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Wild Animal Control Act 1977

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Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

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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

1 Short Title

This Act may be cited as the Wild Animal Control Act 1977.

2 Interpretation

(1) In this Act, unless the context otherwise requires,—

activity includes a business, trade, or occupation

aerodrome has the meaning for the time being defined in section 5 of the Civil Aviation Act 2023; and includes any casual landing site or take-off site used by aircraft

aircraft has the meaning for the time being defined in section 5 of the Civil Aviation Act 2023; and includes a helicopter

brand has the meaning for the time being defined in Part 5 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

concession means a concession granted under section 22 in the form of a licence or permit that does not create an interest in land or that does create an interest in land that is non-exclusive

conservation management strategy means a conservation management strategy approved under the Conservation Act 1987

Crown-owned land, except where otherwise stated, means unoccupied land vested in the Sovereign 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 1990, and on which any species of wild animal is normally present

Department means the Department of Conservation

Director-General means the Director-General of Conservation

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) 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 (whether any such firearm is in working order or not); 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

hunt or kill, in relation to wild animals, includes—

(a) hunting or searching for any wild animal, and killing, taking, trapping, capturing, having in possession, tranquillising, 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:

(e) engaging in a wild animal recovery operation

infringement fee, in relation to an infringement offence, means the infringement fee for the offence prescribed in regulations made under this Act

infringement offence means—

(a) an offence in subpart 1 of Part 4A; or

(b) an offence against regulations made under this Act that is declared by regulations to be an infringement offence

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, 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 a local authority within the meaning of the Local Government Act 2002; and

(b) in relation to any island adjacent to the coast of New Zealand which is not included in the district of any such local authority, 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 Conservation

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 tranquillise 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 1 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

regional council means a regional council within the meaning of the Local Government Act 2002

regulated deer farm means a deer farm regulated under section 12A(2); and **regulated area** has a corresponding meaning

safari park means a farm where income is derived from wild animals being hunted on the farm

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

warranted officer has the same meaning as in the Conservation Act 1987

wild animal—

(a) means—

(i) any deer (including wapiti or moose):

(ii) any chamois or tahr:

(iii) any goat that is not—

(A) held behind effective fences or otherwise constrained; and

(B) identified in accordance with an animal identification device approved under the National Animal Identification and Tracing Act 2012 or in accordance with an identification system approved under section 50 of the Biosecurity Act 1993 and approved by the Director-General for the purposes of this Act:

(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 (*see* subsection (3)); and

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

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

(d) does not include an animal that is part of a herd designated to be a herd of special interest under section 16 of the Game Animal Council Act 2013

wild animal recovery operation means the use of an aircraft (whether or not for hire or reward) to carry out 1 or more of the following activities:

(a) the searching for, shooting, or immobilising of wild animals:

(b) the recovering of wild animals (whether dead or alive) or of any part of those wild animals:

(c) the carriage of persons, supplies, equipment, firearms, ammunition, poisons, or other things that may be used for the purpose of paragraph (a) or paragraph (b).

(2) Every reference in any regulations made under this Act to the Director-General of Forests, a Forest Officer, the Forest Service, the Minister of Forests, or State forest land, shall be read, respectively, as a reference to the Director-General, a warranted officer, the Department, the Minister of Conservation, or a conservation area within the meaning of the Conservation Act 1987.

(3) An order under paragraph (a)(v) of the definition of wild animal in subsection (1) is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Compare: 1956 No 6 s 2; 1967 No 143 s 2

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 2(1) **activity**: inserted, on 1 October 1999, by section 2(1) of the Wild Animal Control Amendment Act 1997 (1997 No 80).

Section 2(1) **aerodrome**: amended, on 5 April 2025, by section 486 of the Civil Aviation Act 2023 (2023 No 10).

Section 2(1) **aircraft**: amended, on 5 April 2025, by section 486 of the Civil Aviation Act 2023 (2023 No 10).

Section 2(1) **catchment authority**: repealed, on 1 October 1997, by section 2(2) of the Wild Animal Control Amendment Act 1997 (1997 No 80).

Section 2(1) **concession**: inserted, on 1 October 1999, by section 2(3) of the Wild Animal Control Amendment Act 1997 (1997 No 80).

Section 2(1) **Conservancy**: repealed, on 1 April 1987, by section 65(1) of the Conservation Act 1987 (1987 No 65).

Section 2(1) **conservation management strategy**: inserted, on 10 April 1990, by section 37 of the Conservation Law Reform Act 1990 (1990 No 31).

Section 2(1) **Conservator**: repealed, on 1 April 1987, by section 65(1) of the Conservation Act 1987 (1987 No 65).

Section 2(1) **Crown-owned land**: editorial change made by the PCO, on 15 August 2024, under sections 86(1) and 87(a) of the Legislation Act 2019 (2019 No 58).

Section 2(1) **Department**: inserted, 1 April 1987, by section 65(1) of the Conservation Act 1987 (1987 No 65).

Section 2(1) **Director-General**: substituted, on 1 April 1987, by section 65(1) of the Conservation Act 1987 (1987 No 65).

Section 2(1) **firearm**: amended, on 12 October 1982, by section 2(1) of the Wild Animal Control Amendment Act 1982 (1982 No 26).

Section 2(1) **Forest Officer**: repealed, on 1 April 1987, by section 65(1) of the Conservation Act 1987 (1987 No 65).

Section 2(1) **Forest Service**: repealed, on 1 April 1987, by section 65(1) of the Conservation Act 1987 (1987 No 65).

Section 2(1) **hunt or kill** paragraph (e): added, on 1 October 1999, by section 2(4) of the Wild Animal Control Amendment Act 1997 (1997 No 80).

Section 2(1) **infringement fee**: inserted, on 21 December 2018, by section 55 of the Conservation (Infringement System) Act 2018 (2018 No 61).

Section 2(1) **infringement offence**: inserted, on 21 December 2018, by section 55 of the Conservation (Infringement System) Act 2018 (2018 No 61).

Section 2(1) **licence** or **permit**: amended, on 1 April 1987, by section 65(1) of the Conservation Act 1987 (1987 No 65).

Section 2(1) **local authority**: substituted, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

Section 2(1) **Minister**: substituted, on 1 April 1987, by section 11(1) of the State-Owned Enterprises Amendment Act 1987 (1987 No 117).

Section 2(1) **regional council**: substituted, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

Section 2(1) **regulated deer farm**: inserted, on 25 November 1994, by section 2(1) of the Wild Animal Control Amendment Act 1994 (1994 No 114).

Section 2(1) **safari park**: inserted, on 25 November 1994, by section 2(1) of the Wild Animal Control Amendment Act 1994 (1994 No 114).

Section 2(1) **warranted officer**: inserted, on 1 April 1987, by section 65(1) of the Conservation Act 1987 (1987 No 65).

Section 2(1) **wild animal** paragraph (a)(i): substituted, on 14 December 1979, by section 2(2) of the Wild Animal Control Amendment Act 1979 (1979 No 146).

Section 2(1) **wild animal** paragraph (a)(ii): substituted, on 14 December 1979, by section 2(2) of the Wild Animal Control Amendment Act 1979 (1979 No 146).

Section 2(1) **wild animal** paragraph (a)(ii): amended, on 18 September 2012, by section 90(2) of the Biosecurity Law Reform Act 2012 (2012 No 73).

Section 2(1) **wild animal** paragraph (a)(iii): substituted, on 25 November 1994, by section 2(2) of the Wild Animal Control Amendment Act 1994 (1994 No 114).

Section 2(1) **wild animal** paragraph (a)(iii)(B): amended, on 21 February 2012, by section 75 of the National Animal Identification and Tracing Act 2012 (2012 No 2).

Section 2(1) **wild animal** paragraph (a)(iii)(B): amended, on 7 May 1999, by section 2 of the Wild Animal Control Amendment Act 1999 (1999 No 52).

Section 2(1) **wild animal** paragraph (a)(v): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 2(1) **wild animal** paragraph (c): amended, on 12 October 1982, by section 3(1) of the Wild Animal Control Amendment Act 1982 (1982 No 26).

Section 2(1) **wild animal** paragraph (d): inserted, on 28 November 2013, by section 41(2) of the Game Animal Council Act 2013 (2013 No 98).

Section 2(1) **wild animal recovery operation**: added, on 1 October 1999, by section 2(7) of the Wild Animal Control Amendment Act 1997 (1997 No 80).

Section 2(1) **wild animal recovery service**: repealed, on 1 October 1999, by section 2(7) of the Wild Animal Control Amendment Act 1997 (1997 No 80).

Section 2(1) **wild animal recovery service licence**: repealed, on 1 October 1999, by section 2(7) of the Wild Animal Control Amendment Act 1997 (1997 No 80).

Section 2(2): added, on 1 April 1987, by section 65(1) of the Conservation Act 1987 (1987 No 65).

Section 2(3): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

3 Act to bind Crown

This Act shall bind the Crown.

Part 1
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), 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 operations, and the training and employment of staff.

Section 4(2)(c): amended, on 1 October 1999, by section 3 of the Wild Animal Control Amendment Act 1997 (1997 No 80).

