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An Act to consolidate and amend the law relating to the protection and control of wild animals and birds, the regulation of game shooting seasons, and the constitution and powers of acclimatization societies.

[31 October 1953]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. (1) This Act may be cited as the Wildlife Act 1953.

(2) This Act shall come into force on the first day of April, nineteen hundred and fifty-four.
2. In this Act, unless the context otherwise requires,—

"Animal" means any mammal (not being a domestic animal or a rabbit or a hare or a seal or other marine mammal), any bird (not being a domestic bird), any reptile, or any amphibian:

"Bird" means any bird, whether native, introduced, or imported, or that has migrated to New Zealand or has arrived in New Zealand and become established there; but does not include any domestic bird:

"Buy" includes barter, exchange for consideration, offer to buy, or attempt to buy:

"Close season", with respect to any game, means any period during which the hunting or killing of that game is not expressly permitted, either generally or in any specified district or place:

"Closed game area" means a part of a district that is for the time being excluded from the operation of an open season in the district; but does not include a wildlife sanctuary or a wildlife refuge or any area in which the shooting or hunting or killing of animals is prohibited under or pursuant to paragraph (j) of subsection two of section nine of this Act or any other Act:

"Council", in relation to any acclimatization society, means the governing body of the society, by whatever name it is called:

"Day" means a period of twenty-four hours commencing from midnight:

"Department" means the Department of Internal Affairs:

"District" means an acclimatization district under this Act:

"Domestic animal" means any cattle, sheep, horse, mule, ass, dog, cat, pig, or goat; but does not include any such animal 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:
"Domestic bird" means any domestic fowl, duck, goose, or turkey; but does not include any such bird that is living in a wild state, or any other bird not referred to in this definition notwithstanding that it may be living in a domestic state:

"Financial year" means the period of twelve months commencing on the first day of September and ending with the thirty-first day of August next following:

"Firearm" means any gun, rifle, or air gun; and includes any kind of weapon or device from which any shot, bullet, arrow, stone, or other missile can be discharged; and "shoot" has a corresponding meaning:

"Game" means all animals for the time being specified in the First Schedule hereto:

"Hunt or kill", in relation to any wildlife, includes the hunting, killing, taking, trapping, or capturing of any wildlife by any means; and also includes pursuing, disturbing, or molesting any wildlife, taking or using a firearm, dog, or like method to hunt or kill wildlife, whether this results in killing or capturing or not; and also includes every attempt to hunt or kill wildlife and every act of assistance of any other person to hunt or kill wildlife:

"Minister" means the Minister of Internal Affairs:

"Notification" means a notice published in the Gazette:

"Open season" means a period declared by the Minister to be an open season for the hunting or killing of game:

"Occupier" means,—

(a) In relation to any land, other than unoccupied land of the Crown, the person by whom or on whose behalf the land is actually occupied, if that person is in occupation by virtue of the fact that he is the owner or one of the owners of the fee simple of the land or of a lease or licence of the land:
(b) In relation to unoccupied land of the Crown, the Minister for the time being charged with the administration of the Department of State that has the control of the land:

"Ranger" means a ranger appointed or deemed to be appointed under this Act:

"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 delivering for sale, or causing or allowing to be sold, offered, or exposed for sale; and "sell" has a corresponding meaning:

"Secretary" means the Secretary for Internal Affairs; and includes his deputy:

"Society" means an acclimatization society under this Act; and includes any person or group of persons (whether incorporated or not) or any other authority in whom or in which for the time being the control of any district is vested under this Act; and, in relation to any wildlife district in respect of which there is no acclimatization society or to part of a wildlife district in respect of which the Minister has the powers of an acclimatization society pursuant to section thirty-seven of this Act, means the Minister:

"Take", and all references thereto, include taking, catching, or pursuing by any means or device, and also include the attempt to take:

"Wildlife" means all animals that are living in a wild state:

"Wildlife district" means a wildlife district under this Act:

"Wildlife refuge" means a wildlife refuge constituted under section fourteen of this Act:

"Wildlife sanctuary" or "sanctuary" means a wildlife sanctuary constituted under section nine of this Act.
PART I
PROTECTION OF WILDLIFE

3. Subject to the provisions of this Act, all wildlife is hereby declared to be subject to this Act and (except in the case of wildlife for the time being specified in the First Schedule, Second Schedule, Third Schedule, Fourth Schedule, or Fifth Schedule hereto) to be absolutely protected throughout New Zealand.

4. The wildlife for the time being specified in the First Schedule hereto is hereby declared to be game for the purposes of this Act.

5. (1) The wildlife for the time being specified in the Second Schedule hereto is hereby declared to be partially protected, and that protection shall apply throughout New Zealand, except where that Schedule otherwise provides.

(2) Notwithstanding anything to the contrary in this Act, when any injury or damage to any land or to any property on any land has arisen owing to the presence on the land of any wildlife for the time being specified in the Second Schedule hereto, the occupier of the land or any other person with the authority of the occupier may hunt or kill on the land any such wildlife, subject to any regulations for the time being in force under this Act:

Provided that nothing in this subsection shall authorize the hunting or killing of any wildlife in a wildlife sanctuary or wildlife refuge except pursuant to an authority granted under section eleven or section fourteen or section fifty-four of this Act.

6. (1) The Minister may from time to time in his discretion, by notification, declare that any wildlife for the time being specified in the Third Schedule hereto may be hunted or killed or had in possession subject to such conditions as he prescribes, and any such wildlife may be hunted or killed or had in possession accordingly.

(2) Without limiting the general power to prescribe conditions conferred by subsection one of this section, the Minister may prescribe under that subsection any of the following conditions:
(a) Prescribing the persons or classes of persons who may hunt or kill or be in possession of any such wildlife:

(b) Restricting the numbers of any such wildlife that may be hunted or killed or had in possession by any one person in any one day:

(c) Prescribing the parts of New Zealand in which any such wildlife may be hunted or killed or had in possession:

(d) Prescribing the times of day or the periods of the year during which any such wildlife may be hunted or killed or had in possession:

(e) Prescribing the methods by which any such wildlife may be hunted or killed, or prohibiting the use of any specified method.

(3) No person shall hunt or kill or have in possession any wildlife to which any notification under subsection one of this section refers, otherwise than in accordance with any conditions prescribed by the Minister as aforesaid.

7. (1) The wildlife for the time being specified in the Fourth Schedule hereto is hereby declared to be unprotected throughout New Zealand, except where that Schedule otherwise provides:

Provided that, where the Minister considers that hunting by other persons is likely to interfere with studies and investigations of or campaigns against the wildlife specified in that Schedule carried out by the Department, he may from time to time in his discretion, by notification, declare that any wildlife for the time being specified in that Schedule may not be hunted or killed or had in possession in such area and during such period as are specified in the notification.

(2) No person shall in any area and during any period specified in any notification under subsection one of this section hunt or kill or have in possession any wildlife to which the notification refers.

(3) The wildlife for the time being specified in the Fifth Schedule hereto is hereby declared to be unprotected throughout New Zealand, except where that Schedule otherwise provides.
8. (1) The Governor-General may from time to time, by Order in Council, declare—

(a) Any wildlife not for the time being specified in any Schedule hereto to be included in such of the Schedules hereto as may be specified in the Order in Council:

(b) Any wildlife for the time being specified in any Schedule hereto to cease to be included in that Schedule and to be included in any other Schedule hereto:

(c) Any wildlife for the time being specified in any Schedule hereto to cease to be included in any Schedule hereto, in which case the wildlife shall be deemed to be absolutely protected under this Act:

(d) Any species of animal to cease to be wildlife for the purposes of this Act.

(2) Any Order in Council made under the authority of subsection one of this section may be expressed to operate throughout New Zealand or in such part or parts of New Zealand and for such period or periods as may be specified in the Order in Council.

(3) Every Order in Council made under the authority of subsection one of this section shall have effect according to its tenor, and in particular may provide in the case of any wildlife declared to be game under that subsection for vesting in the Department the control of that game in any area that does not form part of an acclimatization district under the control of a society, for the issue of licences to hunt or kill any such wildlife, and for payment to the Consolidated Fund of any fees in respect of those licences.

Wildlife Sanctuaries

9. (1) Notwithstanding anything in any other Act, the Governor-General may from time to time, by Proclamation, declare any area of land described in the Proclamation and available for the purpose to be a wildlife sanctuary for the purposes of this Act, subject to such conditions as may be specified in the Proclamation, and may in like manner revoke or vary any such Proclamation:
Provided that—

(a) No Proclamation issued under this subsection shall affect any land of the Crown unless it is issued on the joint recommendation of the Minister of Internal Affairs and the Minister charged with the administration of the Department of State having the control of the land:

(b) Crown land subject to the Land Act 1948 and required for a wildlife sanctuary shall be reserved as such pursuant to section one hundred and sixty-seven of that Act, and thereupon shall be subject to the provisions of this Act relating to sanctuaries, but otherwise shall be subject to the Public Reserves and Domains Act 1928:

(c) Land held for a public work other than a wildlife sanctuary that is required for a sanctuary may be declared to be a wildlife sanctuary only pursuant to section thirty-seven of the Public Works Amendment Act 1948:

(d) No Proclamation under this section shall have the effect of revoking or altering the setting apart of any land as permanent or provisional State forest land under the Forests Act 1949, or in any way affect the powers of the Minister of Forests in respect of any land administered under section sixty-four of that Act.

(2) Without limiting the general power to prescribe conditions conferred by subsection one of this section, the Governor-General may from time to time, by Proclamation, impose conditions with respect to any wildlife sanctuary in relation to all or any of the following matters:

(a) The prohibition or restriction of any right of entry to the sanctuary, including the exclusion from the sanctuary or from any specified portion thereof of any persons or classes of persons, and the prohibition or restriction of access by means of any or all animals or vehicles or aircraft:

(b) The prohibition or restriction of the hunting or killing, taking for any purpose, molesting, capturing, disturbing, harrying, or worrying
of any living creature in the sanctuary, the taking, destruction, or disturbance of the eggs or spawn of any such creature, the taking for any purpose of or interference with vegetation of any description in the sanctuary, the introduction or liberation in the sanctuary of any living creature or the eggs or spawn of any living creature, or the introduction or planting in the sanctuary of any vegetation of any description or the spores or seeds of any vegetation of any description:

(c) The prohibition or restriction of the burning or clearing by any means whatsoever of any trees, shrubs, grasses, or other plant life on the sanctuary or on any specified portion thereof, either generally or for such period or by such persons or classes of persons, as may be specified in the Proclamation:

(d) The prohibition or restriction of camping or any other specified form of sport or relaxation in the sanctuary or in any specified portion thereof, either generally or for such period or by any persons or classes of persons, as may be specified in the Proclamation:

(e) The prohibition or restriction of the lighting of fires or the doing of anything likely to cause a fire on the sanctuary or on any specified portion thereof, either generally or for such period and by such persons or classes of persons, as may be specified in the Proclamation:

(f) The prohibition or restriction of the use of boats (including any launch, boat, canoe, or other similar craft, and whether propelled by mechanical power or not) and of vehicles in the sanctuary or in any portion thereof, and by any persons or classes of persons, as may be specified in the Proclamation:

Provided that nothing in any such prohibition or restriction relating to boats shall derogate from any provision of the Harbours Act 1950 or the Shipping and Seamen Act 1952.
(g) The prohibition of the wilful disturbance of
wildlife in the sanctuary by flying aircraft
over the sanctuary or by noise in the vicinity
or otherwise:

(h) The prohibition or restriction of the use of
firearms or explosives in the sanctuary or
in any portion thereof, either generally or in
respect of any type of firearms or explosives
or by any persons or classes of persons or
during any periods, as may be specified in
the Proclamation:

(i) The prohibition or restriction of the taking or
keeping of domestic animals or domestic birds
into or in the sanctuary or any portion thereof
either generally or in respect of any species
of domestic animal or domestic bird or in
respect of possession thereof by any persons
or classes of persons, as may be specified in the
Proclamation:

(j) With the consent of the occupier of the land con­
cerned, the prohibition or restriction of the
hunting or killing of any wildlife or the posse­sion
or discharge of firearms or explosives or
the possession of specified species of wildlife
within such area surrounding or adjoining the
sanctuary as appears to the Governor­
General to be necessary for the protection of
the sanctuary:

(k) With the consent of the occupier of the land con­
cerned, the prohibition or restriction of the
keeping or possession of stoats, ferrets, pole­
cats, weasels, and other members of the family
Mustelidae and other species harmful to wild­
life within such area surrounding or adjoining the
sanctuary as appears to the Governor­
General to be necessary for the protection of
the sanctuary:

(l) The prohibition of the depositing of rubbish and
the leaving of litter in the sanctuary:

(m) The prohibition or restriction or control of the
cutting, construction, or maintenance of private
roads, tracks, tramways, or other means of
access or communication in the sanctuary:
(n) The prohibition or restriction of the pollution by means of rubbish, sewage, industrial waste, mining debris, sawmill refuse, or any other means of any lake, pond, river, stream, spring, or other water (whether salt, fresh, or brackish, and whether natural or of artificial construction) within the sanctuary, or of the placing of any such substance near the margin of any such water:

(o) Such other matters as may be considered necessary for the control of the sanctuary or for the protection and wellbeing of any wildlife or vegetation therein.

