

IN CONFIDENCE

Wildlife Amendment Regulations 2021

Governor-General

Order in Council

At Wellington this day of 2021

Present:
in Council

These regulations are made under section 72 of the Wildlife Act 1953 on the advice and with the consent of the Executive Council.

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Regulations

1 Title

These regulations are the Wildlife Amendment Regulations 2021.

2 Commencement

These regulations come into force on 25 June 2021.

3 Principal regulations

These regulations amend the Wildlife Regulations 1955.

4 Regulation 1 amended

In regulation 1, insert as the heading “**Title and commencement**”.

5 Regulation 2 amended (Interpretation)

- (1) In regulation 2, revoke the definition of **fish and game region**.
- (2) In regulation 2, definition of **issuing agent**, replace “society” with “Fish and Game Council”.

6 Regulation 3 amended

- (1) In regulation 3, insert as the heading “**Overview**”.
- (2) In regulation 3, delete “Part 4—Freezing chambers and canneries (regulations 22 to 27)”.
- (3) In regulation 3, delete “Part 9—Acclimatisation districts and societies (regulations 40 to 43)”.

7 Regulation 6 replaced (Applicant to furnish particulars)

Replace regulation 6 with:

6 Application for licence

An applicant for a licence must provide the relevant Fish and Game Council or issuing agent with—

- (a) their full name, date of birth, and usual residential address; and
- (b) a payment of the fee fixed for the licence under section 72(3A) of the Act.

8 Regulation 7 replaced

Replace regulation 7 with:

7 Issue of licence

- (1) Licences may only be issued by a Fish and Game Council or an issuing agent.
- (2) A Fish and Game Council or an issuing agent may issue a licence to an applicant who has complied with regulation 6.
- (3) Licences may be issued in electronic or non-electronic form.

9 Regulation 8 replaced (Requirements for valid licence)

Replace regulation 8 with:

8 Requirements for valid licence

- (1) A licence is not valid unless,—
 - (a) subject to subclause (3), it has been signed by the applicant; and
 - (b) where required by the Minister, a game bird habitat stamp in a form approved by the Minister and published in the *Gazette* is displayed on the licence.
- (2) Where any licence has been issued under regulation 7 but the holder has not received the licence, that licence is valid and effective from the date of issue for the period specified in the licence.
- (3) Subclause (1)(a) does not apply to a licence issued in electronic form.

8A Falsifying or omitting information relating to licences prohibited

- (1) A person, except a Fish and Game Council or an issuing officer, must not amend a licence.
- (2) A person must not falsify or omit any information that may, under these regulations,—
 - (a) be specified in a licence; or
 - (b) be required to be provided in an application for a licence.

- (3) A person who contravenes this regulation commits an infringement offence and is liable to—
- (a) an infringement fee of \$600; or
 - (b) a fine imposed by a court not exceeding \$1,200.

10 Regulation 9 amended

In regulation 9, insert as the heading “**Court may impose penalties affecting licence**”.

11 Regulation 10 replaced

Replace regulation 10 with:

10 Cancellation of licence

A Fish and Game Council may accept and cancel any licence that it has issued, and may refund to the former holder of the licence the whole or any part of the fee paid.

12 Regulation 11 replaced

Replace regulation 11 with:

11 Replacement of licence

A Fish and Game Council may issue a replacement licence if the Council is satisfied that,—

- (a) in relation to a licence issued in an electronic form, the licence has been deleted or has otherwise become no longer usable for subsequent reference;
- (b) in relation to a licence issued in a non-electronic form, the licence has been lost or mutilated or become illegible.

13 Regulation 12 replaced

Replace regulation 12 with:

12 Verification of licence

- (1) If a person is required to produce their licence to an authorised person under section 61(2) of the Act, they must, if required to do so by the authorised person,—
- (a) produce, within a reasonable period, evidence of their full name, date of birth, and usual residential address; and
 - (b) for a licence issued in non-electronic form, make and give legibly and clearly a specimen signature for comparison with the signature of the holder as shown on the licence.

- (2) A person who contravenes this regulation commits an infringement offence and is liable to—
- (a) an infringement fee of \$200; or
 - (b) a fine imposed by a court not exceeding \$400.

14 Regulation 13 amended (Forms and classes of licences)

Replace regulation 13(2) with:

- (2) A Fish and Game Council may issue—
- (a) a complimentary licence; or
 - (b) if adequate compassionate grounds are shown, a licence for no fee, or at any reduced fee that the Council may approve.
- (3) The annual report of each Fish and Game Council must include a list of persons to whom it issued complimentary licences in the year covered by the report.

15 Regulations 14 to 16 revoked

Revoke regulations 14 to 16.

16 Regulation 17 replaced

Replace regulation 17 with:

17 Use of recovered fines

- (1) Subject to section 73(2) of the Public Finance Act 1989, all fines recovered under the Act or these regulations by a Fish and Game Council must be paid into and form part of the funds of the Fish and Game Council.
- (2) A council may only apply recovered fines for the purposes of carrying out its functions under section 26Q of the Conservation Act 1987.

17 Regulation 21 amended

In regulation 21, insert as the heading “**Adjustment of shotgun magazine for taking of game**”.

18 Regulation 37 amended

In regulation 37, insert as the heading “**Interpretation**”.

19 Part 9 revoked

Revoke Part 9.

20 Regulation 45 replaced

Replace regulation 45 with:

45 Use of fines payable under section 68 of Act

- (1) If the court directs that part of a fine is payable to an officer or employee of a Fish and Game Council under section 68 of the Act, that person must hold the money in trust for the council.
- (2) A council may only apply money received under subclause (1) for the purposes of—
 - (a) paying the costs of and incidental to the prosecution; and
 - (b) carrying out its functions under section 26Q of the Conservation Act 1987.

21 Regulation 46 revoked

Revoke regulation 46.

22 New regulation 49 inserted (Report on legal proceedings)

After regulation 48, insert:

49 Report on legal proceedings

Every Fish and Game Council or other body that undertakes legal proceedings in respect of any breach of the Act or of these regulations or of any notification issued under the Act must, as soon as practicable after the completion of the proceedings, forward to the Director-General a statement of the circumstances giving rise to the proceedings and the result of the proceedings.

23 Schedules 2 to 4 revoked

Revoke Schedules 2 to 4.

Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on 25 June 2021, amend the Wildlife Regulations 1955 (the **principal regulations**). The amendments enable the online sale of game hunting licences and make it an offence to submit false information, or omit any information, in a licence application. The principal regulations are also amended to update provisions that are out of date and to revoke redundant provisions.

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*:

These regulations are administered by the Department of Conservation.