5 Minister's general powers

(1) The Minister 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:

(ca) approve statements of general policy for the implementation of this Act, and approve amendments to such statements in the light of changing circumstances or increased knowledge:

(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), 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 Department 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.

Compare: 1956 No 6 s 4

Section 5(1): amended, on 1 April 1987, by section 65(1) of the Conservation Act 1987 (1987 No 65).

Section 5(1)(ca): inserted, on 10 April 1990, by section 37 of the Conservation Law Reform Act 1990 (1990 No 31).

Section 5(2)(a): amended, on 1 April 1987, by section 65(1) of the Conservation Act 1987 (1987 No 65).

5A General provisions relating to general policies and wild animal control plans

(1) Nothing in any wild animal control plan or statement of general policy under section 5 shall derogate from—

(a) any provision in this Act or other enactment; or

(b) any provision in any conservation management strategy.

(2) For the purposes of section 5(1)(ca), sections 17B (except subsections (1) and (2)) and 17N of the Conservation Act 1987 shall, with any necessary modifications, apply with respect to such general policies.

Section 5A: inserted, on 10 April 1990, by section 37 of the Conservation Law Reform Act 1990 (1990 No 31).

5B Management of wild animals

The Minister shall administer and manage wild animals in accordance with—

(a) statements of general policy under section 5(1)(ca); and

(b) wild animal control plans under section 5(1)(d); and

(c) conservation management strategies.

Section 5B: inserted, on 10 April 1990, by section 37 of the Conservation Law Reform Act 1990 (1990 No 31).

6 Delegation of Minister's powers

(1) Subject to subsection (1A), the Minister may from time to time delegate in writing to the Director-General, or to any officer or employee of the Department, 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.

(1A) The Minister must not delegate the power to grant concessions under Part 2 other than to the Director-General or to any other officer or employee of the Department.

(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.

Compare: 1956 No 6 s 7

Section 6(1): amended, on 1 October 1999, by section 4(1) of the Wild Animal Control Amendment Act 1997 (1997 No 80).

Section 6(1): amended, on 1 April 1987, by section 65(1) of the Conservation Act 1987 (1987 No 65).

Section 6(1A): inserted, on 1 October 1999, by section 4(2) of the Wild Animal Control Amendment Act 1997 (1997 No 80).

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 Department, or any officer or class of officers employed in any department of State that has control of any Crown-owned land, or the Commissioner of Police, 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.

Section 7(1): amended, on 1 April 1987, by section 65(1) of the Conservation Act 1987 (1987 No 65).

Section 7(1): amended, on 12 October 1982, by section 3(2) of the Wild Animal Control Amendment Act 1982 (1982 No 26).

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, and section 56 of the Agricultural Pests Destruction Act 1967, nothing in subsection (1) shall authorise any person to hunt or kill or have in his possession any wild animal on any land, or discharge a firearm into or over or across 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, or discharges a firearm into or over or across 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 Department or any other person or body with his authority, he may, by notice, 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 notice.

(4) The Minister may also, by 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 operations, 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 land administered by the Department of Conservation under the Conservation Act 1987 or any other enactment, at all times retain the right, by notice, to do all or any of the following things:

(a) to vary or revoke his previous notice 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 Department:

(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 notice under subsection (3), hunt or kill or have in his possession any wild animal to which the notice refers.

(7) A notice under subsection (3) or (4) is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Compare: 1956 No 6 s 3

Legislation Act 2019 requirements for secondary legislation made under this section

Publication	The maker must publish it in the *Gazette* or in 1 or more newspapers circulating in the place or area to which it relates	LA19 ss 73, 74(1)(a), Sch 1 cl 14
Presentation	It is not required to be presented to the House of Representatives because a transitional exemption applies under Schedule 1 of the Legislation Act 2019	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 8(2): amended, on 14 December 1979, by section 3(a) of the Wild Animal Control Amendment Act 1979 (1979 No 146).

Section 8(2): amended, on 14 December 1979, by section 3(b) of the Wild Animal Control Amendment Act 1979 (1979 No 146).

Section 8(3): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 8(3): amended, on 1 April 1987, by section 65(1) of the Conservation Act 1987 (1987 No 65).

Section 8(4): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 8(4): amended, on 1 October 1999, by section 5 of the Wild Animal Control Amendment Act 1997 (1997 No 80).

Section 8(4) proviso: amended, on 7 July 2010, by section 4 of the Wild Animal Control Amendment Act 2010 (2010 No 92).

Section 8(4) proviso: amended, on 1 April 1987, by section 11(1) of the State-Owned Enterprises Amendment Act 1987 (1987 No 117).

Section 8(4)(a): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 8(4)(b): amended, on 1 April 1987, by section 65(1) of the Conservation Act 1987 (1987 No 65).

Section 8(6): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 8(7): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

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—

(a) captured, held, or conveyed under a valid permit issued by the Director-General; or

(b) killed by a person who hunts or kills a wild animal on the land with the consent of the owner or occupier; or

(c) hunted or killed by the owner or occupier by lawful means; or

(d) identified in accordance with an identification system—

(i) approved under the National Animal Identification and Tracing Act 2012; or

(ii) approved under section 50 of the Biosecurity Act 1993 and approved by the Director-General for the purposes of this Act.

(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 1980, the Civil Aviation Act 2023, 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 carcass of any wild animal, including any specified wild animal, of a kind which may be farmed under any Act 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, or for the licensee of the game depot or game packing house to receive that carcass, without the ears attached to the hide.

Compare: 1956 No 6 s 9

Section 9(2): substituted, on 7 May 1999, by section 3 of the Wild Animal Control Amendment Act 1999 (1999 No 52).

Section 9(2)(d)(i): replaced, on 21 February 2012, by section 75 of the National Animal Identification and Tracing Act 2012 (2012 No 2).

Section 9(3)(c): amended, on 5 April 2025, by section 486 of the Civil Aviation Act 2023 (2023 No 10).

Section 9(3)(c): amended, on 1 January 1981, pursuant to section 14 of the Trespass Act 1980 (1980 No 65).

Section 9(4): substituted, on 19 October 1978, by section 2 of the Wild Animal Control Amendment Act 1978 (1978 No 135).

Section 9(4): amended, on 12 October 1982, by section 4 of the Wild Animal Control Amendment Act 1982 (1982 No 26).

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) *[Repealed]*

Compare: 1956 No 6 s 16

Section 10(2): repealed, on 1 April 1987, by section 65(1) of the Conservation Act 1987 (1987 No 65).

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 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.

Compare: 1956 No 6 s 8

12 Keeping of specified wild animals in captivity

(1) Subject to section 12A, 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 within the meaning of the Zoological Gardens Regulations 1977; or

(c) any wild animal for the purposes of operating a safari park.

(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 identification of it under the National Animal Identification and Tracing Act 2012.

(3) For the purposes of subsection (1), 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:

(b) every permit or licence that authorises the keeping of the animal for farming purposes, and is issued by the responsible chief executive, with the concurrence of the Director-General, 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 responsible chief executive, with the concurrence of the Director-General, under regulations made under section 25 of the Animals Act 1967.

(4) The Director-General must not—

(a) issue any permit or licence to hold wild animals for farming purposes or in a safari park; or

(b) concur under subsection (3)(b) to the farming of any specified wild animal—

unless satisfied, after consulting the relevant regional council, as to the matters specified in subsection (4A).

(4A) Those matters are that the land on which the wild animals will be farmed or held—

(a) is within the feral range of the species; and

(b) is not unsuitable for farming or holding the wild animals because of its susceptibility to erosion; and

(c) will be adequately equipped with effective fences.

(5) Except as authorised by a permit or licence that is effective for the purposes of subsection (1), no person may, without a permit issued by the Director-General,—

(a) capture or convey or keep in captivity any tahr or chamois; or

(b) except for the purposes of farming or operating a safari park, capture or convey or keep in captivity any deer.

(5A) The Director-General must not issue, under subsection (5), any permit to keep an animal in captivity unless the Director-General 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 prevent its escape; or

(b) the animal will be secured with some suitable restraining device to prevent its escape.

(6) The Director-General 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, forest sanctuary, nature reserve, scientific reserve, or scenic reserve.

(7) The Director-General 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 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 warranted officer shall have power 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 warranted officer shall not enter any dwellinghouse or the enclosed garden or curtilage of any dwellinghouse, unless he is authorised by a warrant in the manner provided in subpart 3 of Part 4 of the Search and Surveillance Act 2012 by an issuing officer (within the meaning of section 3 of that Act), who shall not grant such a warrant unless he is satisfied that the

warranted officer has reasonable grounds for requiring entry into the dwellinghouse, garden, or curtilage.

(11) Any issuing officer (within the meaning of section 3 of the Search and Surveillance Act 2012) who is satisfied that there are reasonable grounds to believe that any breach of this section has been or is being committed may, by warrant under his hand, empower a warranted officer to enter any dwellinghouse, garden, or curtilage for the purpose of detecting that offence.

(11A) *[Repealed]*

(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.

