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**PROHIBITION ON CAPTURE OF MARINE MAMMALS  
(WHALES AND DOLPHINS IN CAPTIVITY)**

ANALYSIS

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**An Act to prohibit the holding in captivity of whales and dolphins**

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

5     **1. Short Title and commencement**—(1) This Act may be cited as the Prohibition on Capture of Marine Mammals (Whales and Dolphins in Captivity) Act 1999, and is part of the Marine Mammals Protection Act 1978 (“the principal Act”).

(2) This Act comes into force on the day on which it receives the Royal assent.

10     **2. Interpretation**—(1) Section 2 of the principal Act is amended by inserting, in its appropriate alphabetical order, the following definition:

“Whale or dolphin’ includes all species of *cetacea*.”

15     (2) Section 2 of the principal Act is amended by inserting in the definition of the term “take”, after the word “possess” in paragraph (a) of that definition, the words “or hold in captivity”.

(3) Section 2 of the principal Act is amended by inserting, after subsection (2), the following subsection:

20     “(2A) For the purposes of this Act, to hold in captivity a whale or dolphin includes—

“ (a) The removal of the whale or dolphin from its natural habitat:



**5. Conditions of permit**—Section 7 (1) (b) of the principal Act is amended by inserting, after the words “marine mammals”, the words “(other than whales or dolphins)”.

5 **6. Offences and penalties**—(1) Section 23 of the principal Act is amended by adding to subsection (1) the following paragraph:

“(d) Possesses or holds in captivity any whale or dolphin unless otherwise authorised by this Act.”

10 (2) Section 23 of the principal Act is amended by inserting, after subsection (2), the following subsection:

15 “(2A) Every person who commits an offence against **subsection (1)(d)** is liable on summary conviction to a fine not exceeding \$50,000 and, where the offence is a continuing one, to a further amount not exceeding \$1,000 for every day on which the offence has continued.”