(3) Any prohibition or restriction imposed by a Proclamation under this section may be absolute or conditional, and the Proclamation may authorize the Minister or the Secretary to grant exemptions from any such prohibition or restriction.

(4) Every person commits an offence against this Act who does any act that is for the time being prohibited by a Proclamation issued under this section or fails to comply in any respect with any condition imposed in any such Proclamation.

(5) Every person having any estate or interest in any land included without his consent in any wildlife sanctuary which is injuriously affected or damaged or reduced in value by its inclusion in the sanctuary shall be entitled to full compensation for the same from the Minister. All such claims for compensation shall, unless settled by agreement, be determined within the time and in the manner provided by the Public Works Act 1928, as in the case of land injuriously affected by a public work, and, subject to this section, the provisions of that Act relating to compensation shall, as far as they are applicable and with the necessary modifications, apply accordingly.

10. Subject to any provision to the contrary in any Proclamation under section nine of this Act, and to section eleven of this Act, all wildlife in any wildlife sanctuary shall while within the sanctuary be deemed to be absolutely protected, notwithstanding that the wildlife or any species thereof is elsewhere partially protected or is game or is unprotected under this Act.
11. (1) Where the Secretary considers that the presence in any sanctuary of any animal or bird or of animals or birds of any specified species is undesirable in the interests of other wildlife in the sanctuary, he may authorize any person in writing, either generally or in a specified case, and whether with or without other persons under his control, to destroy that animal or bird or animals or birds of that species, as the case may be. Any authority under this subsection may be at any time revoked by the Secretary.

(2) The destruction of any animal or bird pursuant to an authority granted under subsection one of this section shall not confer any right to compensation on any person.

(3) In subsection one of this section the expression "animal or bird" includes any animal or bird of any kind, whether wildlife or not and whether or not a domestic animal or domestic bird and whether protected or not; but does not include a domestic animal or domestic bird belonging to the occupier of any land included in the sanctuary or any animal of any of the species referred to in subsections four and five of this section.

(4) All unbranded cattle, sheep, horses, mules, asses, pigs, or goats found in any wildlife sanctuary (not being animals belonging to the occupier of any land included in the sanctuary) may be seized by a ranger, and shall thereupon be deemed to be forfeited to the Crown, and any ranger may cause any such animals to be destroyed, sold, or otherwise disposed of if so authorized by the Secretary.

(5) All branded cattle, sheep, horses, mules, asses, pigs, or goats found in any wildlife sanctuary (not being animals belonging to the occupier of any land included in the sanctuary) may be seized by a ranger authorized in writing by the Secretary to do so, either generally or in any specified case, and, on conviction of any person for causing or allowing the said animals to be in the sanctuary in breach of the provisions of this Act, may be adjudged by the Court to be forfeited to the Crown.
12. (1) Notwithstanding anything in the Coal Mines Act 1925, the Mining Act 1926, the Petroleum Act 1937, or any other Act, no coal mining right or mining privilege or petroleum prospecting licence or petroleum mining licence may be granted in, upon, or over any land included in a wildlife sanctuary, except with the consent of the Minister of Internal Affairs and the Minister of Mines and subject to such conditions as those Ministers may jointly impose.

(2) Except in the case of land declared to be a wildlife sanctuary pursuant to section thirty-seven of the Public Works Amendment Act 1948, and notwithstanding anything in the Public Works Act 1928 or any other Act, no public work, other than a work authorized by this Act, may be undertaken or constructed on any land included in a wildlife sanctuary except with the consent of the Minister of Internal Affairs and the Minister in charge of the Department in control of the work, and subject to such conditions as those Ministers may jointly impose.

13. Any officer of the Department, or any officer of any other Department in which for the time being is vested the control of any wildlife sanctuary, or any other person acting with the written authority of the Secretary, may in any wildlife sanctuary exercise the powers conferred on rangers by subsection one of section thirty-nine of this Act.

Wildlife Refuges

14. (1) Notwithstanding anything to the contrary in the Land Act 1948, the Government Railways Act 1949, the Forests Act 1949, or any other Act affecting lands of the Crown, the Governor-General may from time to time, by Proclamation, declare any area described in the Proclamation and available for the purpose, subject in the case of any land other than unoccupied land of the Crown to the consent of the occupier, to be a wildlife refuge for the purposes of this Act, and may in like manner revoke or amend any such Proclamation:

Provided that—

(a) No Proclamation issued under this subsection shall affect any land of the Crown unless it is issued on the joint recommendation of the
Minister of Internal Affairs and the Minister charged with the administration of the Department of State having the control of the land:

(b) Land held for a public work other than a wildlife refuge that is required for a wildlife refuge may be declared to be a wildlife refuge only by an Order in Council made pursuant to section thirty-seven of the Public Works Amendment Act 1948:

(c) No Proclamation under this section shall have the effect of revoking or altering the setting apart of any land as permanent or provisional State forest land under the Forests Act 1949, or in any way affect the powers of the Minister of Forests in respect of any land administered under section sixty-four of that Act.

(2) Where a wildlife refuge has been declared under subsection one of this section, the Minister may authorize in writing the occupier of any land included in the wildlife refuge or any other person having the authority of the occupier—

(a) To keep or bring domestic animals on or onto the land:

(b) To keep or bring firearms or explosives on or onto the land:

(c) To discharge firearms or explosives on the land:

(d) To destroy any noxious animals on the land:

(e) To do any other acts necessary for the carrying on of the normal use of the land, subject to such conditions as may be prescribed in the Proclamation.

(3) While any Proclamation or Order in Council under subsection one of this section remains in force, it shall not be lawful for any person, except as provided in subsection two of this section or in subsection two of section five of this Act or pursuant to an authority granted under section fifty-three or section fifty-four of this Act, to hunt or kill for any purpose, or molest, capture, disturb, harry, or worry any wildlife in the wildlife refuge, or to take, destroy, or disturb the nests, eggs, or spawn of any such wildlife, or for any person to bring onto the wildlife refuge or have in his possession or
discharge in the wildlife refuge any firearm or explosive, or have in his possession or control in the wildlife refuge any dog or cat, or to do anything likely to cause any wildlife to leave the wildlife refuge.

(4) Notwithstanding anything in this Act or in any regulations under this Act, the performance in any wildlife refuge by any person of any act authorized by the Minister under subsection two of this section shall not be deemed a breach of this Act.

(5) Every sanctuary constituted at the commencement of this Act by a Warrant under section six of the Animals Protection and Game Act 1921–22 shall be deemed to be a wildlife refuge for the purposes of this Act.

PART II
GAME

15. (1) The Minister may from time to time, by notification, declare an open season for game or for any species of game throughout New Zealand or in any specified part or parts thereof.

(2) Except as may otherwise be expressly provided in this Act, game may be hunted or killed only during the open season.

16. (1) The Minister, in notifying an open season for game, shall specify—

(a) The particular species or sex of game that may be hunted or killed during that open season:

(b) The areas (if any) declared to be closed game areas:

(c) The number of game that may be taken or killed by any one person on any one day:

(d) Such other conditions (if any) as he thinks fit to impose respecting the hunting or killing during that open season of game or any particular species or sex thereof.

(2) No person shall hunt or kill game otherwise than in terms of such a notification.

(3) The Minister may, at any time before the expiration of the open season, in like manner vary any such notification, or revoke the same and issue a fresh notification in its stead.
17. (1) Except with the consent of the Minister, no person shall cast, throw, or place, or cause or permit to be cast, thrown, or placed, or assist in casting, throwing, or placing, in or near the margin of any water (including any river, stream, lake, lagoon, pond, estuary, swamp, or other water, whether natural or artificially constructed) any corn, wheat, barley, maize, or other grain, or any products of grain, or any peas or any other food, with the intention of attracting any game for the purpose of hunting or killing that game.

(2) Every consent of the Minister under subsection one of this section shall be given by notice in the Gazette, and may be given only on the application of an acclimatization society. Every such consent may relate to any specified kind of food, and shall have effect subject to such conditions and apply with respect to such waters as may be specified in the notice, and may at any time be amended or revoked by the Minister by notice in the Gazette.

(3) Every person commits an offence against this Act who hunts or kills game in any place, knowing that within the immediately preceding period of one month any such food has unlawfully been cast, thrown, or placed in that place with the intention of attracting game for the purpose of hunting or killing that game.

(4) Every person commits an offence against this Act who, in casting, throwing, or placing, or causing to be cast, thrown, or placed, or assisting in casting, throwing, or placing, any such food in or near the margin of any water pursuant to any consent given by the Minister under subsection one of this section, fails to comply in any respect with any condition on which that consent was given.

18. (1) Save as otherwise expressly provided in this Act, no person shall—

(a) Trap game in any manner whatever or take any game by means of traps or by any means other than by shooting with a shotgun:

Provided that a dog may be used in conjunction with a shotgun for the purpose of finding, flushing, or retrieving any game:

(b) Erect or set any trap, net, snare, or other device for the purpose of taking any game:
(c) Hunt or kill any game with—
   (i) Any swivel gun or punt gun; or
   (ii) Any rifle; or
   (iii) Any automatic, auto-loading, or repeating shotgun, unless the magazine has been so adjusted in accordance with regulations under this Act that the gun is incapable of holding more than two shells; or
   (iv) Any shotgun other than a shoulder gun; or
   (v) Any shotgun the gauge of which is greater than that known as twelve gauge:

(d) Use with any shotgun used for the purpose of hunting or killing game—
   (i) Any apparatus used for the purpose of silencing the report of a shotgun; or
   (ii) Any cartridge of a length exceeding two and three quarters inches:

(e) In hunting or killing any game from any stand, hide, shelter, maimai, mudhole, boat, louvre, or other contrivance, use more than one shotgun:
   Provided that any person so engaged may have one, and not more than one, further shotgun in a condition not immediately suitable for use and held for use only in the event of the first shotgun becoming damaged or otherwise unfit for use:

(f) For the purpose of hunting or killing any game use—
   (i) Any live decoy; or
   (ii) More than ten decoys; or
   (iii) Any cylinder or mudhole or similar device in any lake, lagoon, pond, river, estuary, or other open water, whether natural or artificially constructed, unless the sides of the cylinder or mudhole or device project not less than two feet above the surface of the water; or
   (iv) Any aircraft, motor vehicle, or other vehicle propelled by mechanical power:
   Provided that nothing in this subparagraph shall be deemed to prevent any person from using any aircraft or vehicle for the purpose
of travelling generally or to any place where he intends to hunt or kill game or of returning from any such place; or

(v) On any lake, lagoon, pond, river, estuary, or other water (whether natural or artificially constructed), any vessel (other than a rowboat) in driving, chasing, frightening, or stalking any game, whether by himself or by any other person:

Provided that nothing in this subparagraph shall be deemed to prevent any person from using any vessel for camping purposes or for the purpose of travelling generally or to any place where he intends to kill or hunt game or of returning from any such place, or, subject to the foregoing provisions of this subparagraph and to the provisions of subparagraph (vi) of this paragraph, to prohibit shooting from a moored vessel or to prohibit the use of any vessel for the purpose of retrieving game that has been killed; or

(vi) Any unmoored floating stand, hide, shelter, maimai, or louvre, or any unmoored boat artificially dressed or covered in any way:

(g) By any means spread oil on any water for the purpose of hunting or killing any game:

(h) Use any light for the purpose of hunting or killing any game.