(13) The provisions of Part 4 of the Search and Surveillance Act 2012 (except sections 118 and 119) apply.

Compare: 1956 No 6 s 8A; 1967 No 143 s 3

Section 12(1): amended, on 14 December 1979, by section 4(1) of the Wild Animal Control Amendment Act 1979 (1979 No 146).

Section 12(1)(b): substituted, on 1 October 1997, by section 6(1) of the Wild Animal Control Amendment Act 1997 (1997 No 80).

Section 12(1)(c): added, on 1 October 1997, by section 6(1) of the Wild Animal Control Amendment Act 1997 (1997 No 80).

Section 12(2): amended, on 21 February 2012, by section 75 of the National Animal Identification and Tracing Act 2012 (2012 No 2).

Section 12(3)(a): amended, on 1 April 1987, by section 65(1) of the Conservation Act 1987 (1987 No 65).

Section 12(3)(b): amended, on 1 July 1995, pursuant to section 6(1)(a) of the Ministry of Agriculture and Fisheries (Restructuring) Act 1995 (1995 No 31).

Section 12(3)(b): amended, on 1 April 1987, by section 65(1) of the Conservation Act 1987 (1987 No 65).

Section 12(3)(c): amended, on 1 July 1995, pursuant to section 6(1)(a) of the Ministry of Agriculture and Fisheries (Restructuring) Act 1995 (1995 No 31).

Section 12(3)(c): amended, on 1 April 1987, by section 65(1) of the Conservation Act 1987 (1987 No 65).

Section 12(4): substituted, on 1 October 1997, by section 6(2) of the Wild Animal Control Amendment Act 1997 (1997 No 80).

Section 12(4A): inserted, on 1 October 1997, by section 6(2) of the Wild Animal Control Amendment Act 1997 (1997 No 80).

Section 12(5): substituted, on 1 January 2000, by section 194 of the Animal Welfare Act 1999 (1999 No 142).

Section 12(5)(a): amended, on 18 September 2012, by section 90(3) of the Biosecurity Law Reform Act 2012 (2012 No 73).

Section 12(5)(a): amended, on 25 February 2012, by section 5 of the Wild Animal Control Amendment Act 2012 (2012 No 21).

Section 12(5A): inserted, on 1 January 2000, by section 194 of the Animal Welfare Act 1999 (1999 No 142).

Section 12(6): amended, on 1 April 1987, by section 65(1) of the Conservation Act 1987 (1987 No 65).

Section 12(6): amended, on 14 December 1979, by section 4(5) of the Wild Animal Control Amendment Act 1979 (1979 No 146).

Section 12(7): amended, on 1 April 1987, by section 65(1) of the Conservation Act 1987 (1987 No 65).

Section 12(9): amended, on 1 April 1987, by section 65(1) of the Conservation Act 1987 (1987 No 65).

Section 12(10): amended, on 1 October 2012, by section 308(2)(a) of the Search and Surveillance Act 2012 (2012 No 24).

Section 12(10): amended, on 1 April 1987, by section 65(1) of the Conservation Act 1987 (1987 No 65).

Section 12(10) proviso: amended, on 1 October 2012, by section 308(2)(b) of the Search and Surveillance Act 2012 (2012 No 24).

Section 12(10) proviso: amended, on 1 April 1987, by section 65(1) of the Conservation Act 1987 (1987 No 65).

Section 12(11): amended, on 1 October 2012, by section 308(3)(a) of the Search and Surveillance Act 2012 (2012 No 24).

Section 12(11): amended, on 1 October 2012, by section 308(3)(b) of the Search and Surveillance Act 2012 (2012 No 24).

Section 12(11): amended, on 25 November 1994, by section 4(2)(a) of the Wild Animal Control Amendment Act 1994 (1994 No 114).

Section 12(11): amended, on 25 November 1994, by section 4(2)(b) of the Wild Animal Control Amendment Act 1994 (1994 No 114).

Section 12(11A): repealed, on 25 November 1994, by section 4(3) of the Wild Animal Control Amendment Act 1994 (1994 No 114).

Section 12(13): inserted, on 1 October 2012, by section 308(4) of the Search and Surveillance Act 2012 (2012 No 24).

12A Deer farms

(1) Any person may, without a permit or licence issued under section 12, but subject to this section, capture, convey, or keep deer in captivity for the purposes of farming anywhere in New Zealand except—

(a) on any land where such farming is controlled by or under this Act or any other Act; or

(b) where prohibited pursuant to subsection (2) or any other Act.

(2) Subject to subsection (3), the Minister may from time to time, by notice in the *Gazette*,—

(a) specify those areas or places in which deer farming generally is prohibited:

(b) specify those areas or places in which the farming of any particular species of deer is prohibited:

(c) specify those areas or places in which deer farming generally is permitted:

(d) specify those areas or places in which the farming of any particular species of deer is permitted:

(e) specify the fencing requirements for deer farming generally or for deer farming in any specified areas or places:

(f) regulate deer farming permitted under paragraph (c) or paragraph (d), subject to any provisions prescribed by regulations made under section 40(1)(e).

(2A) The requirements of this section that apply in respect of deer kept in a safari park on land on which the farming of deer is regulated also apply in respect of deer kept in a safari park on land on which the farming of deer is not regulated.

(3) Before giving a notice under subsection (2), the Minister shall,—

(a) in any case where the notice does anything specified in any of paragraphs (a) to (d) of that subsection, publicly notify the intention to give the notice; and, in that case, section 49 of the Conservation Act 1987 shall apply with any necessary modifications as if the giving of the notice under subsection (2) were an exercise of power under that Act:

(b) in every case, have regard to—

(i) whether feral deer of the same species are already established in the area concerned; and

(ii) whether deer-induced modification of the environment is likely to differ from the modification of the environment caused by introduced animal species that are already present; and

(iii) whether the presence of that species of deer is likely to cause additional control costs.

(4) Where the farming of any deer on any land is regulated under subsection (2), the occupier of the land shall ensure that the enclosures on the land—

(a) are suitable to contain the deer and prevent their escape; and

(b) comply with any specifications prescribed by the Minister under that subsection.

(5) After complying with subsection (4) (in the case of a deer farm in a regulated area), the occupier of the relevant land shall then notify the Director-General of the occupier's intention to begin keeping deer in captivity on that land, and upon acknowledgment in writing from the Director-General, may begin to do so.

(6) The notice given to the Director-General under subsection (5) shall be in writing, and shall include the following particulars:

(a) the location, the legal description, and the nature and tenure of the land:

(b) the species of deer proposed to be kept on the land:

(c) such other particulars as the Director-General may specify in writing.

(7) For the purposes of section 9(2) and of subsections (9) to (11) of section 12, an acknowledgment in writing given by the Director-General under subsection (5) shall be deemed to be a permit issued under section 12(3)(a).

(8) Any deer that—

(a) escapes from its enclosure; or

(b) strays while being lawfully captured, conveyed, or held in captivity, for the purposes of farming,—

shall remain the property of the owner if that deer is identified in accordance with an identification system approved under the National Animal Identification and Tracing Act 2012 or in accordance with an identification system approved under section 50 of the Biosecurity Act 1993 and approved by the Director-General for the purposes of this Act.

(9) Notwithstanding subsection (8), the following provisions apply in relation to any deer on Crown-owned land:

(a) any person acting in the course of his or her duties as an employee of the Department, and any other person acting pursuant to a special or general authority conferred for the purpose by the Director-General, may hunt and kill the deer and dispose of the deer:

(b) no person is required to notify the owner of the deer that it has been killed or disposed of:

(c) no person is required to return the deer to the owner:

(d) the owner shall not be entitled to receive any compensation by reason only of the hunting, killing, or disposal of the deer under the authority of this subsection.

(10) Every person commits an offence against this Act who, while keeping any deer in captivity on a regulated deer farm for the purposes of farming, fails to maintain the enclosures on the land so as to prevent the escape of the deer or so that the enclosures no longer comply with any prescribed specifications.

(11) In this section, the term **farming**, in relation to deer, includes the keeping of deer in a safari park, whether or not other wild animals are also kept in the safari park.

Section 12A: substituted, on 25 November 1994, by section 5(1) of the Wild Animal Control Amendment Act 1994 (1994 No 114).

Section 12A(2A): inserted, on 1 October 1997, by section 7(1) of the Wild Animal Control Amendment Act 1997 (1997 No 80).

Section 12A(3)(a): amended, on 18 October 2017, by section 207(2) of the Resource Legislation Amendment Act 2017 (2017 No 15).

Section 12A(8): amended, on 21 February 2012, by section 75 of the National Animal Identification and Tracing Act 2012 (2012 No 2).

Section 12A(8): amended, on 7 May 1999, by section 4 of the Wild Animal Control Amendment Act 1999 (1999 No 52).

Section 12A(11): added, on 1 October 1997, by section 7(2) of the Wild Animal Control Amendment Act 1997 (1997 No 80).

12B Safari parks

(1) No person shall operate a safari park, except pursuant to and in accordance with and under the conditions stated in a permit issued for the purpose by the Director-General.

