game shall authorize the holder thereof to take or kill imported game or native game on lands actually and exclusively used by any registered acclimatization society for acclimatization purposes, or on any sanctuary, or public domain, or on any land excepted from the operation of the notification declaring an open season for the district. Limitation of license.

30 16. (1.) No person shall sell imported game or native game, or dispose of the same for fee or reward, except under the authority of a license in that behalf issued pursuant to regulations under this Act. License to sell imported or native game.

(2.) No license shall be issued under this section in respect both of imported game and native game.

PART III.

OPOSSUMS.

45 17. Except as provided by this Part of this Act, it shall not be lawful for any person to take or kill opossums. Protection of opossums.

18. (1.) The Governor-General may from time to time, by War-rant under his hand, define areas within which, subject to regula- Governor-General may define districts in which opossums may be killed.

tions under this Part of this Act, it shall be lawful to take or kill opossums.

(2.) Any such Warrant may in like manner be revoked.

Regulations.

19. (1.) The Governor-General may from time to time, by Order in Council, make regulations—

- (a.) Prescribing open seasons during which opossums may be taken or killed in a defined area ;
- (b.) Prescribing the means by which opossums may be taken or killed ;
- (c.) Providing for the issue of licenses to take or kill opossums, and prescribing the forms of such licenses and the fees (including royalties) to be paid therefor ;
- (d.) Providing for the taking or killing of opossums without a license in certain cases ;
- (e.) Defining areas within which it shall be unlawful to liberate or harbour opossums ;
- (f.) Regulating the keeping in possession, or the purchase and sale or other disposal, and the import and export, of opossums and opossum-skins ;
- (g.) Providing for the licensing of dealers in opossum-skins, and prescribing forms of dealers' licenses and the fees (including royalties) to be paid for such licenses ;
- (h.) Prescribing the furnishing of returns with respect to opossums taken or killed by any person, and the keeping of registers and the furnishing of returns by licensed dealers or other persons with respect to purchases and sales of opossum-skins ;
- (i.) Providing for the inspection of stocks of opossum-skins in the possession of licensed dealers or other persons ;
- (j.) Prescribing fines for the breach of any regulation under this Part of this Act ;
- (k.) Providing for the revocation of licenses and for the refusal of the issue of licenses in certain cases ;
- (l.) Providing for the payment to registered acclimatization societies of portion of the proceeds of the fees, royalties, and fines paid under this Part of this Act ; and
- (m.) Generally, for the purpose of carrying into effect the provisions of this Part of this Act.

(2.) Such regulations may apply generally throughout New Zealand or within any specified district or part thereof.

(3.) The power to prescribe fines conferred by this section shall include the power to impose a minimum fine for the breach of any regulation.

Application of fees and fines under this Part of this Act.

20. (1.) Notwithstanding anything to the contrary in this Act, all fees, royalties, and fines paid under this Part of this Act shall be paid into the Consolidated Fund.

(2.) The Minister of Finance may without further appropriation than this section pay, in accordance with regulations under this Part of this Act, portion of the proceeds of such fees, royalties, and fines to any registered acclimatization society or societies.

PART IV.

ACCLIMATIZATION DISTRICTS AND SOCIETIES.

21. (1.) The Governor-General may, by Warrant under his hand, declare any part of New Zealand (whether forming part of a then existing district or not) to be a district under and for the purposes of this Act, and may in like manner alter or abolish any such district.

Acclimatization districts.

(2.) The Governor-General shall in like manner define the boundaries of all districts existing on the coming into operation of this Act.

22. (1.) Every acclimatization society registered under the Animals Protection Act, 1908, or the Animals Protection Act, 1907, or any Act repealed thereby, and in existence on the coming into operation of this Act shall forthwith make application to the Minister in the prescribed form for a certificate of registration under this Act, and shall forward with such application two copies of the rules of the society.

Registration of existing acclimatization societies.

(2.) The Minister shall in the prescribed form issue to each society so applying a certificate of registration under this Act.

(3.) A memorandum, signed by the Minister, of the issue of such certificate shall be endorsed on both copies of the rules forwarded with the application, and one of such copies shall be deposited in the office of the Minister and the other returned to the society.

(4.) A notification of the issue of the certificate shall be published in the *Gazette*.

23. (1.) Any acclimatization society formed after the coming into operation of this Act may, in the prescribed manner and form, apply to the Minister for registration under this Act.

Registration of societies formed after commencement of this Act.

(2.) With every application for registration under this section there shall be forwarded two copies of the rules of the society, and the Minister may require the society to make such alterations in its rules as he thinks fit before he considers such application.