(2) For the purposes of paragraph (f) of subsection one of this section—

"Decoy" includes any dead game that is so placed or arranged as to simulate the appearance of live game:

"Row boat" means any vessel that for the time being is wholly propelled by oars or paddles:

"Vessel" includes any launch, boat, canoe, punt, or other similar craft, whether propelled by mechanical power or not.

19. (1) No person shall hunt or kill game of any species during an open season in any district unless he is the holder of a licence under this Act to hunt or kill game of that species available in that district during that season.
(2) Except as provided in subsection three of this section, every person commits an offence against this Act who, not being the holder of such a licence, hunts or kills any game during any open season.

(3) Notwithstanding anything in the foregoing provisions of this section, the occupier of any land, and the wife or husband and any one son or daughter of the occupier, may, during an open season, hunt or kill on that land without a licence (but subject to all other restrictions imposed by or under this Act) any game that may lawfully be hunted or killed under a licence in the district within the boundaries of which that land is situated.

(4) In subsection three of this section the term "occupier", in relation to any land, means—

(a) The person whose permanent and principal or only place of residence is on the land, if he resides on the land by virtue of the fact that he is—

(i) The owner of the fee simple of the land; or

(ii) The owner of a lease or licence of the land and the owner of the fee simple does not himself personally reside on the land; or

(iii) The manager of a farming business carried on on the land by such an owner who does not himself personally reside on the land; or

(iv) The sharemilker under a sharemilking agreement entered into with such an owner who does not himself personally reside on the land:

(b) Where there are several such persons, such one of them as is, by notice in writing signed by all of them and delivered to the acclimatization society for the district, appointed to be the occupier for the purposes of that subsection. Every such appointment shall continue in force during the whole of the open season in respect of which it is made and shall lapse at the end of that season.

(5) On production to the society of the appointment referred to in paragraph (b) of subsection four of this section, the society shall endorse on the appointment a certificate that it has been so produced and shall return
it to the person appointed, who shall, in any circumstances where a licence under this Act to hunt or kill game is required, produce that appointment so endorsed to any authorized person (as defined in subsection three of section sixty-one of this Act) demanding its production, and if he fails to do so he commits an offence against this Act.

(6) Where a person resides on land that is farmed in conjunction with any other land, he shall be deemed for the purposes of subsection four of this section to reside on that other land also.

20. Nothing in any licence to hunt or kill game shall authorize the holder to hunt or kill game on any land actually and exclusively used by any society for the purposes of this Act or on any wildlife sanctuary, wildlife refuge, or closed game area or on any public domain or recreation reserve within the meaning of the Public Reserves and Domains Act 1928 or on any reserve within the meaning of the Scenery Preservation Act 1908.

21. Except as otherwise expressly provided in this Act, nothing in any licence or other authority under this Act shall entitle the holder to enter upon any land without the consent of the occupier of the land.

22. (1) Subject to the provisions of sections fifty-three and fifty-four of this Act, no person shall shoot at or attempt to shoot at any game bird not in flight:

Provided that nothing in this section shall prohibit the killing by shooting when not in flight of any game bird already wounded by shooting.

(2) For the purposes of this section—

(a) A bird shall be deemed to be not in flight at any time when it is alighting on or rising from any water or land or any vegetation or structure in or on any water or on any land and any part of the bird is in contact with the water or land or vegetation or structure:

(b) Subject to paragraph (a) of this subsection, a bird shall be deemed to be in flight at all times when it is airborne, including times when it is soaring or banking or swooping, and whether its wings are in motion or not.
23. (1) Except with the prior consent of the Secretary, no person shall—

(a) Buy or sell any game or the eggs of any game:

(b) For sale or for hire, gain, or reward, or hope thereof, hunt or kill any game or have any game or the eggs of any game in his possession:

(c) Induce any other person to hunt or kill game for the purposes of sale or have any game or the eggs of any game in his possession for the purposes of sale:

Provided that it shall be lawful for any person, pursuant to the prior written authority of the Secretary, and subject to such conditions as may be prescribed therein, to propagate game or to buy or sell game held for the purpose of propagating game or reared pursuant to any such authority, or to take and sell or to buy the eggs of any game to which any such authority relates.

(2) No person shall sell or let for fee or reward any right to hunt or kill game on any land or on any water on or adjoining any land.

(3) Where any person for rent or other valuable consideration grants a lease or licence of any duration of land on which or on water adjoining which game is usually prevalent, he shall be deemed for the purposes of subsection two of this section to have let the right to hunt or kill game on that land or on that water, as the case may be, if the Court, having regard to all the circumstances of the case, is satisfied that the sole or principal purpose of the lease or licence was to confer on the lessee or licensee the right to hunt or kill game on that land or water.

PART III

ADMINISTRATION

Acclimatization Districts and Societies

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

(a) Declare any part of New Zealand (whether forming part of a then existing district or not) to be an acclimatization district under and for the purposes of this Act:
(b) Alter the boundaries of any district by including any defined area (whether forming part of any district or not) in the district, or by excluding any defined area from the district and including that area in any other district or districts:

(c) Abolish any district and include any part or parts of the district in any other district or districts:

(d) Vest the control of any district in any society, corporation, or local authority, or in any other person or body of persons (whether incorporated or not) or in any Department of State:

(e) Whenever any new district is declared, or the boundaries of any district are altered, or when any district is abolished, redefine the boundaries of all districts affected by the Order in Council.

(2) Before declaring any part of New Zealand to be a district for the purposes of this Act or altering or abolishing any district, the Governor-General may, if he thinks fit, direct a Commission, consisting of a person nominated by the Minister (that person to be the Chairman of the Commission), a person nominated by the Minister on the recommendation of the council of societies for that island in New Zealand in which the district or proposed district is situated, and one other person nominated by the Minister, to inquire into and report to him as to the suitability or otherwise of the area proposed to be declared a district, or as to the necessity or otherwise for altering or abolishing any district, and to recommend such alterations of the boundaries of the area as they deem necessary and advisable.

(3) Upon the constitution of a new district or any alteration of the boundaries of a district, the several societies affected may, by agreement in writing, make such an adjustment of property, liabilities, contracts, and engagements between the new society and the society out of whose district the area of the new district has been taken or, as the case may be, between the societies affected by the alteration of boundaries, as those societies think fit, and every such agreement shall be enforceable accordingly; but in default of any such agreement being
come to within three months after the date of the Order in Council constituting the new district or altering the boundaries, as the case may be, the Governor-General may, by Order in Council, make the adjustment.

25. (1) Subject to the provisions of section twenty-nine of this Act, every society in existence at the commencement of this Act and registered under the Animals Protection and Game Act 1921–22 shall be deemed to be registered under this Act.

(2) When any new district is declared under this Act, or whenever he considers it expedient to form a new society for any district, the Minister shall publish in a newspaper circulating in the district a notice setting out the approximate boundaries of the district, stating that the formation of a society or of a new society, as the case may be, seems expedient, and calling upon persons whose permanent and principal or only place of residence is within the district and who, during the financial year then current or during the immediately preceding financial year, are or were the holders of licences under this Act to hunt or kill game in the area comprised in the district or of whole season licences under Part II of the Fisheries Act 1908 to fish for acclimatized fish in that area, to attend a meeting to be held at a place stated in the notice on a day not less than fourteen clear days from the date of publication of the notice.

(3) If at any meeting referred to in subsection two of this section a society consisting of not less than fifty members is formed pursuant to a resolution passed by the votes of not less than two-thirds of the licence holders present at the meeting and voting on the resolution, and if a council of that society consisting of not less than eight members of the society is elected, not being persons appointed to the council under section twenty-seven hereof, and if the Minister is satisfied that the necessary provisions have been complied with, the Minister may issue to the society a certificate of registration under this Act, and thereupon the society shall be deemed to be registered under this Act.

(4) If a society consisting of not less than fifty members is formed at any meeting called under subsection two of this section but no council of that society
is elected, the Minister may require the society forth­
with to elect a council of not less than eight members,
or he may appoint such number of persons as he
considers necessary to act as the council of the society
for such period and subject to such conditions as he
thinks fit.

(5) If no such meeting is held or if no society con­
sisting of not less than fifty members is formed at a
meeting called under subsection two of this section,
the Governor-General may, by Order in Council, vest
the control of the district in such society, corporation,
local authority, person, or body of persons (whether
incorporated or not), or Department of State as he
thinks fit.

26. (1) Every society registered or deemed to be
registered under this Act shall be a body corporate by
the name or title specified in the certificate of registra­
tion, with perpetual succession and a common seal;
and shall, for the purpose of exercising its functions
under this Act or any other Act, but subject to the
provisions of any such Act, be capable of purchasing,
taking on lease or hire, or otherwise acquiring or of
alienating any real or personal property and of doing
and suffering all such other acts and things as bodies
corporate may do and suffer.

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

27. (1) Any society may appoint to the council of
the society for such term as it thinks fit as a representa­
tive of farming interests in its district the occupier
of any farm, run, or station, whether wholly or partly
within the district, or any other person whose permanent
and principal or only place of residence is within the
district and who is engaged in farming.

(2) Any society may appoint to the council of the
society for such term as it thinks fit not more than three
persons whose qualifications and experience are likely to
be of assistance and value to the society.

(3) Every person appointed to the council of a
society under the foregoing provisions of this section
shall by virtue of that appointment be deemed to be a
member of the society, and shall have all the rights of a member, and shall also have all the powers and authority of a member duly elected to the council in accordance with the rules of the society, and accordingly shall be deemed to have been so elected:

Provided that no person appointed to the council of a society under subsection two of this section shall be entitled to vote at meetings of the council.

28. (1) No person shall be capable of being elected or appointed as or of being a member of the council of any society—

(a) Who is for the time being disqualified by the order of any Court from obtaining a licence under this Act or under Part II of the Fisheries Act 1908; or

(b) Who was by the order of any Court made at any time within the immediately preceding period of two years disqualified from obtaining any such licence; or

(c) Whose licence under this Act or under Part II of the Fisheries Act 1908 was revoked by the order of any Court made within the immediately preceding period of two years.

(2) Except as provided in section twenty-seven of this Act, no person who is not a member of the society shall be capable of being elected or appointed as or of being a member of the council of the society.

(3) Any election or appointment to the council of any society shall, so far as it relates to any person who is disqualified under the foregoing provisions of this section, be void and of no effect.

29. (1) Every society registered under the Animals Protection and Game Act 1921–22, and in existence immediately before the commencement of this Act, shall forthwith after the commencement of this Act, and every new society shall forthwith after its registration, prepare and submit to the Minister for his approval two copies of the rules of the society duly authenticated by the president, chairman, or other principal officer of the society, by one other member of the society, and by the secretary thereof, and sealed with the common seal of the society.
(2) The rules of every society registered or deemed to be registered under this Act shall make provision for—

(a) The name of the society;
(b) The functions of the society;
(c) The modes in which persons may become members of the society, including in the case of all members other than life members provision for a written application for membership to be signed each year by the intending member:

Provided that every person whose permanent and principal or only place of residence is within the district and who during any financial year is the holder of a licence under this Act to hunt or kill game in the district issued by the society for the district or who has attained the age of sixteen years and is during any financial year the holder of a whole season licence under Part II of the Fisheries Act 1908 to fish for acclimatized fish in the district issued by the society for the district shall, during that financial year and until the commencement of the open season in the next financial year in which there is an open season in the district for the species of game or fish, as the case may be, in respect of which the licence was issued, be entitled, subject to his making written application each year for membership, to become a member of that society without payment of any fee other than that paid by him for his licence;

(d) The modes in which persons cease to be members of the society;

(e) The constitution of the council of the society, including, if the society so decides, provision for members of the council to be elected on the basis of regional representation;

(f) The procedure for vacation of office by members of the council;

(g) The procedure for the election of the president and the members of the council of the society, and for the election or appointment of other principal officers of the society:
Provided that, unless in special circumstances the Minister approves some other method of election, the rules shall provide for every such election to be by secret postal ballot of the members of the society;

(h) The number and qualifications of and the procedure for the appointment of members of the council under section twenty-seven of this Act, and for the vacation of office of those members;

(i) The mode in which the rules of the society may be amended, added to, or revoked;

(j) The procedure for summoning and holding general meetings of the society and for voting thereat;

(k) The appointment of paid officers of the society;

(l) The control and use of the common seal of the society;

(m) The control and investment of the funds of the society;

(n) The dissolution or winding up of the society; and

(o) Such other matters as the Minister may require or as may be prescribed by regulations under this Act.