(1A) The requirement to hold a permit under subsection (1) is in addition to the requirement to hold a permit or licence under section 12, and to complying with section 12A.

(1B) A permit must not be issued under subsection (1) unless the Director-General is satisfied that the requirements of sections 12 and 12A have been complied with.

(2) For the purposes of section 9(2) and of subsections (9) to (11) of section 12, a permit issued under subsection (1) shall be deemed to be a permit issued under section 12(3)(a).

(3) The Minister may from time to time, by notice in the *Gazette*, specify those areas or places in which safari parks are prohibited.

(4) Any animal that escapes from its enclosure and strays while being lawfully captured, conveyed, or held in captivity for the purposes of a safari park shall remain the property of the owner if that animal is identified in accordance with an identification system approved under the National Animal Identification and Tracing Act 2012 or in accordance with an identification system approved under section 50 of the Biosecurity Act 1993 and approved by the Director-General for the purposes of this Act.

(5) Notwithstanding subsection (4), the following provisions apply in relation to any animal that has escaped from a safari park and is on Crown-owned land:

(a) any person acting in the course of his or her duties as an employee of the Department, and any other person acting pursuant to a special or general authority conferred for the purpose by the Director-General, may hunt and kill the animal and dispose of the animal:

(b) no person is required to notify the owner of the animal that it has been killed or disposed of:

(c) no person is required to return the animal to the owner:

(d) the owner shall not be entitled to receive any compensation by reason only of the hunting, killing, or disposal of the animal under the authority of this subsection.

(6) Every person commits an offence against this Act who, while keeping any animal in captivity in a safari park, fails to maintain the enclosures on the land so as to prevent the escape of the animal or so that the enclosures no longer comply with any prescribed specifications.

Section 12B: inserted, on 25 November 1994, by section 5(1) of the Wild Animal Control Amendment Act 1994 (1994 No 114).

Section 12B(1A): inserted, on 1 October 1997, by section 8 of the Wild Animal Control Amendment Act 1997 (1997 No 80).

Section 12B(1B): inserted, on 1 October 1997, by section 8 of the Wild Animal Control Amendment Act 1997 (1997 No 80).

Section 12B(4): amended, on 21 February 2012, by section 75 of the National Animal Identification and Tracing Act 2012 (2012 No 2).

Section 12B(4): amended, on 7 May 1999, by section 5 of the Wild Animal Control Amendment Act 1999 (1999 No 52).

12C Powers of Director-General in relation to deer farms and safari parks

(1) Any employee of the Department or of the responsible Ministry, who is authorised for the purpose by the Director-General, may, at any reasonable time, inspect any regulated deer farm or any safari park to ensure that it complies with the requirements prescribed by or under this Act.

(2) The Director-General may recover from the permit holder the following costs in respect of any deer or other wild animal:

(a) the reasonable costs of any inspection carried out under subsection (1):

(b) the reasonable costs incurred by the Department in controlling any deer or other wild animal that escapes from any regulated deer farm or any safari park.

(3) Where the Director-General is notified of an escape within 48 hours of its occurrence, he or she may waive, in whole or in part, any costs recoverable in that case under subsection (2)(b).

Section 12C: inserted, on 25 November 1994, by section 5(1) of the Wild Animal Control Amendment Act 1994 (1994 No 114).

Section 12C(1): amended, on 1 July 1995, pursuant to section 6(1)(b) of the Ministry of Agriculture and Fisheries (Restructuring) Act 1995 (1995 No 31).

13 Powers of warranted officers

(1) Every warranted officer holding a warrant for the purposes of this Act may 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) 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, dogs, aircraft, 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 Department 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 a Crown Bank 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) *[Repealed]*

(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.

(3A) Notwithstanding subsection (3) and section 39(4), where the carcass of any wild animal is seized or removed from any place, it may be sold. The net proceeds received from the sale shall be paid into the Department Deposit Account and shall be dealt with in accordance with subsection (2) as if those proceeds and not the carcass had been the article seized.

(4) Where any wild animal or its carcass is sold or disposed of under paragraph (g) of subsection (1), 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 warranted 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.

(5A) The provisions of Part 4 of the Search and Surveillance Act 2012 (except subparts 2 and 3, and sections 118 and 119) apply in respect of the powers in subsection (1).

(6) Any warranted officer shall have power 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) 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 warranted officer shall not enter any dwellinghouse or the enclosed garden or curtilage of any dwellinghouse, unless he is authorised by a warrant issued by an issuing officer (within the meaning of section 3 of the Search and Surveillance Act 2012), who shall not grant such a warrant unless he is satisfied that the warranted officer has reasonable grounds for requiring entry into the dwellinghouse, garden, or curtilage.

(7) Any issuing officer (within the meaning of section 3 of the Search and Surveillance Act 2012) who is satisfied that there are reasonable grounds to believe that any offence against this Act has been or is being committed within any dwellinghouse, garden, or curtilage may, by warrant under his hand, empower a warranted officer to enter therein for the purpose of detecting that offence.

(8) The Director-General shall supply to every person to be appointed as a warranted officer (except a constable) a written warrant signed by himself or on his behalf evidencing the warranted officer's appointment, and the production of that warrant shall be sufficient proof of the appointment.

(9) The production by any person of evidence that that person is a constable shall, until the contrary is proved, be sufficient authority for that person to have and exercise all the powers of a warranted officer otherwise appointed under this Act.

(10) The provisions of Part 4 of the Search and Surveillance Act 2012 (except sections 118 and 119) apply.

Section 13 heading: amended, on 1 April 1987, by section 65(1) of the Conservation Act 1987 (1987 No 65).

Section 13(1): amended, on 1 October 2012, by section 308(5) of the Search and Surveillance Act 2012 (2012 No 24).

Section 13(1): amended, on 1 April 1987, by section 65(1) of the Conservation Act 1987 (1987 No 65).

Section 13(1)(c): amended, on 12 October 1982, by section 5(1)(a) of the Wild Animal Control Amendment Act 1982 (1982 No 26).

Section 13(1)(g): amended, on 25 January 2005, pursuant to section 83(7) of the Public Finance Act 1989 (1989 No 44).

Section 13(1)(g): amended, on 1 April 1987, by section 65(1) of the Conservation Act 1987 (1987 No 65).

Section 13(2): repealed, on 21 December 2018, by section 56 of the Conservation (Infringement System) Act 2018 (2018 No 61).

Section 13(3A): inserted, on 19 October 1978, by section 3(1) of the Wild Animal Control Amendment Act 1978 (1978 No 135).

Section 13(3A): amended, on 1 April 1987, by section 65(1) of the Conservation Act 1987 (1987 No 65).

Section 13(3A): amended, on 12 October 1982, by section 5(1)(c) of the Wild Animal Control Amendment Act 1982 (1982 No 26).

Section 13(5): amended, on 1 April 1987, by section 65(1) of the Conservation Act 1987 (1987 No 65).

Section 13(5A): inserted, on 1 October 2012, by section 308(6) of the Search and Surveillance Act 2012 (2012 No 24).

Section 13(6): amended, on 1 October 2012, by section 308(7)(a) of the Search and Surveillance Act 2012 (2012 No 24).

Section 13(6): amended, on 1 April 1987, by section 65(1) of the Conservation Act 1987 (1987 No 65).

Section 13(6) proviso: amended, on 1 October 2012, by section 308(7)(b) of the Search and Surveillance Act 2012 (2012 No 24).

Section 13(6) proviso: amended, on 1 April 1987, by section 65(1) of the Conservation Act 1987 (1987 No 65).

Section 13(7): amended, on 1 October 2012, by section 308(8)(a) of the Search and Surveillance Act 2012 (2012 No 24).

Section 13(7): amended, on 1 October 2012, by section 308(8)(b) of the Search and Surveillance Act 2012 (2012 No 24).

Section 13(7): amended, on 1 April 1987, by section 65(1) of the Conservation Act 1987 (1987 No 65).

Section 13(7): amended, on 19 October 1978, by section 3(2) of the Wild Animal Control Amendment Act 1978 (1978 No 135).

Section 13(8): amended, on 1 April 1987, by section 65(1) of the Conservation Act 1987 (1987 No 65).

Section 13(8): amended, on 12 October 1982, by section 5(1)(d) of the Wild Animal Control Amendment Act 1982 (1982 No 26).

Section 13(8): amended, on 14 December 1979, by section 7(2) of the Wild Animal Control Amendment Act 1979 (1979 No 146).

Section 13(9): added, on 14 December 1979, by section 7(3) of the Wild Animal Control Amendment Act 1979 (1979 No 146).

Section 13(9): amended, on 1 April 1987, by section 65(1) of the Conservation Act 1987 (1987 No 65).

Section 13(10): inserted, on 1 October 2012, by section 308(9) of the Search and Surveillance Act 2012 (2012 No 24).