(3.) If the Minister in his discretion decides to grant the application, he shall forthwith issue to the society a certificate of registration under this Act.

(4.) The rules of the society so registered shall be dealt with in the manner provided by subsection *three* of the *last preceding* section, and a notification of the issue of the certificate of registration shall be gazetted.

24. (1.) Every society registered under this Act shall be a body corporate by the name or title specified in the certificate of registration, with perpetual succession and a common seal; and shall for the purposes and subject to the provisions of this Act be capable of purchasing, holding, and alienating real and personal property, and of doing and suffering all such other acts and things as bodies corporate may do and suffer.

Registered societies to be bodies corporate.

(2.) The notification in the *Gazette* of the issue of a certificate of registration to any society shall for all purposes be conclusive evidence of the registration of the acclimatization society as from the date named in such notice.

25. (1.) No alteration, amendment, or revocation of the rules of any acclimatization society registered under this Act shall have force or effect unless and until approved by the Minister.

Alterations of rules to be approved by the Minister.

(2.) For the purpose of obtaining such approval a society shall forward to the Minister two copies of every such alteration, amendment, or revocation; and the Minister, if he approves thereof, shall endorse thereon a memorandum of his approval and return one copy to the society.

(3.) A notification of such approval shall be published in the *Gazette*.

Annual balance-sheet, &c., to be forwarded to Minister of Finance.

26. Every registered acclimatization society shall, before the thirtieth day of June in each year, forward to the Minister a full statement of accounts, showing in detail the several receipts and items of expenditure of the society as up to the thirty-first day of March preceding, and such statement shall be accompanied by a balance-sheet duly audited, and shall be printed by direction of and at the expense of the society, and a copy thereof shall be posted to each member of the society.

Where default made in forwarding balance-sheet.

27. If any registered acclimatization society makes default for the space of three months in forwarding such statement and balance-sheet in manner aforesaid, or fails to publish the same as in this Act directed, the Minister may cancel the registration of the society under this Act.

Vesting of animals in societies.

28. For the purposes of this Act the property in all animals in the possession or under the control of any registered acclimatization society shall be deemed to be absolutely vested in such society:

Provided that in any district administered by the Department of Tourist and Health Resorts the property in all animals in the possession of or under the control of the said Department in that district shall be deemed to be vested in the Minister for the time being in charge of such Department.

Societies to notify Minister of imported animals turned at large.

29. (1.) Where any registered acclimatization society desires to turn at large, for the purpose of increase, any animals not indigenous to New Zealand it shall be the duty of the society forthwith to notify the fact in writing to the Minister.

Governor-General may vest in societies property in such animals.

(2.) The Governor-General may by Warrant declare that the property in every such animal so turned at large and in its offspring, and every animal of a like species at large in such district, shall for the purposes of this Act be deemed to be vested in the said society absolutely, or for any period to be stated in such notification:

Provided that nothing in this section or in any Warrant thereunder shall be so construed as to limit the operation of the *last preceding* section.

PART V.

GENERAL.

Restriction on importation, liberation, or keeping of animals.

30. (1.) No person shall, without the consent of the Minister given subject to any regulations in that behalf,—

- (a.) Introduce or import into New Zealand any mammal or bird (not being a domestic animal or bird), or any reptile or insect; or
- (b.) Liberate or turn at large for purposes of sport or game any imported mammal or bird; or
- (c.) Have in his possession any imported reptile, or any beast or bird of prey, or any animal imported into New Zealand in breach of this Act.

(2.) The Minister shall not grant permission to introduce or import into New Zealand any venomous reptile or insect.

(3.) No person shall liberate or allow to go at large in New Zealand any noxious reptile or insect.

5 (4.) Subject to the foregoing provisions of this section, it shall be the duty of the master, owner, charterer, and agent of any vessel arriving at any port or place in New Zealand to prevent any snake or other noxious reptile or insect from being landed in New Zealand from such vessel, whether in the cargo or otherwise, and to inform the Collector of Customs of the presence on board of any animals other than
10 domestic animals.

Master, owner, &c., of ship to prevent noxious reptiles or insects from being landed in New Zealand.

(5.) Every person who offends against or fails to comply with any of the provisions of this section is liable to a fine of *two hundred* pounds or to imprisonment for *six* months.

Offence.

15 31. (1.) The Minister may, by writing under his hand, authorize any acclimatization society, or the officers or servants of any such society, or any other persons to catch or take any imported game or native game, or the eggs of any such game, for the purpose of distributing or exchanging the same in some other country or in some other part of New Zealand, or for any scientific or other purpose approved by the Minister.

Minister may authorize catching or taking of animals for certain purposes.

