



Wildlife (Black Shag and Little Shag) 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 (Black Shag and Little Shag) 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 requires otherwise,—

black shag means any bird of the species *Phalacrocorax carbo novaehollandiae*

little shag means any bird of the species *Phalacrocorax melanoleucus brevirostris*

salmon means—

- (a) any fish of the species *Salmo salar* (Atlantic salmon), *Oncorhynchus tshawytscha* (quinnat or chinook salmon), or *Oncorhynchus nerka* (sockeye salmon); or
- (b) any hybrid of a species specified in paragraph (a)

shag means a black shag or a little shag

sports fish rearing facility means an open freshwater pond, tank, or pen—

- (a) in which trout or salmon are held; and
- (b) that is operated by a Fish and Game Council

trout means—

- (a) any fish of the species *Salmo trutta* (brown trout), *Oncorhynchus mykiss* (rainbow trout), *Salvelinus fontinalis* (American brook trout), or *Salvelinus namaycush* (lake trout); or
 - (b) any hybrid of a species specified in paragraph (a).
- (2) Unless the context otherwise requires, terms used in this notice have the same meaning as in the Wildlife Act 1953.

4 When shag may be hunted, killed, or possessed

- (1) A Fish and Game Council may hunt or kill a shag if the shag—
 - (a) has injured a trout or salmon in a sports fish rearing facility operated by the council; and
 - (b) is within 200 metres of the facility.
- (2) This clause is subject to clause 5.

5 Duty to minimise risk to non-target wildlife

A Fish and Game Council must choose a method to kill a shag that presents the least risk of harm to other wildlife.

6 Shag not to be sold

A Fish and Game Council must not sell a shag (whether dead or alive) or any part of the shag (including its feathers).

7 Disposal of dead shag

- (1) This clause applies if a Fish and Game Council kills a shag.
- (2) The Fish and Game Council must—
 - (a) retrieve the shag; and
 - (b) as soon as practicable after killing the shag, notify the Director-General at the office of the Department of Conservation closest to the place where the shag was killed; and
 - (c) do one of the following:
 - (i) if required by the Director-General to do so, freeze the shag and send it to the office of the Department of Conservation as soon as practicable; or
 - (ii) in any other case, dispose of the dead shag in such a way as to avoid or minimise the risk of disease or the spread of a pest to any other bird or animal.

8 Duty to keep records

- (1) A Fish and Game Council must keep a record of every shag killed by the council.
- (2) The record must include, in relation to each shag killed,—
 - (a) the date on which the shag was killed;
 - (b) the location where it was killed;
 - (c) its species;
 - (d) the reason it was necessary to kill the shag;
 - (e) a description of the measures taken to protect the trout or salmon or discourage the shag from catching the trout or salmon before the shag was killed.

9 Publication of records

A Fish and Game Council must—

- (a) provide the record of shags killed by the council to the Director-General following a request from the Director-General; and
- (b) include the record in its annual report.

10 Revocation

The Little Shag Notice 1955 (SR 1955/181) is revoked.

Dated at Wellington this 10th day of July 2012.

Hon Kate Wilkinson,
Minister of Conservation.

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 circumstances in which a Fish and Game Council may hunt, kill, or possess a black shag or little shag. The circumstances are that the shag has injured a trout or salmon in the council's sports fish rearing facility or is within 200 metres of the facility.

Clause 4 authorises a Fish and Game Council to hunt or kill a shag if the shag has injured a trout or salmon in a sports fish rearing facility and the shag is within 200 metres of the facility.

Clause 5 requires the council, in killing the shag, to minimise the risk of harm to other wildlife.

Clause 6 prohibits the council from selling the shag or any part of it. If the council kills a shag, *clause 7* requires the council to retrieve the shag, notify the Director-General of Conservation, and, if required by the Director-General, freeze the shag and send it to the nearest office of the Department of Conservation. If the Director-General does not want the dead shag, the council must dispose of it.

Clauses 8 and 9 require the council to keep records of every shag it kills and to give the records to the Director-General (if requested) and publish it in the council's annual report.

Clause 10 revokes the Little Shag Notice 1955.

This notice does not authorise the hunting, killing, or possession of a pied shag, which remains a protected species, or the possession of

the nest or egg of a pied shag. Nor does it authorise any person other than a Fish and Game Council to hunt or kill a little shag or a black shag, or to possess a little shag or a black shag except where the council sends a dead shag to the Director-General of Conservation in accordance with *clause 7(2)(c)(i)*.

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

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

Date of notification in *Gazette*: 19 July 2012.

This notice is administered by the Department of Conservation.