14 Warranted officers' powers of inspection of occupied Crown-owned land

(1) Any warranted 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) shall prevent a warranted 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 warranted officer shall not enter any dwellinghouse or the enclosed garden or curtilage of any dwellinghouse, unless he is authorised by a warrant issued by an issuing officer (within the meaning of section 3 of the Search and Surveillance Act 2012), who shall not grant such a warrant unless he is satisfied that the warranted officer has reasonable grounds for requiring entry into the dwellinghouse, garden, or curtilage.

(3) The provisions of Part 4 of the Search and Surveillance Act 2012 (except sections 118 and 119) apply.

Section 14 heading: amended, on 1 April 1987, by section 65(1) of the Conservation Act 1987 (1987 No 65).

Section 14(1): amended, on 1 April 1987, by section 65(1) of the Conservation Act 1987 (1987 No 65).

Section 14(2): amended, on 1 April 1987, by section 65(1) of the Conservation Act 1987 (1987 No 65).

Section 14(2) proviso: amended, on 1 October 2012, by section 308(10) of the Search and Surveillance Act 2012 (2012 No 24).

Section 14(2) proviso: amended, on 1 April 1987, by section 65(1) of the Conservation Act 1987 (1987 No 65).

Section 14(3): inserted, on 1 October 2012, by section 308(11) of the Search and Surveillance Act 2012 (2012 No 24).

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 Department enter onto the land, and carry out under the supervision of a warranted 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.

Section 15(2): amended, on 1 April 1987, by section 65(1) of the Conservation Act 1987 (1987 No 65).

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 Department 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 Pesticides (Vertebrate Pest Control) Regulations 1983 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 Department 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 Department, 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 Department 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 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) 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.

Compare: 1956 No 6 s 10

Section 16(2): amended, on 1 April 1987, by section 65(1) of the Conservation Act 1987 (1987 No 65).

Section 16(2)(b): amended, on 1 March 1983, pursuant to regulation 29(a) of the Pesticides (Vertebrate Pest Control) Regulations 1983 (SR 1983/16).

Section 16(3): amended, on 1 April 1987, by section 65(1) of the Conservation Act 1987 (1987 No 65).

Section 16(4): amended, on 1 April 1987, by section 65(1) of the Conservation Act 1987 (1987 No 65).

Section 16(5): amended, on 1 April 1987, by section 65(1) of the Conservation Act 1987 (1987 No 65).

17 Wild animals on land administered by the Department of Conservation under the Conservation Act 1987 or any other enactment

(1) The Minister may authorise any officer or employee of the Department or any other person to hunt or kill any wild animal by day or night on land administered by the Department of Conservation under the Conservation Act 1987 or any other enactment, or any land leased to or managed by the Minister; and nothing in section 263 of the Arms Act 2026, or any other enactment except section 274 of that Act, prevents 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 Department in the exercise of any of the powers conferred by this section.

Compare: 1956 No 6 s 10A; 1967 No 143 s 4

Section 17 heading: amended, on 7 July 2010, pursuant to section 5 of the Wild Animal Control Amendment Act 2010 (2010 No 92).

Section 17 heading: amended, on 1 April 1987, pursuant to section 11(1) of the State-Owned Enterprises Amendment Act 1987 (1987 No 117).

Section 17(1): amended, on 23 September 2026, by section 394 of the Arms Act 2026 (2026 No 47).

Section 17(1): amended, on 7 July 2010, by section 5 of the Wild Animal Control Amendment Act 2010 (2010 No 92).

Section 17(1): amended, on 1 April 1987, by section 11(1) of the State-Owned Enterprises Amendment Act 1987 (1987 No 117).

Section 17(1): amended, on 1 April 1987, by section 65(1) of the Conservation Act 1987 (1987 No 65).

Section 17(1): amended, on 12 October 1982, by section 6 of the Wild Animal Control Amendment Act 1982 (1982 No 26).

Section 17(2): amended, on 1 April 1987, by section 65(1) of the Conservation Act 1987 (1987 No 65).

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), 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.

Compare: 1956 No 6 s 5

19 Tenancies

Subject to the Residential Tenancies Act 1986, 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 Department at such rent and upon such terms and conditions as may be approved by the Public Service Commission, or to any other person under such circumstances, at such rent, and upon such terms and conditions, as the Minister determines.

Section 19: amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

Section 19: amended, on 1 April 1987, by section 65(1) of the Conservation Act 1987 (1987 No 65).

Section 19: amended, on 1 February 1987, pursuant to section 144(1) of the Residential Tenancies Act 1986 (1986 No 120).

20 Special provisions relating to goats

[Repealed]

Section 20: repealed, on 25 November 1994, by section 6 of the Wild Animal Control Amendment Act 1994 (1994 No 114).

Part 2
Concessions for wild animal recovery operations on certain Crown-owned and other land

Part 2: substituted, on 1 October 1999, by section 9 of the Wild Animal Control Amendment Act 1997 (1997 No 80).

21 Purpose of this Part

The purpose of this Part is to—

(a) provide for the granting of concessions to authorise wild animal recovery operations on certain land; and

(b) apply the provisions of Part 3B of the Conservation Act 1987 for the purpose of granting those concessions; and

(c) in applying Part 3B of the Conservation Act 1987, require the Minister to have regard to—

(i) the provisions of the Act under which the land concerned is held; and

(ii) the purposes for which that land is held; and

(iii) the purposes of this Act.

Section 21: substituted, on 1 October 1999, by section 9 of the Wild Animal Control Amendment Act 1997 (1997 No 80).

22 Power to grant concessions for wild animal recovery operations on certain Crown-owned and other land

(1) Despite any other Act, the Minister has exclusive authority to grant, in accordance with Part 3B of the Conservation Act 1987, concessions authorising the holder of the concession to enter any land described in subsection (2) and engage in wild animal recovery operations.

(2) The land is—

(a) Crown-owned land that is—

(i) a conservation area, or deemed to be a conservation area, under the Conservation Act 1987:

(ii) a national park under the National Parks Act 1980:

(iii) a reserve under the Reserves Act 1977,—

(A) including a reserve that is controlled or managed by an administering body under any of sections 28, 29, 30, 35, and 36 of that Act; but

(B) excluding a reserve vested in an administering body under that Act or another Act:

(iv) a wildlife sanctuary or wildlife refuge or wildlife management reserve under the Wildlife Act 1953:

(b) other land to which the National Parks Act 1980 is applied as if the land were a national park.

(3) For the purposes of subsection (1), Part 3B of the Conservation Act 1987 (except for sections 17O(4) and 17U(3)) applies as if references in that Part to a conservation area were references to—

(a) a national park in the case of land described in subsection (2)(a)(ii):

(b) a reserve in the case of land described in subsection (2)(a)(iii):

(c) a wildlife sanctuary or wildlife refuge or wildlife management reserve, as appropriate, in the case of land described in subsection (2)(a)(iv):

(d) land administered as if it were a national park in the case of land described in subsection (2)(b),—

and in each case with any other necessary modifications.

(4) Nothing in this section limits or affects the powers of the Director-General under section 27.

Section 22: substituted, on 1 October 1999, by section 9 of the Wild Animal Control Amendment Act 1997 (1997 No 80).

23 Matters to which Minister to have regard in considering application for concession

In considering an application for a concession under section 22, the Minister must have regard not only to the matters specified in section 17U (other than subsection (3)) of the Conservation Act 1987 (as applied by section 22), but also to—

(a) the provisions of the Act under which the land concerned is held and the purposes for which that land is held; and

(b) the purposes of this Act; and

(c) the role of persons engaged in hunting for recreation in achieving the purposes of this Act.

Section 23: substituted, on 1 October 1999, by section 9 of the Wild Animal Control Amendment Act 1997 (1997 No 80).

24 Licensing of operators for wild animal recovery services

[Repealed]

Section 24: repealed, on 1 October 1999, by section 9 of the Wild Animal Control Amendment Act 1997 (1997 No 80).

25 Obligations of holders of permits

[Repealed]

Section 25: repealed, on 1 October 1999, by section 9 of the Wild Animal Control Amendment Act 1997 (1997 No 80).

26 Allocation, cancellation, and variation of permits

[Repealed]

Section 26: repealed, on 1 October 1999, by section 9 of the Wild Animal Control Amendment Act 1997 (1997 No 80).

Part 3
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 hunters engaged in wild animal recovery operations under Department supervision; or

(b) introduce control measures carried out by Department 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.

Section 27(3)(a): amended, on 1 October 1999, by section 10 of the Wild Animal Control Amendment Act 1997 (1997 No 80).

Section 27(3)(a): amended, on 1 April 1987, by section 65(1) of the Conservation Act 1987 (1987 No 65).

Section 27(3)(b): amended, on 1 April 1987, by section 65(1) of the Conservation Act 1987 (1987 No 65).

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 1 month before any such plan is prepared or revised the Director-General shall advertise, on 2 occasions in at least 1 local newspaper and on 2 occasions in 1 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 4
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.

Compare: 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.

Compare: 1956 No 6 s 14

Part 4A
Infringement offences

Part 4A: inserted, on 21 December 2018, by section 57 of the Conservation (Infringement System) Act 2018 (2018 No 61).

31A Relationship with other offences

Nothing in this Part prevents the prosecution of, and conviction for, an offence in any other Part of this Act (instead of proceeding under this Part).