20 (2.) The Minister may in like manner authorize any person to catch or take any absolutely protected animal, or the eggs of any absolutely protected bird or reptile, for the purpose of distributing the same in some other part of New Zealand, or for any scientific or other purpose approved by the Minister.

25 (3.) Any such authority may permit the holder thereof to enter upon a sanctuary for the purpose of catching or taking the animals or eggs specified therein.

(4.) Every such authority shall be subject to such conditions as may be specified therein.

30 (5.) No such authority shall continue in force for more than three months from the date thereof.

32. The Minister, on being satisfied that injury or damage to any land has arisen or is likely to arise through the presence on such land of any animal, whether such animal is absolutely protected under this
35 Act or is imported game or native game, and whether or not such land is a sanctuary, may in writing authorize the owner or occupier of such land, or the acclimatization society of the district, to take or kill, or cause to be taken or killed, such animals thereon, subject to such conditions and during such period, not exceeding three months from the
40 date thereof, as may be specified in such authority.

Minister may authorize taking or killing of animals causing damage to land.

33. Nothing in this Act shall prevent the owner of any animal, which has been lawfully taken or obtained, from keeping the same in confinement or in a domesticated state, or from offering for sale or selling, or from taking or killing any such animal so kept; and it
45 shall be lawful for any person to buy or offer to buy such animal.

Animals lawfully taken may be kept in confinement or sold.

34. (1.) Every person in pursuit or in possession of imported game or native game shall produce his license to any authorized person demanding such production; and any person who, on or after such demand, fails so to produce such license, or to give his name or place
50 of residence or address, or who gives a false name or place of residence or address, is liable to a fine of *twenty* pounds.

Person in pursuit of imported game to produce license on demand.

(2.) For the purposes of this section "authorized person" includes all Justices and all rangers appointed under this Act, the chairman and members of the council or committee of any registered acclimatization society, the owner or occupier of the land on which any person may be found in possession or in pursuit of imported game, or native game, and all holders of licenses to kill any such game issued under this Act. In any district under the control of the Department of Tourist and Health Resorts "authorized person" also includes any officer of the said Department acting under the written authority of the General Manager of such Department.

Rangers.

35. (1.) The Minister may appoint such persons as he thinks fit to be rangers under this Act.

(2.) A ranger may be appointed for a particular district or area or to exercise his duties generally throughout New Zealand.

Constables to be rangers.

(3.) Every constable shall by virtue of his office be deemed to be a ranger appointed by the Minister to exercise his duties generally throughout New Zealand.

Powers of rangers.

36. (1.) Every ranger appointed by the Minister shall have and may exercise within the district or area for which he is appointed all the powers of a constable, and in the exercise of his duties as ranger may—

- (a.) Seize all absolutely protected animals and all imported game or native game and all skins, feathers, and eggs illegally taken or had in possession, or which he reasonably believes to be so taken or had in possession: 25
- (b.) Seize all nets, traps, firearms, ammunition, boats, engines, instruments, appliances, and devices which are being used or are intended to be used contrary to the provisions of this Act:
- (c.) Stop in transit any parcel, package, case, bag, or luggage in possession of the owner or of any other person, including any carrier or forwarding agent, whether by land or sea respectively, if he has reason to believe or suspect that any breach of this Act has been committed by the owner, and, in the presence of such owner, or other person, or of any such carrier or forwarding agent, or of any servant of any of them, open and search any such parcel, package, case, bag, or luggage: 30
- (d.) At all times enter upon and pass through any land, other than an enclosed garden or any dwellinghouse or the curtilage thereof: 40

Provided that any Justice, upon information on oath that there is probable cause to suspect that any breach of this Act or any regulations has been committed, or that preparation has been made to commit such a breach, within any of the hereinbefore excepted premises, may by warrant under his hand empower a ranger to enter such premises for the purpose of detecting such offence at such time or times in the day or night as are mentioned in such warrant, but no such warrant shall continue in force for more than fourteen days from the date thereof. 45 50

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(2.) The production by a ranger of his warrant of appointment shall be sufficient evidence of such appointment.

(3.) Every person who assaults, resists, or obstructs any ranger, or any person acting by his order or in his aid, in the execution of any of the powers conferred on such ranger by this Act, or by a warrant under this Act, is liable to a fine of not less than *ten* pounds.

37. (1.) Every person who intentionally or negligently shoots, kills, disables, ensnares, or otherwise injures any homing-pigeon is liable on conviction to a fine of *ten* pounds. Special provisions as to homing-pigeons.

10 (2.) Every person who intentionally or negligently kills, maims, or in any way injures any homing-pigeon whilst in course of transit by railway, coach, or otherwise from its home to the point from which it is intended to be despatched as a bearer of a message, or whilst being trained, is liable on conviction to a fine of *twenty* pounds.