(3) Any amendment or revocation of or addition to the rules of a society shall in like manner be submitted to the Minister for his approval.

(4) Subject to the provisions of subsection seven of this section, no rules of any society and no amendment or revocation of or addition to the rules of any society shall come into force until approved by the Minister, who, before approving the same, may require the society to make such amendments therein or additions thereto as are necessary to bring the rules into conformity with the provisions of this Act and of Part II of the Fisheries Act 1908 and of any regulations under either of those Acts, or, in his discretion, may require the society to revoke the same and prepare and submit fresh rules in their stead. Every such approval by the Minister shall be notified in the Gazette.

(5) If any society fails to comply with the provisions of this section, the Minister may make such rules as he thinks fit in respect of any of the matters specified in

See Reprint of Statutes, Vol. III, p. 371
subsection two of this section or in any regulations made under this Act, and all rules so made shall have effect as if they had been made by the society under this section and approved by the Minister. Notification of the making of any such rules by the Minister shall be published in the *Gazette*.

(6) The Minister may, by notification, prescribe model forms of rules for societies, and those forms may be adopted in whole or in part by any society by resolution of a general meeting of the society, but shall have no force or effect except as so adopted.

(7) The rules of any society in force at the commencement of this Act shall, so far as they provide for any of the matters specified in subsection two of this section, enure for the purposes of this section until they are revoked or superseded by rules made under this section.

30. The functions of every society shall be—

(a) The protection and preservation in that part of its district that does not comprise or form part of a wildlife district under this Act of all wildlife absolutely protected under this Act:

(b) The protection and preservation in its district of game, and the prevention of any unnecessary diminution in the numbers of game or of any species of game:

(c) The ensuring by all possible means that there will be in its district such numbers of game or of any species of game as are necessary for the purposes of this Act, including, with the prior written authority of the Secretary, the breeding and propagation and the liberation of such numbers of any existing species or of any additional species as are necessary for that purpose:

(d) The issue at such fees as may be prescribed by regulations under this Act of such licences to hunt or kill game as may be approved by the Secretary, and the receipt of fees for those licences:

(e) The administration in its district of the provisions of Part II of this Act, including the taking of measures for the enforcement of
those provisions or of such other provisions of this Act as may be necessary for the purpose, or of any regulations or notifications under this Act, and the taking of proceedings in respect of any breaches of any of those provisions that may from time to time occur in its district:

(f) The investigation of reports that may from time to time be received as to injury or damage arising from the presence of wildlife on any land in its district and the furnishing of such reports and recommendations as may be necessary or as the Secretary requires:

(g) The fostering and encouragement in sportsmen of the true principles of sportsmanship:

(h) The provision of information and advice to members, to persons authorized to hunt or kill game, and to the public generally as to the provisions of this Act or of Part II of the Fisheries Act 1908 or of any regulations or notifications under any such Act, and the education of members and the public generally in relation to the conservation of wildlife and freshwater fisheries:

(i) The prevention as effectually as possible of any unauthorized releases in its district of any animal (whether wildlife or not) or the unauthorized planting in its district of any plants intended to provide food, cover, or other benefits for wildlife, and the notification to the Secretary of any such unauthorized releases or plantings that may occur:

(j) All such functions and responsibilities in relation to freshwater fisheries as are imposed on societies by the Fisheries Act 1908 or any regulations or notifications thereunder:

(k) Such other functions as are from time to time prescribed by regulations under this Act or by any other Act or by regulations under any other Act.

31. Every society may appoint such officers and other servants as it deems necessary for the efficient carrying out of its functions, and may pay them such remuneration as it thinks fit.
32. Every society may, with the approval of the Minister given subject to such conditions as he thinks fit, undertake research for all or any of the purposes of this Act, either solely or jointly with any other society or societies.

33. (1) Every society may expend moneys received by it from any source arising under this Act in—

(a) The protection and preservation of all wildlife absolutely protected by this Act:

(b) The protection and preservation of game, including the breeding, rearing, and liberation of any species, whether or not that species is already present in its district, and the purchase of game or eggs:

(c) The establishment, operation, and maintenance of game farms, including for that purpose the purchasing, hiring, or otherwise acquiring of equipment, the purchase of timber and other building material, the provision of residences for staff, storerooms, enclosures, and other necessary erections, amenities, and facilities:

(d) The payment of commissions on the sales of licences to hunt or kill game:

(e) The payment of rewards to encourage the protection of wildlife:

(f) With the approval of the Minister, the purchase, taking on lease, or otherwise acquiring of land for game farms, shooting camps, hunting grounds, wildlife refuges, or any other purpose having as its object the conservation of game, the erection of fences and buildings thereon, the planting of grasses, shrubs, trees, or other plant life thereon, and the provision of such further amenities as may be necessary:

(g) The payment of legal and other fees and the costs of proceedings arising from breaches of this Act or of any regulations or notifications thereunder:

(h) The banding, marking, or other identification of wildlife:
(i) With the approval of the Minister, the planting of plants of any description for the purpose of providing cover for wildlife and for the protection, improvement, or extension of the habitat of any wildlife:

(j) With the approval of the Secretary, the payment of contributions to any fund created for the training or security of staff, or for providing retiring or superannuation allowances for staff:

(k) With the approval of the Secretary, the making of contributions for research purposes or for assisting other societies either regionally or nationally.

(2) Notwithstanding anything in the Fisheries Act 1908 or in any other enactment, any society may expend moneys received by it from any source in—

(a) The payment of salaries or wages:

(b) The purchase, maintenance, and use of motor or other vehicles or boats, and the purchase of motor spirits, oils, and greases:

(c) The payment of office expenses (including the cost of printing and stationery, advertising, postages, telegrams, telephone rentals and toll fees, rent, and other general office expenses):

(d) The payment of insurance premiums, other than life insurance premiums:

(e) The payment of travelling expenses approved by the council of the society:

(f) The purchase of ammunition for predator control:

(g) The payment of the cost of erection of signboards and notices:

(h) With the approval of the Minister, the payment of subscriptions or membership fees in respect of any council of societies, whether national or in respect of one island of New Zealand only, or in respect of any other group of societies:

(i) The making of donations for any patriotic purpose within the meaning of the Patriotic 1947, No. 63 and Canteen Funds Act 1947, or for any charitable purpose:

(j) The payment of affiliation fees:
(k) The making of grants to any sub-society or, with
the approval of the Secretary, to any other
organization set up in its district, for any of
the purposes of this Act or for any of the
purposes of the Fisheries Act 1908 relating to
freshwater fisheries:

(l) The payment of other incidental expenses arising
out of the exercise of any powers or the
performance of any duties conferred or
imposed on the society under this Act.

(3) For the purposes of paragraph (k) of subsection
two of this section, the term "sub-society" means any
branch of the society, whether called a sub-society, branch
society, committee, or by any other description, and
having as its members only persons who are members
of the society.

(4) Notwithstanding anything in the foregoing
provisions of this section, any society may expend for
any purpose prescribed by the Fisheries Act 1908 any
moneys received by it from any source arising solely
out of that Act.

(5) Any society may in every financial year expend
for purposes not authorized by this Act any sum or
sums not amounting in the whole to more than one per
cent of its total revenue from all sources for that year,
or in any case to more than fifty pounds:

Provided that if one per cent of that revenue does not
in any financial year amount to more than five pounds,
the society may in that financial year expend the sum of
five pounds for the purposes aforesaid.

(6) Any society may, with the approval of the
Minister and subject to any conditions imposed by him,
borrow moneys for any purpose for which the society
is authorized to expend moneys under the foregoing
provisions of this section and give security for the
repayment of any moneys so borrowed over any real or
personal property vested in the society.

(7) Any society may, with the approval of the Minis-
ter, sell any land or interest in land of the society which
is no longer required by it for the purposes of the
society.
34. (1) Every society shall, not later than three months after the close of any financial year, forward to the Secretary for Internal Affairs and also to the Secretary for Marine a report in triplicate of its proceedings during that financial year, together with a statement of accounts showing in detail the several receipts and items of expenditure of the society and a balance sheet duly audited, which statement of accounts and balance sheet shall be in a form prescribed by regulations under this Act. The report of proceedings and statement of accounts and balance sheet shall be printed by direction of and at the expense of the society, and a copy thereof shall be posted to each member of the society.

(2) Where the Secretary considers that any item in the annual report or statement of accounts or balance sheet requires further explanation, he may require the society to explain the item or supply further information in relation thereto, and the society shall, within one month of being required so to do, comply with that requirement.

35. (1) If in the opinion of the Governor-General any society wilfully refuses or otherwise fails or substantially refuses or fails to act in the performance and exercise of any of the duties or powers reposed or vested in it by or under this Act, the Governor-General may, by Order in Council, make such provision as he thinks fit for the due performance and exercise of those duties or powers either by himself or by any other person.

(2) Without limiting the general powers conferred by subsection one of this section, the Governor-General may, by any such Order in Council or by a subsequent Order in Council,—

(a) Remove from office any member of the council of the society:

(b) Revoke the appointment of the council of the society and require the society to elect a new council:

(c) Appoint any person to be a member of the council of the society:

(d) Cancel the registration of the society, in which case the society shall be deemed to be dissolved and shall not receive any fees, fines, or other
moneys under this Act, and shall not exercise or purport to exercise any of the powers conferred on societies by this Act:

(e) Make all necessary provision for the administration of the district of the society, and in particular provide for the administration of the district by the Department.

36. (1) No voluntary dissolution or winding up of any society shall have any force or effect unless—

(a) The society has given to the Secretary at least three months' notice in writing of the proposal that the society be voluntarily dissolved or otherwise wound up, and stating the reasons for that proposal and the manner in which it is proposed that its real and personal property shall be disposed of; and

(b) The Secretary has approved in writing the manner in which the real and personal property of the society is to be disposed of.

(2) Notwithstanding anything to the contrary in the rules of the society, where a society is dissolved for any purpose other than for the purpose of forming a new society for the district or of the amalgamation of the district with some other district or districts, any surplus funds of the society after payment of the liabilities of the society shall be paid into the Consolidated Fund.

Wildlife Districts

37. (1) The Governor-General may from time to time, by Proclamation, declare any portion of New Zealand, whether forming part of an acclimatization district or not, to be a wildlife district for the purposes of this Act, subject to such conditions as may be specified in the Proclamation or as may be prescribed by regulations under this Act, and may in like manner revoke or vary any such Proclamation.

(2) Without limiting the general power conferred by subsection one of this section, any Proclamation or regulations made under or pursuant to that subsection may provide for any of the following matters:

(a) The vesting in the Department of the control of all species or of any specified species of wildlife (other than game) in the district:
(b) The vesting in the society of any acclimatization district of which the wildlife district forms a part of the control of game in that part of the wildlife district that is included in the acclimatization district:

(c) Where no part of the wildlife district forms part of an acclimatization district, the vesting in the Department of the control of game in the wildlife district:

(d) Where a part of the wildlife district also forms part of an acclimatization district, the vesting in the Department of the control of game in such part of the wildlife district as does not form part of an acclimatization district:

(e) The prohibition in the wildlife district of the hunting, killing, taking, or disturbing in any manner whatever of wildlife other than game by any person without the express written consent of the Secretary.