Section 31A: inserted, on 21 December 2018, by section 57 of the Conservation (Infringement System) Act 2018 (2018 No 61).

Subpart 1—Infringement offences

Subpart 1: inserted, on 21 December 2018, by section 57 of the Conservation (Infringement System) Act 2018 (2018 No 61).

31B Hunting without authority of land owner

(1) A person must not hunt, kill, or possess a wild animal on any land without the express authority of the owner or occupier of that land.

(2) A person who fails to comply with this section commits an infringement offence.

Section 31B: inserted, on 21 December 2018, by section 57 of the Conservation (Infringement System) Act 2018 (2018 No 61).

31C Selling, delivering, or receiving carcass without ears attached

(1) Subsection (2) applies to—

(a) a person who kills a wild animal of a kind that may be farmed under any Act; and

(b) the person's agent or employer.

(2) A person to whom this subsection applies must not sell or deliver the carcass of the wild animal to a game depot or game packing house without the ears attached to the hide.

(3) A licensee of a game depot or game packing house must not receive a carcass that has been sold or delivered in contravention of subsection (2).

(4) A person who fails to comply with this section commits an infringement offence.

Section 31C: inserted, on 21 December 2018, by section 57 of the Conservation (Infringement System) Act 2018 (2018 No 61).

31D Inadequate fencing

(1) A person who keeps deer in captivity on a regulated deer farm for the purposes of farming must maintain the enclosures on the land so as to—

(a) prevent the escape of the deer; or

(b) maintain compliance with any prescribed specifications.

(2) A person who keeps an animal in captivity in a safari park must maintain the enclosures on the land so as to—

(a) prevent the escape of the animal; or

(b) maintain compliance with any prescribed specifications.

(3) A person who fails to comply with this section commits an infringement offence.

Section 31D: inserted, on 21 December 2018, by section 57 of the Conservation (Infringement System) Act 2018 (2018 No 61).

31E Interfering with items on land under section 16

(1) A person must not, without being authorised by the Director-General,—

(a) take away, be in possession of, occupy, fail to vacate, remove, destroy, displace, or move the position of any tent or other structure, or any service, convenience, vehicle, vessel, aircraft, amenity, or notice erected or provided on any land under section 16; or

(b) remove, injure, or damage in any way any vessel, aircraft, vehicle, animal, equipment, or supplies brought onto or used on or present on any land under section 16.

(2) A person who fails to comply with this section commits an infringement offence.

Section 31E: inserted, on 21 December 2018, by section 57 of the Conservation (Infringement System) Act 2018 (2018 No 61).

31F Failure to provide Crown with proceeds from sale of animal or carcass

(1) A person must pay to the Crown any money paid to the person in respect of an animal (or the carcass of an animal) taken or killed during the commission of an offence against—

(a) this Act; or

(b) the Trespass Act 1980; or

(c) the Civil Aviation Act 1990; or

(d) any other Act or bylaw relating to the land, the natural waters of the land, or the flora or fauna of the land on which the offence was committed.

(2) A person who fails to comply with this section commits an infringement offence.

Section 31F: inserted, on 21 December 2018, by section 57 of the Conservation (Infringement System) Act 2018 (2018 No 61).

Subpart 2—Procedural matters

Subpart 2: inserted, on 21 December 2018, by section 57 of the Conservation (Infringement System) Act 2018 (2018 No 61).

31G Proceedings for infringement offences

(1) A person who is alleged to have committed an infringement offence may either—

(a) be proceeded against by filing a charging document under section 14 of the Criminal Procedure Act 2011; or

(b) be served with an infringement notice under section 31I.

(2) If an infringement notice has been issued under section 31I, proceedings for the offence to which the notice relates may be commenced in accordance with section 21 of the Summary Proceedings Act 1957, and in that case the provisions of that section apply with all necessary modifications.

Section 31G: inserted, on 21 December 2018, by section 57 of the Conservation (Infringement System) Act 2018 (2018 No 61).

31H Who may issue infringement notices

The Director-General may authorise a warranted officer, in writing, to issue infringement notices under this Act.

Section 31H: inserted, on 21 December 2018, by section 57 of the Conservation (Infringement System) Act 2018 (2018 No 61).

31I Infringement notices

(1) A warranted officer authorised under section 31H may issue an infringement notice to a person if the warranted officer believes on reasonable grounds that the person is committing, or has committed, an infringement offence.

(2) The warranted officer may deliver the infringement notice (or a copy of it) in person to the person alleged to have committed an infringement offence or send the notice by post addressed to that person's last known place of residence or business.

(3) An infringement notice (or a copy of it) sent by post to a person under subsection (2) is to be treated as having been served on that person when it was posted.

(4) An infringement notice must be in the prescribed form and must contain the following particulars:

(a) such details of the alleged infringement offence as are sufficient to fairly inform a person of the time, place, and nature of the alleged offence; and

(b) the amount of the infringement fee; and

(c) the address of the place at which the infringement fee may be paid; and

(d) the time within which the infringement fee must be paid; and

(e) a summary of the provisions of section 21(10) of the Summary Proceedings Act 1957; and

(f) a statement that the person served with the notice has a right to request a hearing; and

(g) a statement of what will happen if the person served with the notice neither pays the infringement fee nor requests a hearing; and

(h) any other particulars that may be prescribed.

Section 31I: inserted, on 21 December 2018, by section 57 of the Conservation (Infringement System) Act 2018 (2018 No 61).

31J Reminder notices

A reminder notice must be in the prescribed form, and must include the same particulars, or substantially the same particulars, as the infringement notice.

Section 31J: inserted, on 21 December 2018, by section 57 of the Conservation (Infringement System) Act 2018 (2018 No 61).

31K Payment of infringement fees

All infringement fees paid in respect of infringement offences must be paid into a Crown Bank Account.

Section 31K: inserted, on 21 December 2018, by section 57 of the Conservation (Infringement System) Act 2018 (2018 No 61).

31L Penalties for infringement offences

A person who commits an infringement offence is liable on conviction to—

(a) the infringement fee prescribed in regulations for that offence; or

(b) a fine imposed by a court not exceeding the maximum fine prescribed in regulations for that offence.

Section 31L: inserted, on 21 December 2018, by section 57 of the Conservation (Infringement System) Act 2018 (2018 No 61).

Part 5
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.

Compare: 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 Department and the name or designation of the Minister or the Director-General or any Conservator of Forests or warranted 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.

Section 33(1)(c): amended, on 1 April 1987, by section 65(1) of the Conservation Act 1987 (1987 No 65).

34 Power to require person to stop offending

(1) This section applies if a warranted officer or an officer or employee of the Department (an **officer**) believes on reasonable grounds that a person is committing an offence against this Act or any regulations made under this Act.

(2) The officer may require the person to stop doing the act that constitutes the offence.

(3) A person who continues an act after being required to stop commits a further offence.

Section 34: replaced, on 21 December 2018, by section 58 of the Conservation (Infringement System) Act 2018 (2018 No 61).

34AA Power to require information

(1) This section applies if a warranted officer or an officer or employee of the Department (an **officer**) believes on reasonable grounds that a person has committed an offence against this Act or regulations made under this Act.

(2) The officer may require the person to—

(a) state the person's full name, residential address, and date of birth; and

(b) provide evidence, as soon as practicable, of the person's full name, residential address, and date of birth.

(3) A person commits an offence if the person—

(a) refuses or fails to give information required under subsection (2)(a); or

(b) refuses or fails to produce evidence required under subsection (2)(b) as soon as practicable.

Section 34AA: inserted, on 21 December 2018, by section 59 of the Conservation (Infringement System) Act 2018 (2018 No 61).

34AB Constable may arrest person who fails to comply with section 34 or 34AA

(1) A constable may caution a person who fails to comply with a requirement under section 34 or 34AA.

(2) If, after being cautioned, the person continues to fail to comply with a requirement, the constable may arrest the person without warrant.

Section 34AB: inserted, on 21 December 2018, by section 59 of the Conservation (Infringement System) Act 2018 (2018 No 61).

34A Owner or hirer of aircraft to give information as to identity of pilot, etc

(1) On being informed of any offence alleged to have been committed against this Act by the pilot of or any shooter carried by an aircraft, and on being requested to do so by a warranted officer, whether the request is made orally or in writing, the owner of the aircraft or the person legally entitled to possession of that aircraft, and, in the case of an aircraft let on hire, the person to whom it is let on hire, shall, within 14 days after the receipt of the request, give to the warranted officer or the Director-General all information in his possession or obtainable by him which may lead to the identification and apprehension of the pilot and any such shooter.

(2) If the person, after being so requested, fails within the time specified to give the requesting officer or Director-General all information in his possession or obtainable by him which may lead to the identification and apprehension of the pilot of and any shooter carried by the aircraft, he commits an offence against this Act.

Section 34A: inserted, on 12 October 1982, by section 8 of the Wild Animal Control Amendment Act 1982 (1982 No 26).

Section 34A(1): amended, on 1 April 1987, by section 65(1) of the Conservation Act 1987 (1987 No 65).