15 (3.) Every person who does any of the acts or things mentioned in subsections *one* or *two* hereof is liable to pay to the owner of the pigeon or pigeons the value thereof, and the Magistrate before whom any prosecution takes place under this section may, in addition to the fine imposed, direct payment by the defendant to such owner of such value or of any part thereof.

(4.) No person shall be liable to a fine or other payment under this section unless the owner of the pigeon has been registered as owner thereof with the Chief Postmaster of the postal district in which he resides.

25 38. Every person commits an offence, and is liable to a fine of *five* pounds, who commits any trespass by entering or being on private land in search or pursuit of imported game or native game; and every person found trespassing on private land with any dog, or with any net, gun, or other appliance, shall, unless and until he proves the contrary, be deemed to be in pursuit of imported game or native game. Trespasser in pursuit of game liable to penalty.

Provided that any person charged with any such trespass shall be at liberty to prove by way of defence any matter which would have been a defence to an action at law for such trespass.

35 39. Except as otherwise expressly provided, nothing in any license or other authority under this Act shall entitle the holder thereof to enter upon any private land without the consent of the owner or occupier thereof, or upon any State forest or provisional State forest. Holder of license or other authority not to enter on private lands.

40 40. (1.) Every person commits an offence who, without lawful authority (the proof whereof shall be on the party charged),— Offences.

(a.) Kills a hen pheasant :

(b.) Takes or kills any absolutely protected animal or any imported game or native game :

45 (c.) Sells, or offers for sale, or exposes for sale, or has in his possession, or in any manner disposes of any absolutely protected animal, or any imported game or native game, or the skins thereof, or the feathers of any bird to which this Act applies, or the eggs of any such bird or of any absolutely protected reptile :

50 (d.) Robs or destroys or has in his possession the nest of any bird to which this Act applies.

(2.) Every person who offends against any of the provisions of this section is liable to a fine of *twenty-five* pounds for every such offence.

Penalty in cases not provided for.

41. Where no penalty is provided elsewhere than in this section for any offence against this Act or any regulations, every person who commits any such offence is liable to a fine of *twenty* pounds. 5

Offences punishable on summary conviction.

42. (1.) Every offence against this Act is punishable on summary conviction.

(2.) The convicting Magistrate or Justices may direct that any part, not exceeding one-half, of any fine recovered under this Act shall be paid to any person instrumental in securing the conviction in respect of which the fine is imposed, and such part of such fine shall be paid to such person by the Clerk of the Court in which the conviction is recorded. 10

(3.) Any direction of the Magistrate or Justices under the *last preceding* subsection shall not be entered in the conviction, but shall form the subject-matter of a separate order. 15

Regulations.

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

- (a.) Prescribing the forms of licenses to be issued under this Act and the fees to be paid therefor, and providing for the issue of such licenses : 20
- (b.) Providing for the disposal of all fees for licenses and all fines recovered under this Act, except as provided in *Part III* :
- (c.) Prescribing the scope and effect of licenses issued under this Act, or of any particular class of license : 25
- (d.) Providing for the revocation of licenses and for the refusal of the issue of licenses in certain cases :
- (e.) Regulating the taking or killing of imported game or native game within any public reserve or domain :
- (f.) Prescribing the means by which imported game or native game may be taken or killed, and prohibiting the use of any particular method or means of taking or killing such game ; 30
- (g.) Regulating the declaration by the Minister of open and close seasons for imported game and native game :
- (h.) Providing for the issue and regulating the use of marks of identification to be affixed to heads of deer taken or killed pursuant to a license under this Act : 35
- (i.) Regulating or prohibiting the sale of deer, or venison, or stags heads, or the antlers or skins of deer :
- (j.) Regulating the purchase and sale of imported game and native game, and the flesh and skins thereof :
- (k.) Providing for the inspection of stocks of imported game and native game held by persons to whom licenses to sell such game are issued :
- (l.) Regulating or prohibiting the taking and the purchase and sale of eggs of birds, being imported game or native game : 45
- (m.) Regulating the keeping in cool storage of chilled or frozen imported game or native game :
- (n.) Regulating or prohibiting the importation and keeping in cool storage and the sale of frozen or chilled game (not being imported game or native game) : 50

