

Reprint
as at 16 October 2009



Grey-Faced Petrel (Northern Muttonbird) Notice 1979

(SR 1979/237)

Pursuant to section 6 of the Wildlife Act 1953, the Minister of Internal Affairs hereby gives the following notice.

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Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

This notice is administered by the Department of Conservation.

Notice

1 Title and commencement

- (1) This notice may be cited as the Grey-Faced Petrel (Northern Muttonbird) Notice 1979.
- (2) This notice shall come into force on 9 November 1979.

2 Interpretation

In this notice, unless the context otherwise requires,—

birding season means a period commencing on the second Saturday of November in any year and ending with 7 December in that year

Committee means any organisation or person specified in Schedule 1

muttonbird means a bird of the species *Pterodroma macroptera*, known as the grey-faced petrel or northern muttonbird or oi or kuia or titi

permit means a permit to hunt or kill muttonbirds issued under this notice.

Expressions defined in the Wildlife Act 1953 have the meanings so defined.

3 Muttonbirds may be hunted and killed, etc

Subject to the succeeding provisions of this notice, muttonbirds may be hunted or killed and had in possession by any person who holds a permit issued by the appropriate Committee in accordance with this notice.

4 Jurisdiction of Committees

Each Committee may exercise any powers conferred on it by this notice only in respect of the island or islands specified in respect of that Committee in Schedule 1.

5 Issue of permits

- (1) Every permit shall be issued by the appropriate Committee in the form prescribed in Schedule 2, and shall be signed by a person empowered by the Committee to sign such permits on its behalf.
- (2) Every permit shall be valid for 1 birding season only.

6 Islands in respect of which permits may be issued

- (1) Permits may be issued only in respect of the following islands:
 - (a) Ririwha Island (also known as Mahinepua or Stephenson Island):
 - (b) Cavalli Islands:
 - (c) Mokohinau Islands:
 - (d) Aldermen Islands:
 - (e) Rabbit and Penguin Islands (Slipper Group):

- (ea) Moutohorā (also known as Whale Island):
- (f) Motunau or Plate Island.
- (2) Notwithstanding subclause (1), no permits may be issued in respect of Motukawanui Island (Cavalli Islands Group) for any birding season after the 1980 birding season.

Clause 6(1)(ea): inserted, on 16 October 2009, by clause 4 of the Grey-Faced Petrel (Northern Muttonbird) Amendment Notice 2009 (SR 2009/305).

7 Persons to whom permits may be issued

- (1) Each Committee, except the Committee for the Aldermen Islands, may in its discretion issue a permit to any person who is a direct descendant of the tribe (or hapu) over which the Committee exercises jurisdiction and who permanently resides in the district of that Committee.
- (2) The Committee for the Aldermen Islands may issue a permit in respect of the Aldermen Islands to any person who is a descendant of Marutu, Hako, or Hei, whether he resides permanently in the tribal district or not.

8 Taking of muttonbirds without permit prohibited

No person shall hunt or kill any muttonbird on any island—

- (a) outside the birding season; or
- (b) during the birding season unless he holds a permit to hunt or kill muttonbirds on that island during that birding season.

9 Production of permit evidence of authority

The production by any person of a permit issued to him and for the time being in force shall be sufficient evidence of his authority to hunt or kill muttonbirds on the island or islands referred to in the permit.

10 Effect of permit

- (1) A permit shall authorise only the hunting or killing of young muttonbirds before they can fly.
- (2) No permit shall authorise—
 - (a) the hunting or killing of any muttonbird that is able to fly; or
 - (b) the hunting or killing of any other species of petrel (whether a young bird or not); or
 - (c) the taking of the eggs of any muttonbird or of any other species of petrel; or
 - (d) the holder of the permit to enter upon any land without the consent of the owner, administering body, or person in lawful occupation of the land; or
 - (e) the lighting of fires, or any interference with the vegetation on any island.

11 Methods of taking muttonbirds

- (1) No person shall remove any muttonbird from a burrow otherwise than by hand or by the traditional Maori stick method.
- (2) No person, in hunting or killing muttonbirds, shall—
 - (a) in any way excavate or dig along any burrow; or
 - (b) use a dog; or
 - (c) use the method known as torching.

12 Tally to be kept of muttonbirds taken

- (1) Every holder of a permit shall keep an accurate tally of the number of muttonbirds taken under that permit, and shall, as soon as practicable after the completion of a birding expedition, inform the leader of the expedition.
- (2) The leader of each birding expedition shall, as soon as possible after the completion of that expedition, notify either—
 - (a) the honorary ranger for the island; or
 - (b) if there is no honorary ranger for the island, the Committee—
of the number of muttonbirds taken on that expedition.

13 Revocation

The Grey-Faced Petrel (Northern Muttonbird) Notice 1969 (SR 1969/213) is hereby revoked.

Schedule 1

cl 4

Name of organisation	Island or islands
Matangirau Maori Committee	Ririwha (also known as Mahinepua or Stephenson)
Trustees for Cavalli Islands—Maori Reservation	Cavalli
Aotea (Great Barrier) Maori Committee	Mokohinau
Commissioner of Crown Lands for North Auckland Land District and Trustees for the Aldermen Islands	Aldermen
Rawhiti Maori Executive	Rabbit and Penguin (Slipper Group)
Te Tapatoru ā Toi	Moutohorā (also known as Whale)
Pukehina Maori Committee	Motunau or Plate

Schedule 1: amended, on 16 October 2009, by clause 5 of the Grey-Faced Petrel (Northern Muttonbird) Amendment Notice 2009 (SR 2009/305).

Schedule 2 Form of permit

cl 5

Northern Muttonbird Season [*year*]

Permit to be carried on person

[Name] Island

Permit to hunt or kill young of the grey-faced petrel (or northern muttonbird, oi, kuia, or titi) under the Wildlife Act 1953 and the Grey-Faced Petrel (Northern Muttonbird) Notice 1979.

The holder of this permit [*surname*] [*first names*] of [*No*][*street*][*town*][*calling or occupation*] is hereby authorised to hunt or kill on [*name*] Island between the second Saturday of November [*year*] and 7 December [*year*] (both days inclusive) young of the grey-faced petrel before they are able to fly, subject to the above Act and regulations thereunder and the provisions of the Grey-Faced Petrel (Northern Muttonbird) Notice 1979.

Permit holders are requested to burn all offal and other refuse or remove it from the island.

Dated at [*place, date*]

for [*name*] being a Committee as defined by the above notice.

Dated at Wellington this 5th day of November 1979.

D A Highet,
Minister of Internal Affairs.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 8 November 1979.

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Notes**1 General**

This is a reprint of the Grey-Faced Petrel (Northern Muttonbird) Notice 1979. The reprint incorporates all the amendments to the notice as at 16 October 2009, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, see <http://www.pco.parliament.govt.nz/reprints/>.

2 Status of reprints

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 How reprints are prepared

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and provisions that are repealed or revoked are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

4 Changes made under section 17C of the Acts and Regulations Publication Act 1989

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted

enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted.

A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)
- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)

- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

5 *List of amendments incorporated in this reprint
(most recent first)*

Grey-Faced Petrel (Northern Muttonbird) Amendment Notice 2009 (SR 2009/305)