38. (1) There may from time to time be appointed under the provisions of the Public Service Act 1912 suitable persons to be rangers for the purposes of this Act.

(2) The Secretary may from time to time appoint—

(a) Any suitable person (not being an employee of the Public Service) to be a ranger in a part time capacity for the purposes of this Act:

(b) Any suitable person to be a ranger in an honorary capacity for the purposes of this Act:

(c) Any servant of an acclimatization society to be a ranger for the purposes of this Act.
(3) A ranger may be appointed for a particular district or area or to exercise his duties generally throughout New Zealand.

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

(5) Every ranger appointed under subsection two of this section shall be appointed for such term, not exceeding three years, as the Secretary thinks fit, and may be reappointed.

(6) Any ranger appointed under subsection two of this section may at any time be removed from office by the Secretary for incapacity, neglect of duty, or misconduct, or may at any time resign his office by writing addressed to the Secretary.

(7) Any ranger appointed under subsection two of this section shall, on the expiration of the term of his appointment, or on the sooner expiry of his appointment by removal from office or resignation, surrender to the Secretary his warrant of appointment.

(8) No person appointed by the Secretary under this section to be a ranger shall by virtue of that appointment be deemed to be employed in the service of Her Majesty for the purposes of the Public Service Act 1912 or of the Superannuation Act 1947.

(9) Every person (not being a constable) who at the commencement of this Act holds an appointment as a ranger under section thirty-five of the Animals Protection and Game Act 1921–22 shall be deemed to have ceased to hold that appointment as from the commencement of this Act.

39. (1) Every ranger may, in the exercise of his duty within the district or area for which he is appointed,—

(a) Seize any animal or any part of any animal or any egg or nest thereof illegally taken or had in possession, or which he reasonably believes to be illegally taken or had in possession:

(b) Seize all nets, traps, firearms, ammunition, boats, vehicles, engines, instruments, appliances, or devices that are being used or are intended
to be used or have been used in breach of this Act, or that he reasonably believes are so being used or are intended to be so used or have been so used:

(c) Seize any bag, container, or other article (including any coat or other similar article of clothing) that is being used for the purpose of carrying any animal or any part of any animal or any egg or nest thereof illegally taken or had in possession or that he reasonably believes is being so used:

(d) Stop any vehicle, or any riding or pack animal, or any boat, launch, or other 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 parcel, package, case, bag, luggage, or other container that is or that he reasonably believes to be in the possession of the owner or of any other person (including any carrier or forwarding agent, whether by land, sea, or air), if he has reason to believe or suspect that any breach 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, boat, launch, or other vessel, or aircraft, or other device for carriage or transportation, and in such presence as aforesaid open and search any such parcel, package, case, bag, luggage, or other container:

(e) While in lawful execution of his duty, call upon any male person, not being under the age of eighteen years, to aid or assist him when reasonable necessity exists for calling that assistance, and every person aiding or assisting any ranger pursuant to any such call shall while doing so be deemed to be and shall have all the powers of a ranger duly appointed under this Act:
(f) At all times, without let or hindrance—

(i) By any means whatever, enter upon, pass through, or remain on any land (other than a dwellinghouse or the enclosed garden or curtilage of any dwellinghouse) or any hut, tent, caravan, bach, or other erection (not being a permanent residence), or any shop, warehouse, factory, bond store, office, or any other premises of any description, or into or upon any lake, river, pond, lagoon, or other water (whether natural or artificially constructed):

(ii) Enter any vehicle, boat, launch, other vessel, or aircraft that is being used or is intended to be used or has been used in breach of this Act or that he reasonably believes is being or is intended to be or has been so used:

(iii) Search any land or any hut, tent, caravan, bach, or other erection (not being a permanent residence), or any shop, warehouse, factory, bond store, office, or other premises of any description, or any vehicle, boat, launch, other vessel, or aircraft referred to in subparagraph (ii) of this paragraph, or any riding or pack animal, or other device for transportation or carriage found on the said land or on any such premises or on any such lake, river, pond, lagoon, or other water:

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

(2) The production by a ranger of his warrant of appointment shall be sufficient evidence of that appointment.
40. (1) Every person commits an offence against this Act who assaults, resists, impedes, or obstructs, or incites or encourages any other person to assault, resist, impede, or obstruct, any ranger, or any person acting by his order and in his aid, in the execution of the powers conferred on that ranger by this Act, or by a warrant under this Act, or who uses abusive or threatening language or behaves in a threatening manner to any such ranger or person in the execution of those powers, or who fails to comply with the lawful demands of a ranger. For the purpose of this subsection any person who refuses to allow any ranger or other person acting by his order and in his aid to exercise any of the powers conferred by the last preceding section shall be deemed to obstruct that ranger or person.

(2) Every male person (not being under the age of eighteen years) commits an offence against this Act who fails to aid or assist any ranger when called upon to do so under the powers conferred on rangers by paragraph (e) of subsection one of the last preceding section.

Powers of Minister

41. (1) The Minister may from time to time—

(a) Prepare and carry out wildlife surveys:

(b) Use and develop land as a wildlife sanctuary, or as a wildlife refuge, or as a reserve for the breeding and preservation of wildlife, or as a camping ground or hunting ground, or as a game farm, or for the purpose of erecting residences and other buildings for the purposes of this Act, or as a holding ground, or for any other purposes of this Act:

(c) Co-ordinate the policies and activities of Departments of State, acclimatization societies, local authorities, and public bodies in relation to the protection, management, control, and conservation of wildlife and the eradication of harmful species of wildlife:

(d) Conduct wildlife research work, and collect and disseminate wildlife information:

(e) Prepare and issue plans and publications for the advancement, conservation, management, and control of wildlife and the eradication of harmful species of wildlife:
(f) Make provision for the setting up of such advisory bodies as he thinks fit:

(g) Make provision generally for the administration of this Act.

(2) In the exercise of the powers conferred on him by subsection one of this section, the Minister may from time to time—

(a) Erect dwellings for occupation by officers and servants of the Department engaged in the administration of this Act, and erect other buildings, and provide all necessary services, conveniences, and amenities:

(b) Establish and carry on any operations or industry relative to the conservation, management, or control of wildlife or the eradication of harmful species of wildlife:

(c) Sell or otherwise dispose of food, equipment, skins, or other articles used for, or recovered as the result of, any operation for the conservation, management, control, or eradication of wildlife:

(d) Enter into any contract or agreement:

(e) Carry on any farming operations incidental to the management of any game farm or to the conservation, management, control, or eradication of wildlife, and purchase cattle, horses, dogs, or other animals or motor or other vehicles necessary for that purpose, and cultivate and grass any land for any such purpose, and sell any farm crop or farm produce:

(f) Sell any game or the eggs of any game:

(g) With the written consent of the occupier, and subject to the provisions of any other Act, construct and maintain on any land 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 Her Majesty may, unless otherwise provided by this Act, be executed by the Minister, and, if so executed, shall be as valid and effectual as if executed by or on behalf of Her Majesty.
42. (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 the occupier within the meaning of the Fencing Act 1908 of land adjoining any land held by the Crown for the purposes of this Act for the fencing of the common boundary.

(3) Where any fence within the meaning of the Fencing Act 1908 is erected pursuant to an agreement with any such occupier, the occupier shall be liable, notwithstanding anything to the contrary in that Act, to pay such amount as may have been agreed upon by the Minister and the occupier, and that amount may be recovered from the occupier as a debt due to the Crown.

43. Subject to the Tenancy Act 1948, the Minister may grant tenancies or occupancies of dwellings on land held by the Crown for the purposes of this Act to 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 acclimatization society or to any other person under such circumstances, at such rent, and upon such terms and conditions as the Minister determines.

44. (1) The Minister may from time to time delegate in writing to the Secretary or to any other officer of the Department any of his powers under this Act, including the power of delegation conferred by this section.

(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, in the absence of proof to the contrary, be presumed to be acting in accordance with the terms 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 of specified classes 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 or by any other person making the delegation.

(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.

PART IV
INJURIOUS BIRDS

45. In this Part of this Act, unless the context otherwise requires,—

"Injurious birds" means any species of birds for the time being specified in the Fifth Schedule to this Act that, by their habits or their excessive increase, have become or threaten to become injurious:

"Local authority" means, in the case of a county, borough, or town district, the Council or Board thereof respectively; and in counties where the Counties Act 1920 is suspended or is not in operation, means the Road Board, or where there is no Road Board or other local authority, means the Minister.

46. (1) Notwithstanding anything in any other Act, any local authority may from time to time, by ordinary resolution, apply moneys towards the destruction of injurious birds.

(2) The local authority may, if it thinks fit, raise the funds necessary for that purpose by means of a separate general rate or a special rate not in any case exceeding one sixteenth of a penny in the pound on the capital value of all rateable property in its district, or the equivalent thereof on the annual value or unimproved value, according to the rating system in force in that district.

(3) The rating power conferred by this section may be exercised irrespective of any limit imposed by any Act on the rating power of the local authority.
47. (1) Every local authority, before taking any action for the destruction of injurious birds in its district, shall prepare and submit its plans in that behalf to the Secretary for his approval.

(2) The Secretary 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.

(3) Where the Secretary approves the plans of any local authority under this section, he may authorize the local authority for the purposes of this Part of this Act to lay poisoned grain, seed, food, lure, bait, or other material on any roads or lands (whether public or private) within its district:

Provided that, before laying the same, public notice of the intention to do so shall be given by the local authority by advertisement in a newspaper circulating in its district:

Provided further that no poison shall be laid within a less distance than three hundred yards of an inhabited house without the consent of the owner or occupier thereof.

(4) It shall be the duty of the local authority to carry out its plans for the destruction of injurious birds as approved by the Secretary and in accordance with any conditions or modifications prescribed by him.

48. (1) For the purposes of this Part of this Act, a local authority may from time to time—

(a) Appoint such Inspectors, with such powers of entry and other powers and functions, within its district as it thinks fit:

(b) Make such by-laws as it thinks fit.

(2) By-laws made under this section may provide for fines not exceeding twenty-five pounds for any breach thereof.

(3) The Minister may at any time require any local authority to appoint Inspectors for the purposes of this Part of this Act.

(4) The Minister may at any time require any local authority to make any by-laws, or to revoke, alter, or add to any by-laws made pursuant to this section.

(5) If a local authority does not within three months from the receipt of a requisition by the Minister under subsection four of this section make, revoke, alter, or add to any by-laws in the manner required by that
requisition, the Governor-General may by Order in Council make such regulations as he thinks fit to give effect to that requisition, and those regulations shall for all purposes be deemed to be, and have the same force and effect as, by-laws made by the local authority under this section.

49. In order to secure concerted and simultaneous action the following provisions shall apply:

(a) The Governor-General may from time to time, by Order in Council, divide the whole or any portion of New Zealand into combined districts, with such names and boundaries as he thinks fit, those boundaries being as far as practicable so adjusted that no local authority’s district shall be partly in one combined district and partly in another:

(b) In and for each combined district a conference, consisting of one person appointed by the Governor-General and one delegate appointed by each local authority in the district, shall meet, at such time and place as the Governor-General appoints in that behalf, for the purpose of deciding on and recommending to the Governor-General a suitable day on which the work of destroying injurious birds in the district should commence, and also the methods that should be employed by each local authority in carrying out that work in its own district. The member appointed by the Governor-General shall be the chairman of the conference:

(c) The Governor-General may from time to time, by Order in Council, direct all the local authorities in the combined district to adopt the day and methods so recommended, or such other day and methods as he thinks fit; and it shall be the duty of each such local authority to comply with that direction.

50. In the event of any local authority failing to carry out the provisions of this Part of this Act to the satisfaction of the Minister, he may from time to time appoint an Inspector, who, with such assistants as he deems necessary, shall proceed to destroy the injurious birds in the district of the local authority, and for that purpose may exercise all such powers of entry and other
powers and functions as the Minister thinks fit to confer; and all expenses thereby incurred shall be a charge against the local authority and may be deducted by the Minister of Finance from any subsidy or other moneys payable at any time to the local authority.