- (o.) Providing for the licensing of taxidermists, and prescribing books, registers, or forms to be kept, the particulars to be entered therein, and returns to be furnished by licensed taxidermists:
- 5 (p.) Prescribing books, registers, or forms to be kept by—
 (i.) Carrying companies, whether by land or sea, refrigerating companies or proprietors of freezing-chambers, and forwarding agents, showing the receipt and delivery of all packages or parcels containing imported game or native game:
- 10 (q.) Requiring the registration or recording of appointments made under subsection *three* of section *fourteen* hereof, and prescribing the mode of such registration or recording:
- 15 (r.) Regulating the importation of animals (other than domestic animals) into New Zealand, and prohibiting the importation of any particular kind or kinds of such animals:
- (s.) Regulating the liberation of animals in New Zealand:
- (t.) Regulating or prohibiting the import and export of skins, feathers, and eggs of birds or of any particular kind of bird:
- 20 (u.) Prescribing the conditions under which and the season or times at which the coursing of hares shall take place, and the license fee to be charged for such coursing in any district in which hares are imported game:
- (v.) Regulating the coursing, pursuing, or killing of hares in any confined space or enclosure:
- 25 (w.) Regulating the shooting or killing of pigeons or other birds released from any trap, box, or similar contrivance, or in any similar method:
- (x.) Regulating the registration of acclimatization societies, the formation of new societies, and the dissolution of societies registered under this Act:
- 30 (y.) Prescribing fees for the registration of homing-pigeons:
- (z.) Providing for the forfeiture and disposal of any imported game or native game, or of any absolutely protected animals which have been unlawfully taken or killed, or of anything lawfully seized under this Act, and for disposal of the proceeds of the sale of any such thing:
- 35 (aa.) Fixing the fines payable in respect of the breach of any such regulations.
- 40 (2.) Such regulations may apply generally throughout New Zealand, or within any specified district or part thereof.
- (3.) The power to prescribe fines conferred by this section shall include the power to impose a minimum fine for the breach of any regulation.
- 45 44. (1.) The enactments mentioned in the *Fourth* Schedule hereto are hereby repealed. Repeals and savings.
- (2.) All districts, corporations, offices, appointments, Orders in Council, orders, Warrants, regulations, notifications, licenses, registers, registrations, instruments, and generally all acts of authority which
- 50 originated under any of the said enactments or any enactment thereby repealed, and are subsisting on the coming into operation of this Act, shall enure for the purposes of this Act as fully and effectually as if

they had originated under the corresponding provisions of this Act, and accordingly shall, where necessary, be deemed to have so originated.

(3.) Every such corporation shall be deemed to be the same corporation under this Act, without change of corporate entity or otherwise; and in the case of members of the governing body of the corporation elected or appointed for a special term, the current term shall be computed from the date of its commencement. 5

(4.) Notwithstanding anything in the foregoing provisions of this section, the registration of an acclimatization society under any of the aforesaid enactments shall not enure for the purposes of this Act after the expiration of twelve months from the coming into operation of this Act, unless such society has before the expiration of that period applied for and been granted a certificate of registration as provided by section *twenty-two* hereof. 10

(5.) All matters and proceedings commenced under any such enactment, and pending or in progress on the coming into operation of this Act, may be continued, completed, and enforced under the corresponding provisions of this Act (if any), and, if there are no such corresponding provisions, then under the Acts under which they originated, in the same manner as if those Acts remained in force. 15 20

SCHEDULES.

FIRST SCHEDULE.

ANIMALS ABSOLUTELY PROTECTED.

Birds.

Albatross—

- Black-browed mollymawk (*Thalassarche melanophrys*).
- Bounty Island mollymawk (*Thalassogeron cautus*).
- Campbell Island mollymawk (*Thalassogeron chrysostoma*).
- Royal albatross (*Diomedea epomophora*).
- Snares Island mollymawk (*Thalassarche bulleri*).
- Sooty albatross (*Phoebastria palpebrata*, *P. fusca*).
- Wandering albatross (toroa), (*Diomedea exulans*).
- Yellow-nosed mollymawk (*Thalassogeron chlororhynchus*).

Australian Tree-swallow (*Petrochelidon nigricans*).

Avocet (*Recurvirostra novae-hollandiae*).

Bell-bird, or mocker (makomako), (*Anthornis melanura*).

Auckland Island bell-bird (*Anthornis melanura incoronata*).

Chatham Island bell-bird (*Anthornis melanocephala*).

Bittern (matuku-hurepo), (*Botaurus poeciloptilus*).

Little bittern (kioriki), (*Ixobrychus minutus*).

Canary—

Bush canary (mohua), (*Mohua ochrocephala*).

White-head canary (popokotea), (*Certhiiparus albicollis*).

Creepers (South Island), (pipipi, toitoi), (*Finschia novae-zealandiae*).

Crow—

North Island crow (kokako), (*Callaeas wilsoni*).

South Island crow (kokako), (*Callaeas cinerea*).