Section 34A(1): amended, on 11 June 1985, by section 2(a) of the Wild Animal Control Amendment Act 1985 (1985 No 100).

Section 34A(2): amended, on 11 June 1985, by section 2(b) of the Wild Animal Control Amendment Act 1985 (1985 No 100).

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) *[Repealed]*

Section 35(2): repealed, on 12 October 1982, by section 9 of the Wild Animal Control Amendment Act 1982 (1982 No 26).

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 Department 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 Department 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 Department:

(d) impedes or obstructs or uses abusive or threatening language to any officer or employee of the Department 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 warranted 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), any person who refuses to allow any warranted officer or other authorised person to exercise any of the powers conferred by this Act shall be deemed to obstruct the warranted officer or other authorised person.

(3) Every person commits an offence who engages in a wild animal recovery operation on land described in section 22(2) and who does not hold a concession under section 22 authorising wild animal recovery operations.

Compare: 1956 No 6 s 21

Section 36(1)(a): amended, on 1 April 1987, by section 65(1) of the Conservation Act 1987 (1987 No 65).

Section 36(1)(b): amended, on 1 April 1987, by section 65(1) of the Conservation Act 1987 (1987 No 65).

Section 36(1)(c): amended, on 1 April 1987, by section 65(1) of the Conservation Act 1987 (1987 No 65).

Section 36(1)(d): substituted, on 14 December 1979, by section 11(1) of the Wild Animal Control Amendment Act 1979 (1979 No 146).

Section 36(1)(d): amended, on 1 April 1987, by section 65(1) of the Conservation Act 1987 (1987 No 65).

Section 36(1)(e): amended, on 1 April 1987, by section 65(1) of the Conservation Act 1987 (1987 No 65).

Section 36(2): amended, on 1 April 1987, by section 65(1) of the Conservation Act 1987 (1987 No 65).

Section 36(2): amended, on 14 December 1979, by section 11(2) of the Wild Animal Control Amendment Act 1979 (1979 No 146).

Section 36(3): added, on 1 October 1999, by section 11 of the Wild Animal Control Amendment Act 1997 (1997 No 80).

37 Proceedings for offences

(1) *[Repealed]*

(2) *[Repealed]*

(3) The court by which any person is convicted of an offence against this Act 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) Despite anything to the contrary in section 25 of the Criminal Procedure Act 2011, the limitation period in respect of an offence against this Act or any regulations made under it ends on the date that is 12 months after the date on which the offence was committed.

(5) Subsection (4) does not apply to an offence against section 11.

Compare: 1956 No 6 s 24

Section 37 heading: replaced, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 37(1): repealed, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 37(2): repealed, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 37(3): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 37(4): replaced, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 37(5): inserted, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

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 shall presume, until the contrary is proved, 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) that he was hunting or killing wild animals in the area, if a

licence, permit, concession, or other authority under this Act to hunt or kill wild animals in the area is required, or if any licence, permit, concession, 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, concession, 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), the term **authorised person** means any constable or warranted 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.

(4) In any prosecution for an offence against section 8 or section 36, proof that any aircraft was used for hunting or killing any wild animal shall be evidence from which the court shall presume, until the contrary is proved,—

(a) that the pilot stipulated in the concession issued in respect of that aircraft was the pilot of that aircraft; or

(b) if no concession was held in respect of that aircraft, that the person stipulated as the pilot of the aircraft in any flight record required to be kept by the operator of the aircraft under regulation 28A of the Civil Aviation Regulations 1953 was the pilot of the aircraft.

(5) In any prosecution for an offence against this Act, a certificate confirming the status of any State forest land (as defined in the Forests Act 1949), national park, maritime park, or any Crown-owned land given by the Chief Surveyor for the relevant land district constituted under the Land Act 1948 in which the land in question is situated shall, unless the defendant proves to the contrary, be conclusive proof of that status; and all plans, maps, certificates, and copies certified as true or correct by that Chief Surveyor shall be sufficient evidence of their contents without the production of original records and without the personal attendance of that officer or proof of the officer's signature.

Section 38(1): amended, on 12 October 1982, by section 10(1) of the Wild Animal Control Amendment Act 1982 (1982 No 26).

Section 38(2): amended, on 1 October 1999, by section 12(1) of the Wild Animal Control Amendment Act 1997 (1997 No 80).

Section 38(3): amended, on 1 April 1987, by section 65(1) of the Conservation Act 1987 (1987 No 65).

Section 38(4): added, on 12 October 1982, by section 10(2) of the Wild Animal Control Amendment Act 1982 (1982 No 26).

Section 38(4): amended, on 1 October 1999, by section 12(2)(a) of the Wild Animal Control Amendment Act 1997 (1997 No 80).

Section 38(4)(a): amended, on 1 October 1999, by section 12(2)(b) of the Wild Animal Control Amendment Act 1997 (1997 No 80).

Section 38(4)(b): amended, on 1 October 1999, by section 12(2)(b) of the Wild Animal Control Amendment Act 1997 (1997 No 80).

Section 38(4)(b): amended, on 11 June 1985, by section 3(1) of the Wild Animal Control Amendment Act 1985 (1985 No 100).

Section 38(5): substituted, on 11 June 1985, by section 3(2) of the Wild Animal Control Amendment Act 1985 (1985 No 100).

39 Penalties

(1) Every person who commits an offence against any of the provisions listed in subsection (2) is liable on conviction to,—

(a) in the case of an individual, imprisonment for a term not exceeding 2 years or a fine not exceeding $100,000, or both:

(b) in the case of a body corporate, a fine not exceeding $200,000:

(c) in any case, where the offence is a continuing one, a further fine not exceeding $10,000 for every day on which the offence continues.

(2) The provisions are—

(a) section 8(2), which relates to unauthorised hunting or killing and unauthorised discharge of weapons:

(b) section 11(3), which relates to unauthorised capture, conveyance, possession, or liberation of wild animals:

(c) section 12A(10), which relates to failing to maintain deer enclosures:

(d) section 12B(6), which relates to failing to maintain animal enclosures on safari parks:

(e) section 17(2), which relates to obstructing, hindering, or resisting officers:

(f) section 36(1)(d), which relates to impeding, obstructing, or threatening officers:

(g) section 36(3), which relates to engaging in wild animal recovery operations without a concession.

(2A) *[Repealed]*

(3) Every person who commits an offence against any regulations made under this Act for which no penalty is provided elsewhere than in this subsection is liable on conviction,—

(a) in the case of an individual,—

(i) to a fine not exceeding $5,000; and

(ii) if the offence is a continuing one, to a further fine not exceeding $500 for every day on which the offence continues:

(b) in the case of a body corporate,—

(i) to a fine not exceeding $10,000; and

(ii) if the offence is a continuing one, to a further fine not exceeding $1,000 for every day on which the offence continues.

(3A) Every person who commits an offence against this Act for which no penalty is prescribed elsewhere in this Act is liable on conviction to—

(a) in the case of an individual, imprisonment for a term not exceeding 1 year or a fine not exceeding $100,000, or both:

(b) in the case of a body corporate, a fine not exceeding $200,000:

(c) in any case, where the offence is a continuing one, a further fine not exceeding $10,000 for every day on which the offence continues.

(4) Any wild animal taken or killed during the commission of any offence against this Act, the Trespass Act 1980, the Civil Aviation Act 2023, 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 Department for credit to a Crown Bank 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.

Compare: 1956 No 6 s 23

Section 39(1): replaced, on 25 October 2013, by section 36 of the Conservation (Natural Heritage Protection) Act 2013 (2013 No 89).

Section 39(2): replaced, on 25 October 2013, by section 36 of the Conservation (Natural Heritage Protection) Act 2013 (2013 No 89).

Section 39(2A): repealed, on 25 October 2013, by section 36 of the Conservation (Natural Heritage Protection) Act 2013 (2013 No 89).

Section 39(3): replaced, on 25 October 2013, by section 36 of the Conservation (Natural Heritage Protection) Act 2013 (2013 No 89).

Section 39(3): amended, on 21 December 2018, by section 60 of the Conservation (Infringement System) Act 2018 (2018 No 61).

Section 39(3A): inserted, on 25 October 2013, by section 36 of the Conservation (Natural Heritage Protection) Act 2013 (2013 No 89).

Section 39(4): amended, on 5 April 2025, by section 486 of the Civil Aviation Act 2023 (2023 No 10).

Section 39(4): amended, on 25 January 2005, pursuant to section 83(7) of the Public Finance Act 1989 (1989 No 44).

Section 39(4): amended, on 1 April 1987, by section 65(1) of the Conservation Act 1987 (1987 No 65).

Section 39(4): amended, on 1 January 1981, pursuant to section 14 of the Trespass Act 1980 (1980 No 65).

39A Sentence of community work

A court may sentence any individual who is convicted of an offence against this Act to a sentence of community work, and the provisions of Part 2 of the Sentencing Act 2002 apply with all necessary modifications.

Section 39A: inserted, on 25 October 2013, by section 37 of the Conservation (Natural Heritage Protection) Act 2013 (2013 No 89).