51. Every person commits an offence against this Act who assaults, resists, impedes, or obstructs, or incites or encourages any other person to assault, resist, impede, or obstruct, or uses abusive or threatening language or behaves in a threatening manner to, any Inspector or other authorized person while in the performance or execution of his duty under this Part of this Act. For the purposes of this section any person who refuses to allow any Inspector or other authorized person to exercise any of the powers conferred by this Part of this Act shall be deemed to obstruct that Inspector or other person.

52. (1) All expenses incurred by any local authority in carrying out the provisions of this Part of this Act shall be paid out of its general fund or account, or, in the case of the Minister, out of moneys to be appropriated by Parliament for the purpose.

(2) Subject to the provisions of section thirteen of the Finance Act 1927 (No. 2), all fines recovered under this Part of this Act on the information of any person appointed by a local authority shall be paid into and form part of the general fund or account of the local authority.

PART V
GENERAL PROVISIONS

53. (1) The Secretary may from time to time authorize in writing any person to catch alive or kill for any purpose approved by the Secretary any absolutely protected or partially protected wildlife or any game or any other species of wildlife the hunting or killing of which is not for the time being permitted.

(2) The Secretary may from time to time authorize in writing any person—

(a) To catch alive or otherwise obtain alive any absolutely protected or partially protected wildlife or any game or any other species of wildlife the taking of which is not for the time being permitted; or
(b) To take or otherwise obtain the eggs of any such wildlife or game, for the purpose of distributing or exchanging the same in any other country or in some other part of New Zealand, or for any scientific or other purpose approved by the Secretary, or for the purpose of rearing any such wildlife or game or for the purpose of hatching any such eggs and of rearing any progeny arising from that hatching,—

and may in any such authority authorize any person to have any such wildlife or game or eggs or progeny in his possession for any of the purposes specified in this subsection, and may also in any such authority authorize any person to liberate any such wildlife or game or progeny in such area and during such period as may be specified in the authority.

(3) Any authority granted under any of the foregoing provisions of this section may contain such conditions as the Secretary, in his discretion, may impose. Without limiting the general power of the Secretary to impose any conditions, the Secretary may in any such authority impose all or any of the following conditions:

(a) Prescribing the means by which any such wildlife or game or eggs may be caught or killed or taken:

(b) Prescribing the areas in which any such wildlife or game or eggs may be caught or killed or taken:

(c) Providing for the sale or other disposal of any such wildlife or game or eggs:

(d) Authorizing any society to which any authority is given under this section to delegate its powers to specified persons or specified classes of persons, and providing for the lapse of any such delegated powers on the expiration or revocation of the authority granted to the society:

(e) Prescribing the duration of the authority:

(f) Providing for the revocation of the authority and for the issue of any other authority in its place:
(g) Providing for the furnishing of returns of the numbers of any such wildlife or game or eggs caught, killed, or taken:

(h) In respect of any authority issued pursuant to subsection two of this section,—

(i) Prescribing the areas in which any such wildlife or game may be kept or any such eggs may be hatched and any such progeny reared:

(ii) Prescribing the types of cages, runs, or other enclosures in which any such wildlife or game or progeny may be kept:

(iii) Providing for the planting of any plants or of any specified kind of plants in or adjacent to any such cage, run, or other enclosure:

(iv) Prescribing the areas where any such wildlife or game or progeny may be liberated:

(v) Providing for inspection by officers or servants of the Department at all reasonable times.

(4) Notwithstanding anything in any other provision of this Act, any authority issued under this section may contain conditions authorizing the holder to use, for the purpose of catching alive or killing any wildlife or game, any live decoys or any net or noose or trap or any firearm or any other method the use of which is otherwise expressly prohibited by this Act or by any regulations under this Act.

(5) Every person to whom any authority is granted under or pursuant to this section who commits a breach of or fails to comply with any condition on which the authority was granted commits an offence against this Act.

54. (1) The Secretary, on being satisfied that injury or damage to any person or to any land or to any stock or crops or to any chattel or to other wildlife has arisen or is likely to arise through the presence on any land of any wildlife (whether absolutely protected or not), and whether or not the land is a wildlife refuge or a closed game area, may authorize in writing the occupier of the land, or any person in the employ of or acting with the written authority of the occupier, or the society for the district in which the land is situated, or any officer or servant of the Secretary may authorize hunting or killing of wildlife causing damage.

Cf. 1921–22, No. 57, s. 32
Department, or any other person, to hunt or kill, or cause to be hunted or killed, or to catch alive for any specified purpose any such wildlife, or to take or destroy the eggs of any such wildlife, subject to such conditions and during such period as may be specified in the authority.

(2) The provisions of subsections four and five of section fifty-three of this Act shall apply with respect to any authority granted under this section.

55. (1) The Secretary may from time to time authorize in writing the controlling authority of any public museum to have in possession the dead bodies of any species of absolutely or partially protected wildlife or of any game, subject to the following conditions:

(a) The controlling authority shall keep a register showing each animal held, the name of the person from whom it was received, the area from which it was received, and the cause of death of the animal;

(b) The register shall be available for inspection at all reasonable times by authorized officers of the Department, who shall be entitled to make copies of entries in the register; and

(c) Any authorized officer of the Department shall be entitled at all reasonable times to enter the museum and seize the body of any animal held otherwise than in accordance with an authority under this section.

(2) Any authority under subsection one of this section may be general or may relate to specified species of animals or to a specified animal, and shall continue in force according to its tenor until revoked by written notice from the Secretary to the controlling authority of the museum:

Provided that no general authority under this section shall apply with respect to the keeping in possession of the body of any animal that the controlling authority has reason to suspect was taken contrary to the provisions of this Act.

(3) The officer in charge of a public museum the controlling authority of which holds a general authority given under this section may from time to time authorize ornithologists to have in possession, subject to such
conditions as the Secretary prescribes, the bodies of absolutely or partially protected sea birds that have died from natural causes or been accidentally killed.

56. (1) No person shall, without the prior written authority of the Secretary, granted subject to such conditions as he thinks fit to impose and to any regulations in that behalf under this Act,—

(a) Capture or attempt to capture or have in his possession for the purpose of liberating or turning at large, or liberate or turn at large or allow to go at large, any wildlife; or

(b) Export from New Zealand any bat or any bird (not being a domestic bird) or any reptile or any amphibian or any land mollusc of the genus *paryphanta* or any skin, feathers, egg, flesh, or other part of any such species; or

(c) Export from New Zealand the bones or other parts or the eggs of moa or other species generally believed to be extinct.

(2) The Secretary may at any time revoke or vary any authority granted under subsection one of this section.

(3) Before granting any authority under paragraph (b) or paragraph (c) of subsection one of this section to export anything referred to in either of those paragraphs, the Secretary may require the applicant to satisfy him that a permit for its importation into the country to which it is proposed to be exported has been granted by the appropriate authority in that country.

(4) Every person commits an offence against this Act who offends against or fails to comply with any of the provisions of this section.

57. (1) For the purposes of this Act, the property in any animal, whether wildlife or not, in the possession or under the control of any society, or of the agent of any society at a game farm or in any enclosure shall be deemed to be vested in the society.

(2) For the purposes of this Act, the property in any game in the possession or under the control of any person by virtue of any authority issued under subsection two of section fifty-three of this Act shall be deemed to be vested in the holder of the authority.
(3) Subject to the provisions of subsection one of this section, all wildlife, other than wildlife that is for the time being specified in the Fifth Schedule hereto, shall be deemed to be vested in the Crown:

Provided that where any such wildlife (not being absolutely protected wildlife) has been lawfully taken or killed pursuant to this Act or to any regulations under this Act (the proof of which shall be on the person claiming the same) it shall cease to be the property of the Crown, and the property in that wildlife shall be deemed to be vested in the person by whom it was so taken or killed:

Provided further 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 wildlife.

58. (1) Every person commits an offence against this Act who intentionally shoots at, kills, disables, or otherwise injures, or ensnares any homing pigeon belonging to any other person.

(2) Every person who does anything mentioned in subsection one of this section shall be liable to pay to the owner of the pigeon the value thereof, and the Court before which any prosecution under this section takes place may, in addition to any fine imposed, direct payment by the defendant to the owner of that value or any part thereof. Any amount so directed to be paid to the owner may be recovered from the defendant in the same manner as any fine and shall, when recovered, be paid to the owner.

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

59. (1) If in the opinion of the Minister any wildlife is causing or is likely to cause injury or damage to any land, or to any person, or to any stock or crops, or to any chattel, or to any other wildlife, or to any trees, shrubs, plants, or grasses, the existence of which may tend to protect the habitat of any absolutely protected wildlife or of any game, or which may tend to mitigate soil erosion or to promote soil conservation or the control of floods, he may authorize in writing the Secretary, or any other officer or servant of the Department, to enter at any time and from
time to time on any land under the control of any local authority or public body or any Maori land or private 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 any such wildlife and to make studies or other investigations of any such wildlife:

(b) To catch alive or to hunt or kill any such wildlife:

(c) To remove any such wildlife to any other area:

(d) To erect and maintain tents or other structures on the land, and to provide all necessary services, conveniences, and amenities:

(e) To erect notices advising or warning of any action being taken under this Act:

(f) To have access for any of the purposes specified in this subsection to any other land (whether adjoining or not) on which any such wildlife is or may be:

(g) To do any other act or thing necessary for any of the purposes specified in this subsection.

(2) Any person entering on any land pursuant to subsection one of this section may bring with him any vehicle, horse, or dog, and any equipment necessary for any of the purposes specified in that subsection, and may convey any necessary supplies onto or over that land.

(3) Where on any land that is not a wildlife sanctuary or a wildlife refuge or a closed game area any notice or sign is erected or placed which is intended to cause or may reasonably cause any person to believe that the land is part of a wildlife sanctuary or wildlife refuge or closed game area, as the case may be, any officer or servant of the Department or any ranger may enter at any time on the land and remove or destroy the notice or sign. The removal or destruction of any notice or sign pursuant to this subsection shall not confer any right to compensation on any person.

(4) Before entry on any land pursuant to subsection one of this section, the Secretary, or the officer or servant of the Department authorized by the Minister, shall, when practicable, give reasonable notice to the occupier or controlling authority of the land of the intention to enter thereon, and where any person enters on any land
pursuant to subsection three of this section, he shall, if required by the occupier or controlling authority, produce and show the authority under which he claims to enter, or has entered, on the land.

(5) Every person commits an offence against this Act who, not being duly authorized, takes away or is found in possession of, or removes, destroys, or displaces, or moves the position of, any tent or other structure or any services, conveniences, or amenities erected or provided on any land pursuant to subsection one of this section, or wilfully removes or injures or damages in any way any vehicle or animal or equipment or supplies brought onto any land pursuant to that subsection.

(6) Every person commits an offence against this Act who wilfully obstructs or hinders or resists the Secretary or any authorized officer or servant of the Department in the exercise of any of the powers conferred by this section.

60. No matter or thing done by any ranger or by an officer or servant of the Department 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 or under any notification made under or pursuant to this Act shall subject that ranger, officer, or servant to any personal liability in respect thereof.

61. (1) In any prosecution for an offence against this Act or against any regulations under this Act, proof that any person found in any area where any species of wildlife is usually prevalent had with him or under his control any firearm, net, trap, decoy, or other instrument or device capable of being used for the purpose of hunting or killing any such species shall be evidence from which the Court may infer that that person was in pursuit of that species.

(2) Every such person shall, in any circumstances where a licence under this Act to hunt or kill that species is required, produce his licence to any authorized person demanding its production, and if he fails to do so he commits an offence against this Act.

(3) For the purposes of subsection two of this section the term "authorized person" means—

(a) Any Justice:

(b) Any ranger:
(c) The president, chairman, and any member of the council or committee of any society:

(d) The occupier of the land on which the person is found in pursuit of or in possession of wildlife:

(e) Any person duly authorized in writing by the Permanent Head of the Department of State or by the local authority controlling the land on which the person is found in pursuit of or in possession of wildlife:

(f) Any holder of a licence to hunt or kill wildlife issued under this Act:

(g) Any other person duly authorized in writing by the Secretary.