Cuckoo (Family Cuculidae)—

Long-tailed cuckoo (koekoea), (*Urodynamis taitensis*).

Shining cuckoo (pipiwharau), (*Chalcococcyx lucidus*).

Dottrel—

Banded dottrel (*Cirripedesmus bicinctus*).

New Zealand dottrel (*Ochodromus obscurus*).

FIRST SCHEDULE—continued.

ANIMALS ABSOLUTELY PROTECTED—continued.

Birds—continued.

Duck—

- Auckland Island duck (*Nesonetta aucklandica*).
- Blue or mountain duck (whio), (*Hymenoloemus malacorhynchus*).
- Brown duck (*Elasmonetta chlorotis*).
- Grey teal (*Nettion castaneum*).

Fantail—

- Black fantail (tiwakawaka), (*Rhipidura fuliginosa*).
- Chatham Island pied fantail (*Rhipidura flabellifera penitus*).
- Pied fantail (tiwakawaka), (*Rhipidura flabellifera*).

Fern-bird (matata)—

- Chatham Island fern-bird, (*Bowdleria rufescens*).
- Mainland species (*Bowdleria punctata* and *Bowdleria fulva*).
- Snares Island fern-bird (*Bowdleria punctata caudata*).

Gannet—

- Gannet (takapu), (*Sula serrator*).
- Masked gannet (*Sula dactylatra*).

Grebe—

- Crested grebe (*Podiceps cristatus*).
- Little grebe or dabchick (totokipio), (*Poliiocephalus rufopectus*).

Gull—

- Black-billed gull (*Larus bulleri*).
- Red-billed gull (tarapunga), (*Larus scopulinus*).
- Sea-hawk (hakoakoa), (*Megalestris lonnbergi*).

Heron—

- Blue heron (matuku), (*Demiegretta sacra*).
- Nankeen night-heron (*Nycticorax caledonicus*).
- White-fronted heron (matuku-moana), (*Notophox novae-hollandiae*).
- White heron (kotuku), (*Herodias alba*).

Huia (*Heteralocha acutirostris*).Kaka (*Nestor meridionalis*).Kakapo (ground-parrot), (*Strigops habroptilus*).Kingfisher (kotare), (*Halcyon vagans*).

Kiwi—

- Brown kiwi (*Apteryx mantelli*).
- Great spotted kiwi (roaroa), (*Apteryx haasti*).
- Grey kiwi (*Apteryx oweni*).
- Spotted kiwi (*Apteryx occidentalis*).
- Southern kiwi (roa), (*Apteryx australis*).
- Stewart Island kiwi (*Apteryx australis lawryi*).

Magpie (Australian) (*Gymnorhina tibicen*).Martin (*Chelidon urbica*).

Owl—

- Laughing-owl (whekau), (*Sceloglaux albifacies*).
- Little owl (*Athene noctua*).
- Morepork (ruru, koukou), (*Ninox novae-zealandiae*).
- Rufous-faced owl (North Island), (*Sceloglaux albifacies rufifacies*).

Oyster-catcher, or redbill—

- Black oyster-catcher or redbill (torea), (*Haematopus niger*).
- Pied oyster-catcher or redbill (torea), (*Haematopus ostralegus*).

Parrakeet—

- Antipodes Island parrakeet (*Cyanorhamphus unicolor*).
- Auckland Island parrakeet (*Cyanorhamphus novae-zealandiae aucklandicus*).
- Chatham Island parrakeet (*Cyanorhamphus auriceps forbesi*).
- Kermadec Island parrakeet (*Cyanorhamphus novae-zealandiae cyanurus*).
- Orange fronted parrakeet (*Cyanorhamphus malherbei*).
- Red fronted parrakeet (kakariki), (*Cyanorhamphus novae-zealandiae*).
- Yellow fronted parrakeet (*Cyanorhamphus auriceps*).

Parson-bird (tui), (*Prosthemadera novae-zealandiae*).

Animals Protection and Game.

FIRST SCHEDULE—*continued.*

ANIMALS ABSOLUTELY PROTECTED—*continued.*

Birds—continued.

Penguin—

- Big crested penguin (*Eudyptes chrysocome sclateri*).
- Blue penguin (korora), (*Eudyptula minor*).
- Campbell Island crested penguin (*Eudyptes chrysocome filholi*).
- Crested penguin (tawaki), (*Eudyptes chrysocome pachyrhynchus*).
- King penguin (*Aptenodytes patagonica*).
- Rock-hopper penguin (*Pygoscelis papua*).
- Royal penguin (*Eudyptes schegeli*).
- Tufted penguin (*Eudyptes chrysocome*).
- White-flipped penguin (*Eudyptula albosignata*).
- Yellow-eyed penguin (hoiho or hoihoi), (*Megadyptes antipodum*).