Section 39A: amended, on 21 December 2018, by section 61 of the Conservation (Infringement System) Act 2018 (2018 No 61).

39B Penalties for offences committed for commercial gain or reward

(1) If a person is convicted of an offence against this Act and, on sentencing for that offence, the court is satisfied beyond reasonable doubt that the offence was committed for the purpose of commercial gain or reward (whether or not any gain or reward is realised), the person is liable instead of any penalty otherwise prescribed to,—

(a) in the case of an individual, imprisonment for a term not exceeding 5 years or a fine not exceeding $300,000, or both:

(b) in the case of a body corporate, a fine not exceeding $300,000:

(c) in any case, where the offence is a continuing one, a further fine not exceeding $20,000 for every day on which the offence continues.

(2) Subsection (1) overrides every other provision of this Act to the contrary.

Section 39B: inserted, on 25 October 2013, by section 37 of the Conservation (Natural Heritage Protection) Act 2013 (2013 No 89).

39C Return and forfeiture of seized items

(1) This section applies if an article or animal used in the commission of an offence is seized from a person by a warranted officer.

(2) The Director-General must retain the article or animal pending proceedings against the person for the offence.

(3) If proceedings are not commenced against the person within 12 months after the seizure, the Director-General must return the article or animal to the person.

(4) The court may order that the article or animal be forfeited to the Crown,—

(a) in the case of an offence that is not an infringement offence, if the court enters a conviction against the person for the offence; or

(b) in the case of an infringement offence, if the person is found guilty, or admits the commission, of the infringement offence.

(5) In this section, **proceedings** does not include the issue of an infringement notice.

Section 39C: inserted, on 21 December 2018, by section 62 of the Conservation (Infringement System) Act 2018 (2018 No 61).

39D Forfeiture of other items

The court may order that an article, animal, or aircraft used in the commission of an offence be forfeited to the Crown (even if it has not been seized),—

(a) in the case of an offence that is not an infringement offence, if the court enters a conviction against a person for the offence; or

(b) in the case of an infringement offence, if a person is found guilty, or admits the commission, of the infringement offence.

Section 39D: inserted, on 21 December 2018, by section 62 of the Conservation (Infringement System) Act 2018 (2018 No 61).

39E Disposal of forfeited items

Items that are forfeited to the Crown may be disposed of as the Minister directs.

Section 39E: inserted, on 21 December 2018, by section 62 of the Conservation (Infringement System) Act 2018 (2018 No 61).

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) *[Repealed]*

(b) *[Repealed]*

(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 or section 12A, issue or concur in issuing permits or licences for the capture or conveyance or keeping in captivity of animals to which the said section 12 or section 12A 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:

(ia) prescribing infringement offences for the contravention of regulations made under this Act:

(ib) prescribing penalties for infringement offences, which,—

(i) in the case of infringement fees, must not be more than $1,000; and

(ii) in the case of maximum fines, must not be more than twice the amount of the infringement fee for the offence:

(ic) prescribing information to be included in infringement notices and reminder notices:

(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.

(3) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Compare: 1956 No 6 s 25

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 40(1)(a): repealed, on 1 October 1999, by section 14 of the Wild Animal Control Amendment Act 1997 (1997 No 80).

Section 40(1)(b): repealed, on 1 October 1999, by section 14 of the Wild Animal Control Amendment Act 1997 (1997 No 80).

Section 40(1)(e): amended, on 1 January 2000, by section 194 of the Animal Welfare Act 1999 (1999 No 142).

Section 40(1)(e): amended, on 25 November 1994, by section 8 of the Wild Animal Control Amendment Act 1994 (1994 No 114).

Section 40(1)(ia): inserted, on 21 December 2018, by section 63 of the Conservation (Infringement System) Act 2018 (2018 No 61).

Section 40(1)(ib): inserted, on 21 December 2018, by section 63 of the Conservation (Infringement System) Act 2018 (2018 No 61).

Section 40(1)(ic): inserted, on 21 December 2018, by section 63 of the Conservation (Infringement System) Act 2018 (2018 No 61).

Section 40(3): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

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 a Crown Bank 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.

Compare: 1956 No 6 s 11

Section 42(1): amended, on 25 January 2005, pursuant to section 83(7) of the Public Finance Act 1989 (1989 No 44).

43 Annual report

The Director-General shall, in his annual report with respect to all operations under the Conservation Act 1987, include a report with respect to the operation of this Act as if it formed part of and was included in that Act.

Compare: 1956 No 6 s 26

Section 43: amended (with effect on 1 April 1987), on 1 July 1987, by section 11(1) of the State-Owned Enterprises Amendment Act 1987 (1987 No 117).

44 Repeals

The enactments specified in the Schedule are hereby repealed.

Schedule
Enactments repealed

s 44

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

Noxious Animals Amendment Act 1962 (1962 No 42)

Noxious Animals Amendment Act 1967 (1967 No 143)

Biosecurity Law Reform Act 2012

Public Act	2012 No 73
Date of assent	17 September 2012
Commencement	see section 2

1 Title

This Act is the Biosecurity Law Reform Act 2012.

2 Commencement

(1) Section 19 and Part 2 come into force on the date appointed by the Governor-General by Order in Council.

(2) The rest of this Act comes into force on the day after the date on which it receives the Royal assent.

Part 3
Related amendments to other enactments

90 Amendments to Wild Animal Control Act 1977

(1) This section amends the Wild Animal Control Act 1977.

(2), (3) *Amendment(s) incorporated in the Act(s)*.

92 Transitional provision on wallabies and possums

(1) The organism wallaby (family Macropodidae) is deemed to be an unwanted organism within the meaning in the Biosecurity Act 1993 for 2 years from the day on which this section commences.

(2) The Governor-General may, by Order in Council, extend the period referred to in subsection (1).

(3) The order—

(a) is a regulation for the purposes of the Regulations (Disallowance) Act 1989; and

(b) is a regulation for the purposes of the Acts and Regulations Publication Act 1989.

(4) Subsections (5) to (7) apply to a permit, licence, or other authority (**permission**) that—

(a) was issued under the Wild Animal Control Act 1977; and

(b) relates to a wallaby (family Macropodidae) or possum (family Phalangeridae); and

(c) exists on the day on which this section commences.

(5) A permission continues in force according to its tenor.

(6) A reference in a permission to the Director-General of Conservation or to any other office or officer of the Department of Conservation or to the Minister of Conservation is deemed to be a reference to the Director-General as defined in the Biosecurity Act 1993.

(7) The Director-General, as defined in the Biosecurity Act 1993, may exercise any or all of the powers under the Wild Animal Control Act 1977 to amend, suspend, revoke, or renew a permission.

Notes

1 General

This is a consolidation of the Wild Animal Control Act 1977 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 Legal status

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 Editorial and format changes

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 Amendments incorporated in this consolidation

Arms Act 2026 (2026 No 47): section 394

Civil Aviation Act 2023 (2023 No 10): section 486

Secondary Legislation Act 2021 (2021 No 7): section 3

Public Service Act 2020 (2020 No 40): section 135

Conservation (Infringement System) Act 2018 (2018 No 61): Part 7

Resource Legislation Amendment Act 2017 (2017 No 15): section 207

Game Animal Council Act 2013 (2013 No 98): section 41(2)

Conservation (Natural Heritage Protection) Act 2013 (2013 No 89): Part 5

Biosecurity Law Reform Act 2012 (2012 No 73): section 90

Search and Surveillance Act 2012 (2012 No 24): section 308

Wild Animal Control Amendment Act 2012 (2012 No 21)

National Animal Identification and Tracing Act 2012 (2012 No 2): section 75

Criminal Procedure Act 2011 (2011 No 81): section 413

Wild Animal Control Amendment Act 2010 (2010 No 92)

Local Government Act 2002 (2002 No 84): section 262

Animal Welfare Act 1999 (1999 No 142): section 194

Wild Animal Control Amendment Act 1999 (1999 No 52)

District Courts Amendment Act 1998 (1998 No 76): section 7

Wild Animal Control Amendment Act 1997 (1997 No 80)

Ministry of Agriculture and Fisheries (Restructuring) Act 1995 (1995 No 31): section 6(1)(a), (b)

Wild Animal Control Amendment Act 1994 (1994 No 114)

Conservation Law Reform Act 1990 (1990 No 31): section 37

Public Finance Act 1989 (1989 No 44): section 83(7)

State-Owned Enterprises Amendment Act 1987 (1987 No 117): section 11(1)

Conservation Act 1987 (1987 No 65): section 65(1)

Residential Tenancies Act 1986 (1986 No 120): section 144(1)

Wild Animal Control Amendment Act 1985 (1985 No 100)

Pesticides (Vertebrate Pest Control) Regulations 1983 (SR 1983/16): regulation 29(a)

Wild Animal Control Amendment Act 1982 (1982 No 26)

Trespass Act 1980 (1980 No 65): section 14

Wild Animal Control Amendment Act 1979 (1979 No 146)

Wild Animal Control Amendment Act 1978 (1978 No 135)

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