(4) In addition to the powers contained in subsection two of this section or in section sixty-six of this Act, every authorized person as defined in paragraph (b), paragraph (d), or paragraph (e) of subsection three of this section may demand production of all or any wildlife (whether alive or dead) and all or any skins, feathers, or eggs of any wildlife in possession of any person referred to in subsection one of this section, and of all or any nets, traps, firearms, ammunition, boats, vehicles, engines, instruments, appliances, and devices that are being used or are intended to be used or have been used for the purpose of hunting or killing any wildlife or that he reasonably believes to be so being used or to be intended to be so used or to have been so used, and of any bag, container, or other article (including any coat or other similar article of clothing) that is being used for the purpose of carrying any wildlife (whether alive or dead) or that he reasonably believes to have been so used or to be intended to be so used.

(5) Any authorized person referred to in subsection four of this section may exercise in respect of anything produced to him pursuant to that subsection the powers of search and seizure conferred on rangers by section thirty-nine of this Act.

(6) Every person commits an offence against this Act who fails to produce on demand under subsection four of this section anything referred to in that subsection.
62. No person shall consign or send by any carrier or forwarding agent or by any other means any parcel, package, case, bag, luggage, or other container containing any absolutely protected wildlife (whether alive or dead) or any part of any absolutely protected wildlife or any eggs of any absolutely protected wildlife, unless the parcel, package, case, bag, luggage, or other container is plainly marked on the outside in such a manner as to give a list and description of the contents and the name and address of the consignor and consignee.

63. Every person commits an offence against this Act who without lawful authority (the proof of which shall be on the person charged)—

(a) Hunts or kills any absolutely protected or partially protected wildlife or any game:

(b) Sells or otherwise disposes of or has in his possession any absolutely protected or partially protected wildlife or any game or any skin, feathers, or other portion or any egg of any absolutely protected or partially protected wildlife or of any game:

(c) Robs, disturbs, or destroys, or has in his possession the nest of any absolutely protected or partially protected wildlife or of any game.

64. Every person commits an offence against this Act who without lawful authority (the proof of which shall be on the person charged) commits a breach of or fails to comply with any of the provisions of this Act relating to wildlife sanctuaries or of any Proclamation under section nine of this Act.

65. Every person commits an offence against this Act who—

(a) Gives or agrees to give or offers to any ranger or to any officer or servant of the Department or to any person under the control of any ranger or of any officer or servant of the Department any gift or consideration as an inducement or reward for any act done or to be done, or any forbearance observed or to be observed, or any favour shown or to be shown, by that ranger, officer, servant, or person in or in relation to the exercise of any powers or the discharge of any duties vested in
or imposed on that ranger, officer, servant, or person under this Act, or, who being a ranger or an officer or servant of the Department or a person under the control of any ranger or of any officer or servant of the Department, accepts or agrees to accept or solicits any such gift or consideration as aforesaid:

(b) Personates or falsely pretends to be a ranger or an officer or servant of the Department:

(c) Counterfeits upon or without due authority fixes to any property any mark used by the Department as a means of identification of that property:

(d) 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 rangers or by officers or servants of the Department:

(e) Counterfeits or without due authority issues any licence, permit, or other authority required by this Act or by any regulations under this Act:

(f) Without a licence, permit, or other right or authority, does or causes to be done any act, matter, or thing for which a licence, permit, or other right or authority is required by this Act or by any regulations under this Act:

(g) Without lawful authority, the proof whereof shall lie on him, receives any wildlife knowing the same to have been obtained without authority:

(h) Erects or places on any land that is not a wildlife sanctuary or a wildlife refuge or a closed game area any notice or sign which is intended to cause or may reasonably cause any person to believe that the land is part of a wildlife sanctuary or wildlife refuge or closed game area, as the case may be:

(i) Counsels, aids, or assists in any breach of any of the provisions of this Act, or shares in any of the proceeds of any such breach:

(j) Fails to comply in any respect with any of the provisions of this Act or does any act in contravention thereof.
66. (1) Where any person is found offending against this Act or against any regulations or notification under or pursuant to this Act, it shall be lawful for any authorized person as defined in subsection three of section sixty-one of this Act to require the offender forthwith to desist from the offence and also to tell his real Christian name, surname, and place of abode.

(2) If the offender, after being so required, fails to tell his real Christian name or surname or place of abode, or gives a false name or address or gives such a description of his place of abode as is illusory for the purpose of discovery, or wilfully continues the offence, he commits a further offence against this Act.

67. (1) Every person who—

(a) Without due authority hunts or kills any game during a close season shall be liable to a fine not exceeding fifty pounds and to a further fine not exceeding two pounds for each head of game so hunted or killed:

(b) Not being the holder of a licence and not acting under the authority of any provision of this Act relating to the hunting or killing of game, hunts or kills any game during the open season shall be liable to a fine not exceeding fifty pounds, and to a further fine not exceeding two pounds for each head of game so hunted or killed:

(c) Commits an offence against section fourteen of this Act (which relates to wildlife refuges) shall be liable to a fine not exceeding fifty pounds and to a further fine not exceeding two pounds for every head of wildlife in respect of which the offence was committed:

(d) Commits an offence against section forty of this Act (which relates to assaulting, resisting, or obstructing rangers) shall be liable to a fine not exceeding one hundred pounds:

(e) Commits an offence against section fifty-six of this Act (which relates to the liberation or export of animals, birds, and other species of wildlife) shall be liable to a fine not exceeding two hundred and fifty pounds:
(f) Commits an offence against section sixty-three of this Act, in so far as it relates to absolutely protected wildlife, shall be liable to a fine not exceeding fifty pounds and to a further fine not exceeding two pounds for each head of absolutely protected wildlife in respect of which the offence was committed:

(g) Commits an offence against section sixty-four of this Act (which relates to offences in respect of wildlife sanctuaries) shall be liable to a fine not exceeding one hundred pounds.

(2) Every person who commits an offence against this Act for which no penalty is provided elsewhere than in this subsection shall be liable,—

(a) In the case of an individual, to a fine not exceeding fifty pounds and, if the offence is a continuing one, to a further fine not exceeding five pounds for every day during which the offence continues:

(b) In the case of a body corporate, to a fine not exceeding one hundred pounds and, if the offence is a continuing one, to a further fine not exceeding ten pounds for every day during which the offence continues.

68. (1) Every offence against this Act or against any regulations under this Act shall be punishable on summary conviction before a Magistrate alone.

(2) Any officer or servant of the Department, although not the informant, may appear and conduct the prosecution in all proceedings for offences against this Act.

(3) The Court by which any person is convicted of any such offence may direct that any part, not exceeding half, of any fine recovered under this Act shall be paid to any person instrumental in securing the conviction in respect of which the fine is imposed (not being a person in the employment of the Crown acting in the course of his official duties), and that part of the fine shall be paid to that person by the Registrar of the Court in which the conviction is recorded.
(4) Any direction of the Court under subsection three of this section shall not be entered in the conviction, but shall form the subject matter of a separate order.

69. (1) In any proceedings for an offence against this Act or any regulations under this Act the averment that any area is included in a wildlife sanctuary or wildlife refuge or closed game area shall be sufficient without proof of that fact, unless the defendant proves to the contrary, and all plans, maps, licences, and copies certified as true under the hand of the Secretary or of any other officer of the Department to whom the Secretary has delegated the powers vested in him under this section shall be sufficient evidence of their contents without production of the original records and without the personal attendance of the Secretary or other officer as aforesaid or proof of his signature.

(2) Where in any Proclamation or Warrant or Order in Council or notification under the authority of this Act the boundary of any area is fixed by reference to the site of any post or landmark, proof that the approximate site set out in the Proclamation or Warrant or Order in Council or notification was at the date of the taking effect of the Proclamation or Warrant or Order in Council or notification, or at any date thereafter, marked by a post or landmark of the kind set out in the Proclamation or Warrant or Order in Council or notification shall be sufficient evidence for the purpose of any proceedings for an offence against this Act or any regulations under this Act that at all relevant times the boundary was so marked in accordance with the Proclamation or Warrant or Order in Council or notification.

70. (1) Any animal or any part of any animal or any egg or nest of any animal that has been unlawfully caught or killed or taken or unlawfully had in possession is hereby declared to be forfeited to Her Majesty.

(2) It shall be the duty of every ranger or constable or other authorized person who has seized or otherwise obtained possession of any such animal or part of any animal or egg or nest of any such animal to forward immediate notification thereof to the Secretary, who, on the conviction of any person for unlawfully catching, hunting, killing, or taking the same or having the same
in his possession, or, if no such person can be traced within twelve months after the seizure or taking possession, shall, in order to give effect to the forfeiture as aforesaid, give such orders as he thinks fit for the disposal of the thing seized, and those orders shall immediately on receipt thereof be carried out by the person to whom they are given.

(3) In the case of all other property lawfully seized or taken into possession under this Act, the property shall be retained by the Secretary pending the trial of any person for the offence in respect of which the property was seized or taken into possession. If no such person can be traced within twelve months after the seizure or taking into possession, the property shall be deemed to be forfeited to the Crown, and shall be disposed of as the Secretary directs. Where proceedings are taken against any person in respect of the offence, the property seized or taken into possession shall, when the proceedings are completed, be returned to the person last in possession of the property, unless the Court, where it enters a conviction, directs that the property or any part of it be forfeited to the Crown, in which case the property or part thereof, as the case may be, shall be deemed to be forfeited to the Crown accordingly, and shall be disposed of as the Secretary directs.

Miscellaneous

71. Except where this Act otherwise provides, nothing in this Act shall derogate from any provision of any of the Acts specified in the Sixth Schedule to this Act:

Provided that, except with the prior consent of the Minister of Internal Affairs and the Minister charged with the administration of the Act under which the act or authority is performed or exercised, and subject to such conditions as those Ministers may jointly impose, no person shall be entitled to do any act or exercise any authority under any such Act in respect of any wildlife (other than unprotected wildlife) or in respect of any land forming part of a wildlife sanctuary:

Provided also that nothing in any such Act shall derogate from the provisions of paragraph (f) of subsection one of section thirty-nine of this Act (which relates to the powers of rangers to enter on any land).
72. (1) The Governor-General may from time to time, by Order in Council, make such regulations as he considers necessary or expedient for the protection or control of wildlife or for the due administration of this Act.

(2) Without limiting the general power to make regulations conferred by subsection one of this section, it is hereby declared that regulations may be made under that subsection for all or any of the following purposes:

(a) Prescribing the forms and classes of licences to hunt or kill game to be issued under this Act and the fees to be paid therefor, and providing for the issue of those licences and for the disposal of fees for those licences and of fines recovered under this Act:

(b) Prescribing the scope and effect of licences to hunt or kill game issued under this Act or of any specified class of licences, and providing for licences issued in respect of any district to be available in any other district or districts or in all districts:

(c) Providing for the revocation of licences to hunt or kill game and for the refusal of the issue of licences in certain cases:

(d) Providing for the control of wildlife refuges and closed game areas under this Act, for the protection and wellbeing of any wildlife in wildlife refuges and closed game areas, and, in particular, for the control of access to wildlife refuges and closed game areas and for the prohibition or restriction of the use in wildlife refuges and closed game areas of vehicles or vessels or boats of any description, whether propelled by mechanical power or not, or of aircraft:

(e) Providing for the issue and regulating the use of marks of identification to be affixed to any preserved specimens of wildlife or any part thereof taken pursuant to a licence or other authority under this Act and retained for any purpose:

(f) Regulating, restricting, or imposing conditions on the freezing or canning or otherwise preserving of any game and the keeping in any
freezing chamber or cool store or the possession thereof when frozen, canned, or otherwise preserved; and providing for the inspection of any freezing chamber, refrigerating works, canneries, or public or privately owned canning plants, and any premises (not being a dwellinghouse) where any game is frozen, canned or otherwise preserved, treated, dressed, or stored:

(g) Regulating or prohibiting the sale of wildlife (other than game) or the eggs of any such wildlife, and prescribing the purposes for which moneys arising from any such sale may be used:

(h) Providing for the licensing of taxidermists, and prescribing books, registers, or forms to be kept, the particulars to be entered therein, and returns to be furnished by licensed taxidermists:

(i) Providing for the inspection of shops and other premises of bird dealers, and the inspection of any aviaries, pens, runs, cages, or other premises where animals are held or are being transported within New Zealand:

(j) Appointing any specified ports, aerodromes, or other places in New Zealand to be the only ports, aerodromes, or places of export of animals or of the skins, feathers, eggs, flesh, or any other part of animals:

(k) Regulating or prohibiting the sale, possession, or use of any toxic, poisonous, or narcotic substance or gas or of birdlime or other similar substance to hunt or kill or to catch alive any wildlife:

(l) Regulating or prohibiting the purchase and sale of the bones and other parts and the eggs of moa or other species that are generally believed to be extinct:

(m) Regulating or prohibiting the shooting or killing of pigeons or other birds released from any trap, box, or similar contrivance, or any similar method:
(n) Regulating or prohibiting the coursing, pursuing, or killing of hares in any confined space or enclosure.
(o) Providing for the destruction or control of injurious birds:
(p) Regulating the registration of societies, the formation of new societies, and the dissolution of registered societies:
(q) Providing for the control of expenditure by any board or committee or council or other organization of any group or groups of societies, and providing for submission to the Secretary by any such Board or committee or council or other organization of any balance sheets and statements of accounts:
(r) Requiring societies to furnish to the Secretary reports of proceedings taken in respect of breaches of this Act or of regulations under this Act:
(s) Providing for the constitution and incorporation of a council or other body representing the societies in New Zealand generally or either island of New Zealand or in any other defined part of New Zealand, and prescribing its functions, powers, and proceedings, and other necessary matters:
(t) Providing for the registration of homing pigeons; and prescribing fees in respect thereof:
(u) Regulating or prohibiting without the consent of the Secretary the ringing or banding or other marking of any living wildlife, including provisions authorizing the Secretary to grant his consent subject to such conditions as he thinks fit and provisions prohibiting the liberation of wildlife unless it has been ringed or banded or marked, and requiring any person taking or killing any such wildlife to return any rings or bands or other marking device to any specified authority:
(v) Regulating or prohibiting or restricting the taking, killing, liberating, or harbouring of opossums, regulating the purchase and sale or other disposal and the keeping in possession
or export of opossum skins, and providing for the licensing of dealers in opossum skins and for the inspection of stocks of opossum skins in the possession of dealers or other persons:

(w) Regulating or controlling or prohibiting the lighting of fires on any land under the control of the Minister or vested in the Crown for the purposes of this Act:

(x) Prescribing fines not exceeding fifty pounds for a breach of any such regulation.

(3) Regulations made under this section may apply generally throughout New Zealand or within any specified district or in any specified part or parts thereof.

(4) For the purpose of ensuring compliance with the requirements of any regulations made under paragraph (a) of subsection two of this section, any person authorized in that behalf by the Controller and Auditor-General may enter upon the premises of any society and there inspect any books or papers belonging to or in the possession of the society.

(5) All regulations made under this Act shall be laid before Parliament within twenty-eight days after the making thereof if Parliament is then in session, and, if not, shall be laid before Parliament within twenty-eight days after the commencement of the next ensuing session.

73. (1) The enactments specified in the Seventh Schedule to this Act are hereby repealed.

(2) Without limiting the provisions of the Acts Interpretation Act 1924, it is hereby declared that the repeal of any provision by this Act shall not affect any document made or any thing whatsoever done under the provision so repealed or under any corresponding former provision, and every such document or thing, so far as it is subsisting or in force at the time of the repeal and could have been made or done under this Act, shall continue and have effect as if it had been made or done under the corresponding provision of this Act and as if that provision had been in force when the document was made or the thing was done:

Provided that all warrants under section three or section four of the Animals Protection and Game Act 1921–22 shall be deemed to be revoked as from the commencement of this Act.
(3) Every society constituted at the commencement of this Act shall be deemed to be the same society under this Act, without change of corporate entity or otherwise; and, in the case of members of the governing body of the society elected or appointed for a specified term, the current term shall be computed from the date of its commencement.

(4) All matters and proceedings that have been commenced under any enactment hereby repealed, and are pending or in progress at the commencement of this Act, may be continued, completed, and enforced as if this Act had not been passed.

(5) Section two of the Scenery Preservation Amendment Act 1926 is hereby amended by omitting from subsection two the words “the Animals Protection and Game Act, 1921–22, or to any animal or bird being imported game or native game within the meaning of that Act”, and substituting the words “the Wildlife Act 1953, or to any animal or bird, being game within the meaning of that Act”.

(6) Section four of the Scenery Preservation Amendment Act 1933 is hereby amended as follows:

(a) By omitting from paragraph (c) of subsection one the words “the Minister of Internal Affairs under section thirty-one or section thirty-two of the Animals Protection and Game Act 1921–22”, and substituting the words “the Secretary for Internal Affairs under section fifty-three or section fifty-four of the Wildlife Act 1953”:

(b) By omitting from the same paragraph the words “native or imported”.
SCHEDULES

FIRST SCHEDULE

WILDLIFE DECLARED TO BE GAME

Black swan (Cygnus atratus) (except on Chatham Islands).
Canada goose (Branta canadensis), in that portion of the North Canterbury Acclimatization District that lies to the eastward of the South Island Main Trunk Railway line.

Chukar (Alectoris graeca chukar).

Duck—

Grey duck (Anas superciliosoa) and any cross of that species with any other species, variety, or kind of duck (except on Chatham Islands).

Mallard duck (Anas platyrhynchos) and any cross of that species with any other species, variety, or kind of duck (except on Chatham Islands).

Paradise duck (Casarca variegata).

Spoonbill duck (New Zealand shoveler) (Anas rhynchos).

Guinea fowl (Numida).

Pheasant (any bird of the genus Phasianus and any cross of any such bird with any other species, variety, or kind of pheasant).

Pukeko (Porphyrio melanotus) (except on Chatham Islands).

Quail—

Australian quail (brown quail) (Synoicus).

Californian quail (Lophortyx californica).

Virginian quail (Colinus virginianus).

SECOND SCHEDULE

PARTIALLY PROTECTED WILDLIFE

Gull—

Black-backed gull (Larus dominicanus).

Sea hawk (Catharacta lonnbergi).

Hawk—

Bush hawk (Falco novae-seelandiae).

White eye (Zosterops).
THIRD SCHEDULE

WILDLIFE THAT MAY BE HUNTED OR KILLED SUBJECT TO MINISTER’S NOTIFICATION

Black swan (Cygnus atratus) (on Chatham Islands only).
Duck—
   Grey duck (Anas superciliosa) and any cross of that species with any other species, variety, or kind of duck (on Chatham Islands only).
   Mallard duck (Anas platyrhynchos) and any cross of that species with any other species, variety, or kind of duck (on Chatham Islands only).
Mutton bird (Puffinus griseus).
Petrel—
   Grey-faced petrel (Pterodroma macroptera).
Pukeko (Porphyrio melanotus) (on Chatham Islands only).
Shag—
   Little shag (Phalacrocorax brevirostris).
   Pied shag (Phalacrocorax varius).
Weka—
   South Island weka (Gallirallus) (on Chatham Islands only).
   Stewart Island weka (Gallirallus) (on islets off Stewart Island and in Foveaux Strait only).

FOURTH SCHEDULE

WILDLIFE NOT PROTECTED, EXCEPT IN AREAS AND DURING PERIODS SPECIFIED IN MINISTER’S NOTIFICATION

Mammals—
   Deer—
      Axis deer (Axis axis).
      Fallow deer (Dama dama).
      Japanese deer (Sika nippon).
      Moose (Alces americanus).
      Red deer (Cervus elaphus).
      Sambar deer (Cervus unicolor).
      Virginian deer (Odocoileus virginianus).
      Wapiti (Cervus canadensis).
      Any other member of the family Cervidae.
Other mammals—
   Chamois (Rupicapra rupicapra).
   Goat (Capra).
   Opossum (family Phalangeridæ).
   Pig (Sus).
   Thar (Hemitragus jemlaicus).
   Wallaby (family Macropodidæ).
Birds—
   Goose—
      Canada goose (Branta canadensis), except in the area described in the First Schedule hereto in which Canada goose is game.
      Cape Barren goose (Cereopsis novaehollandiae).
FIFTH SCHEDULE

WILDLIFE NOT PROTECTED

Mammals—
Cat (Felis).
Cattle (Bos).
Dog (Canis).
Ferret (family Mustelidae).
Hedgehog (Erinaceus europaeus).
Horse (Equus).
Mouse (family Muridae).
Polecat (family Mustelidae).
Rat (family Muridae).
Sheep (Ovis).
Stoat (family Mustelidae).
Weasel (family Mustelidae).

Birds—
Blackbird (Turdus merula).
Bunting—
Cirl bunting (Emberiza cirlus).
Dove—
Indian (or Malayan) dove (Streptopelia).
Finch—
Chaffinch (Fringilla coelebs).
Goldfinch (Carduelis carduelis).
Greenfinch (Chloris chloris).
Hawk—
HARRIER hawk (Circus approximans).
Kea (Nestor notabilis).
Kookaburra (Dacelo).
Magpie (Australian)—
Black backed magpie (Gymnorhina tibicen).
White backed magpie (Gymnorhina euconota).
Mynah (Acridotheres tristis).
Owl—
Little owl (Athene noctua).
Parrot—
Budgerigar (Melopsittacus undulatus).
Galah (Kakatoe roseicapilla).
Rosella (Platycercus eximius).
White (or sulphur crested) cockatoo (Kakatoe galerita).
Peafowl (Pavo cristatus).
Pigeon—
Rook pigeon (Columba livia).
Redpoll—
Lesser redpoll (Carduelis flammea).
Rook (Corvus frugilegus).
Shag—
Black shag (Phalacrocorax carbo).
Skylark (Alauda arvensis).
Sparrow—
Hedge sparrow (Prunella modularis).
House sparrow (Passer domesticus).
FIFTH SCHEDULE—continued

Birds—continued
   Starling (Sturnus vulgaris).
   Thrush—
      Song thrush (Turdus ericetorum).
   Turkey (Meleagris).
   Yellow hammer (Emberiza citrinella).

Amphibians—
   Green frog (Hyla).
   Whistling frog (Hyla).

Reptiles—
   Lizards—
      Skink (family Scincidae).
      Gecko lizard (family Geckonidae)

SIXTH SCHEDULE

ACTS NOT AFFECTED BY THIS ACT

The Tramways Act 1908. (Reprint of Statutes, Vol. VIII, p. 754.)
The Fisheries Act 1908. (Reprint of Statutes, Vol. III, p. 344.)
The Scenery Preservation Act 1908. (Reprint of Statutes, Vol. VIII, p. 613.)
The Main Highways Act 1922. (Reprint of Statutes, Vol. III, p. 693.)
The Mining Act 1926. (Reprint of Statutes, Vol. V, p. 943.)
The Peel Forest Act 1926. (1926, No. 31.)
The Public Reserves and Domains Act 1928. (Reprint of Statutes, Vol. VI, p. 1134.)
The Waitangi National Trust Board Act 1932. (1932, No. 28.)
The Waitangi Endowment Act 1932–33. (1932–33, No. 44.)
The Petroleum Act 1937. (1937, No. 27.)
The Soil Conservation and Rivers Control Act 1941. (1941, No. 12.)
The Forest and Rural Fires Act 1947. (1947, No. 34.)
The Land Act 1948. (1948, No. 64.)
The Forests Act 1949. (1949, No. 19.)
The Government Railways Act 1949. (1949, No. 40.)
The National Parks Act 1952. (1952, No. 54.)
SEVENTH SCHEDULE

ENACTMENTS REPEALED

1908, No. 87—

1921–22, No. 57—

1923, No. 35—
The Reserves and other Lands Disposal and Public Bodies Empowering Act 1923: Section 47.

1936, No. 58—
The Statutes Amendment Act 1936: Section 6.

1945, No. 40—
The Statutes Amendment Act 1945: Section 81.

1946, No. 40—
The Statutes Amendment Act 1946: Sections 3, 4, and 5.

1951, No. 69—
The Local Legislation Act 1951: Section 37.