Petrel—

- Black petrel (toanui), (*Procellaria parkinsoni*).
- Black-bellied storm-petrel (*Fregetta melanogaster*).
- Black-capped petrel (*Pterodroma externa*).
- Black-winged petrel (*Cookilaria nigripennis*).
- Blue petrel (*Halobaena caerulea*).
- Brown petrel (*Priofinus cinereus*).
- Cape pigeon (*Daption capensis*).
- Chatham Island petrel (*Cookilaria axillaris*).
- Cook's petrel (titi), (*Cookilaria cooki*).
- Diving-petrel (*Pelecanoides urinatrix*).
- Grey-backed storm-petrel (*Garrodia nereis*).
- Grey-faced petrel (*Pterodroma macroptera*).
- Giant petrel, or nelly (*Macronectes gigantea*).
- Kermadec Island mutton-bird (*Pterodroma neglecta*).
- Rainbird (*Pterodroma inexpectata*).
- Silver-grey petrel (*Priocella antarctica*).
- Whale-bird (*Prion vittatus*).
- Whale-bird (whiroia), (*Prion desolatus*, and *Prion turtur*).
- White-chinned petrel (*Procellaria aequinoctialis*).
- White-faced storm-petrel (*Pelagodroma marina*).
- White-headed petrel (*Pterodroma lessoni*).
- Wilson's storm-petrel (*Oceanites oceanicus*).

Pigeon (kereru), (*Hemiphaga novae-zealandiae*).

- Chatham Island pigeon (*Hemiphaga chathamensis*).

Pipit (Pihoihoi, ground lark), (*Anthus novae-zealandiae*).

- Antipodes Island pipit (*Anthus novae-zealandiae steindachneri*).
- Auckland Island pipit (*Anthus novae-zealandiae aucklandicus*).
- Chatham Island pipit (*Anthus novae-zealandiae chathamensis*).

Plover—

- Lapwing (*Vanellus cristatus*).
- Sand-plover (kukuruatu), (*Thinornis novae-zealandiae*).
- Wrybill (*Anarhynchus frontalis*).

Rail—

- Auckland Island rail (*Rallus muelleri*).
- Dieffenbach's rail (Chatham Island), (moeraki), (*Nesolimnas dieffenbachii*).
- Mangare rail (*Cabalus modestus*).
- Marsh-rail (koitareke), (*Porzana affinis*).
- Pectoral rail (mohopereru patata), (*Hypotaenidia philippensis*).
- Swamp-rail (putoto), (*Porzana plumbea*).

Rifleman (tititipounamu), (*Acanthisitta chloris*).

Robin—

- Chatham Island robin (*Nesomiro traversi*).
- North Island wood-robin (toutouwai), (*Miro longipes*).
- Snares robin (*Nesomiro traversi dannefordi*).
- South Island alpine robin (*Miro australis bulleri*).
- South Island wood-robin (toutouwai), (*Miro australis*).

Saddleback (tieke), (*Creadion carunculatus*).

Sandpiper (*Heteropygia maculata*).

FIRST SCHEDULE—continued.

ANIMALS ABSOLUTELY PROTECTED—continued.

Birds—continued.

Shag—

- Carunculated shag (*Phalacrocorax carunculatus*).
- Chatham Island shag (*Phalacrocorax featherstoni*).
- Pink-footed shag (*Phalacrocorax chalconotus*).

Silver eye (tauhou), (*Zosterops lateralis*).Shearwater (hakoakoa), (*Puffinus reinholdi*).

- Allied shearwater (*Puffinis assimilis*).
- Long-tailed shearwater (*Puffinis bulleri*).
- Pink-footed shearwater (*Puffinis carneipes*).
- Wedge-tailed shearwater (*Puffinis pacificus*).

Snipe—

- Antipodes Island snipe (*Gallinago aucklandica tristrami*).
- Auckland Island snipe (*Gallinago aucklandica*).
- Chatham Island snipe (*Gallinago aucklandica pusilla*).
- Snares Island snipe (*Gallinago aucklandica huegeli*).

Southern merganser (*Merganser australis*).Starling (*Sturnus vulgaris*).

Stilt plover—

- Black stilt plover (*Hypsibates novae-zealandiae*).
- Pied stilt plover (*Hypsibates leucocephalus*).

Stitch-bird (hihi), (*Notiomystis cincta*).Takahe (*Notornis hochstetteri*).

