



## Wildlife (Australasian Harrier) Notice 2012

Pursuant to section 6 of the Wildlife Act 1953, the Minister of Conservation gives the following notice.

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### Notice

- 1 Title**  
This notice is the Wildlife (Australasian Harrier) Notice 2012.
  
- 2 Commencement**  
This notice comes into force on the 28th day after the date of its notification in the *Gazette*.

### 3 Interpretation

- (1) In this notice, unless the context otherwise requires,—  
**absolutely protected wildlife** means wildlife that is not specified in Schedules 1 to 5 of the Wildlife Act 1953  
**game bird** means a bird of a species listed in Schedule 1 of the Wildlife Act 1953.
- (2) Unless the context otherwise requires, terms used in this notice have the same meaning as in the Wildlife Act 1953.

*Circumstances in which Australasian harrier  
may be hunted, killed, or possessed*

### 4 Circumstances in which occupier of land may hunt, kill, or possess Australasian harrier

- (1) The occupier of land may hunt or kill an Australasian harrier on the land—
- (a) if—
    - (i) the occupier is undertaking activities on the land to protect, monitor, rehabilitate, feed, or support the breeding of absolutely protected wildlife; and
    - (ii) the Australasian harrier injures or kills any of the absolutely protected wildlife; or
  - (b) if the Australasian harrier injures or kills a domestic bird, a bird that is held in captivity, or a domestic animal on the land; or
  - (c) if the presence of the Australasian harrier on the land is a risk to aircraft, or to any wildlife described in paragraph (a), or to a bird or an animal described in paragraph (b).
- (2) The occupier of the land may possess an Australasian harrier killed in accordance with subclause (1).
- (3) The occupier of the land may authorise another person to—
- (a) hunt or kill an Australasian harrier on the land in accordance with subclause (1); and
  - (b) possess the Australasian harrier killed in accordance with paragraph (a).

### 5 Fish and Game Council may hunt, kill, or possess Australasian harrier to protect game birds

- (1) This clause applies if, on any land, a Fish and Game Council—

- (a) traps or attempts to trap a game bird; or
  - (b) holds a game bird in a cage or pen; or
  - (c) releases a game bird.
- (2) The Fish and Game Council may hunt or kill an Australasian harrier on the land if—
- (a) the Australasian harrier kills or injures the game bird; or
  - (b) the presence of the Australasian harrier on the land is a risk to the game bird.
- (3) The Fish and Game Council may possess the Australasian harrier killed in accordance with subclause (2).

*Obligations of person who hunts, kills, or possesses Australasian harrier*

**6 Duty to minimise risk to non-target wildlife**

A person who is authorised by this notice to hunt or kill an Australasian harrier must take all reasonable steps to minimise the risk of harm to other wildlife.

**7 Australasian harrier not to be sold**

A person who possesses an Australasian harrier killed in accordance with this notice must not sell the harrier or any part of the harrier (including its feathers).

**8 Disposal of dead Australasian harrier**

- (1) A person who kills an Australasian harrier must—
- (a) retrieve the harrier; and
  - (b) as soon as practicable after killing the harrier, notify the Director-General at the office of the Department of Conservation closest to the place where the harrier was killed; and
  - (c) if required by the Director-General to do so, freeze the harrier and send it to the office as soon as practicable.
- (2) This clause does not apply if the Australasian harrier is killed—
- (a) under clause 4(1)(b); or
  - (b) because its presence on land is a risk to a bird or an animal described in clause 4(1)(b); or

- (c) because its presence on land is a risk to aircraft.

Dated at Wellington this 17th day of July 2012.

Hon Kate Wilkinson,  
Minister of Conservation.

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### **Explanatory note**

*This note is not part of the notice, but is intended to indicate its general effect.*

This notice comes into force on the 28th day after the date of its notification in the *Gazette*.

Schedule 3 of the Wildlife Act 1953 lists wildlife that is protected unless the Minister of Conservation declares in a notice that specified wildlife may be hunted, killed, or possessed and the conditions on which it may be hunted, killed, or possessed. This notice specifies the only circumstances in which an Australasian harrier may be hunted, killed, or possessed and the persons who may hunt, kill, or possess it.

*Clause 4* permits the hunting or killing of an Australasian harrier on land, and the possession of the Australasian harrier killed on the land, by—

- the occupier of the land if the harrier has injured or killed any absolutely protected wildlife that is the subject of work aimed at protecting, monitoring, rehabilitating, or providing feeding or breeding support:
- the occupier of the land if the harrier has injured or killed a domestic bird, a bird held in captivity, or a domestic animal:
- the occupier of the land if the harrier is a risk to the wildlife, birds, or animals described above, or a risk to aircraft:
- a person authorised by the occupier of land if the circumstances described above apply.

*Clause 5* permits a Fish and Game Council to hunt or kill an Australasian harrier on land, and to possess the Australasian harrier, if the

harrier has injured or killed a game bird that the council has trapped, is attempting to trap, is holding in a pen or cage, or has released on land, or if the harrier is a risk to the game bird.

*Clause 6* requires a person who is authorised to hunt, kill, or possess an Australasian harrier to take reasonable steps to minimise the risk of harm to other wildlife.

*Clause 7* prohibits the sale of an Australasian harrier, or any part of the harrier, killed in accordance with this notice.

*Clause 8* requires a person who kills an Australasian harrier in specified circumstances to retrieve it, notify the Director-General of Conservation and, if required by the Director-General, to freeze the bird and send it to the Director-General.

Activities provided for in this notice are subject to any other legal requirements such as those in the Animal Welfare Act 1999.

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Issued under the authority of the Acts and Regulations Publication Act 1989.

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This notice is administered by the Department of Conservation.

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