Tern—

- Black-fronted tern (tara), (*Sterna albistriata*).
- Caspian tern (tara nui), (*Hydroprogne caspia*).
- Grey noddy (*Procelsterna cerulea*).
- Little tern (*Sterna nereis*).
- Sooty tern (*Sterna fuscata*).
- Swallow-tailed tern (*Sterna vittata*).
- White-capped noddy (*Megalopterus minutus*).
- White-fronted tern (tara), (*Sterna striata*).
- White tern (*Gygis alba*).
- White-winged black tern (*Hydrochelidon leucoptera*).

Thrush—

- North Island thrush (piopio), (*Turnagra tanagra*).
- South Island thrush (piopio), (*Turnagra crassirostris*).

Tomtit (miromiro)—

- Auckland Island tomtit (*Myiomoira macrocephala marrineri*).
- Chatham Island tomtit (*Myiomoira macrocephala dieffenbachii*).
- North Island tomtit (*Myiomoira toitoi*).
- South Island tomtit (*Myiomoira macrocephala*).

Tropic bird (raukura), (*Phaethon rubricauda*).

Warbler—

- Chatham Island warbler (*Pseudogerygone albofrontata*).
- Grey warbler (riroriro), (*Pseudogerygone igata*).

Woodhen—

- Black woodhen (weka), (*Gallirallus brachypterus*).
- Brown woodhen (weka), (*Gallirallus australis*).
- North Island woodhen (weka), (*Gallirallus australis greyi*).
- South Island woodhen (weka), (*Gallirallus hectori*).
- Stewart Island woodhen (weka), (*Gallirallus australis scotti*).

Wren—

- Green wren (*Xenicus longipes*).
- Rock-wren (*Xenicus gilviventris*).
- Stephen Island wren (*Traversia lyalli*).

Mammalia.

Long-tailed bat (peka-peka), (*Chalinolobus morio*).Short-tailed bat (*Mystacops tuberculatus*).

FIRST SCHEDULE—continued.

ANIMALS ABSOLUTELY PROTECTED—continued.

Reptiles.

Tuatara lizard (*Sphenodon punctatum*).

Amphibia.

Native frogs (*Liopelma hamiltoni* and *Liopelma hochstetteri*).

SECOND SCHEDULE.

IMPORTED GAME.

Antelope or black buck (*Antelope cervicapra*).

Black game or black cock (*Lyrurus tetrix*).

Chamois (*Rupicapra tragus*).

Deer—

Fallow deer (*Cervus dama*).

Mule or black-tailed deer (*Odocoileus hemienus*).

Red deer (*Cervus elaphus*).

Sambur deer (*Cervus unicolor*).

Virginia or white-tailed deer (*Mazama americana*).

Duck—

American black duck (*Anas obscura*).

Canvas-back duck (*Aythya vallisneria*).

Mallard duck (*Anas boschas*).

Mandarin duck (*Aix galericulata*).

Pintail duck (*Dafila acuta*).

Wood-duck (*Aix sponsa*).

Goose—

Black brant goose (*Branta nigricans*).

Canadian goose (*Branta canadensis*).

Cape Barren goose (*Cereopsis novaehollandiae*).

Snow goose (*Chen hyperborea*).

White-fronted goose (*Anser albifrons*).

Grouse (*Lagopus scoticus*).

Himalayan tahr (*Hemitragus jemlaicus*).

Moose (*Alces machlis*).

Partridge (*Perdix cinerea*).

Pheasant (*Phasianus colchicus*).

Ptarmigan (*Lagopus mutus*).

Quail—

Australian quail (*Synoecus australis*).

Californian quail (*Callipepla californica*).

Snipe (*Gallinago coelestus*).

Wapiti (*Cervus canadensis*).

THIRD SCHEDULE.

NATIVE GAME.

Black swan (*Cygnus atratus*).

Duck—

Black teal (*Fuligula novae-zealandiae*).

Grey duck (*Anas superciliosa*).

Paradise duck (*Casarca variegata*).

Shoveller (spoonbill duck or widgeon), N.Z. (tete) (*Spatula rhyncotis*).

Eastern golden plover (*Charadrius dominicus*).

Godwit or curlew (*Limosa novae-zealandiae*).

Knot (*Tringa Canutus*).

Pukeko (*Porphyrio melanotus*).

Turnstone (*Morinella interpres*).

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FOURTH SCHEDULE.

ENACTMENTS REPEALED.

- 1908, No. 6.—The Animals Protection Act, 1908.
1910, No. 22.—The Animals Protection Amendment Act, 1910.
1914, No. 26.—The Animals Protection Amendment Act, 1914.
1915, No. 68.—The Reserves and other Lands Disposal and Public Bodies Empowering Act, 1915 : Section 125.
1920, No. 54.—The Animals Protection Amendment Act, 1920.

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