



Wildlife (Chatham Islands) Notice 2015

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 (Chatham Islands) Notice 2015.

2 Commencement

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

3 Interpretation

In this notice, unless the context otherwise requires,—

black swan means *Cygnus atratus*

Chatham Islands means all the islands comprising the Chatham Islands group

grey duck means *Anas superciliosa* and any cross of that species with any other species, variety, or kind of duck

mallard duck means *Anas platyrhynchos* and any cross of that species with any other species, variety, or kind of duck

pūkeko means *Porphyrio melanotus*

weka means *Gallirallus*.

4 Scope of notice

- (1) This notice applies only to the Chatham Islands.
- (2) It imposes conditions on—
 - (a) the hunting or killing or possessing of certain wildlife on the islands; and
 - (b) the removal of certain dead wildlife from the islands.

5 Wildlife that may be hunted or killed or possessed

A person may hunt or kill or possess black swan, grey duck, mallard duck, pūkeko, and weka—

- (a) during the periods specified in clause 6; and
- (b) subject to the conditions specified in clauses 8 to 10.

6 Period for hunting or killing or possessing wildlife

- (1) A person may hunt or kill or possess grey duck, mallard duck, and pūkeko, but only in the period that—
 - (a) starts on the first Saturday in May in any year; and
 - (b) ends with the close of 30 June in the same year.
- (2) A person may hunt or kill or possess black swan and weka at any time of the year.

7 Taking, possessing, etc, of eggs and nests of wildlife

- (1) A person must not, at any time,—
 - (a) take or possess eggs of grey duck, mallard duck, pūkeko, or weka; or
 - (b) disturb, destroy, or possess nests of grey duck, mallard duck, or pūkeko.
- (2) To avoid doubt, a person may, at any time,—
 - (a) take and possess eggs of black swan; and
 - (b) disturb, destroy, or possess nests of black swan.

8 Methods of hunting or killing wildlife

- (1) A person may hunt or kill black swan, grey duck, mallard duck, and pūkeko only by using a shotgun.
- (2) However, on and from 1 May 2016, a person must not use or possess lead shot to do so if the person is within 200 metres of open water.

- (3) A person must not use a live bird as a decoy to hunt or kill black swan, grey duck, mallard duck, or pūkeko.
- (4) In this clause, **open water** means any area of land that is wider than 3 metres and—
 - (a) is covered permanently or seasonally by water; or
 - (b) being contiguous to an area of land described in paragraph (a), is temporarily covered by water at the time the lead shot is possessed or used.

9 Prohibition on sale of wildlife (except with ministerial permission)

- (1) No person may sell or possess for sale black swan, grey duck, mallard duck, pūkeko, or weka (including, to avoid doubt, any part of a bird or its feathers).
- (2) Despite subclause (1), a person may sell black swan, grey duck, mallard duck, pūkeko, or weka if—
 - (a) the person is in lawful possession of it; and
 - (b) the person applies in writing to the Minister to do so; and
 - (c) the Minister approves the sale in writing.
- (3) The Minister may approve the sale subject to any conditions that he or she thinks appropriate.

10 Removal of wildlife from Chatham Islands

- (1) At any one time, a person may remove from the Chatham Islands—
 - (a) no more than 6 black swan;
 - (b) no more than 6 grey duck or mallard duck, or a combination of both;
 - (c) no more than 24 black swan eggs.
- (2) However, subclause (1) applies only if—
 - (a) the wildlife is dead or the eggs are non-viable; and
 - (b) the person leaves the Chatham Islands with them; and
 - (c) in the case of grey duck or mallard duck, the person leaves with them no later than 28 July in the year they were hunted or killed or possessed.

11 Revocation of Chatham Islands (Wildlife) Notice 1977

The Chatham Islands (Wildlife) Notice 1977 (SR 1977/106) is revoked.

Dated at Wellington this 30th day of June 2015.

Hon Maggie Barry,
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 or killed or possessed and the conditions under which the wildlife may be hunted or killed or possessed. This notice specifies the circumstances in which a person may hunt or kill or possess certain wildlife in the Chatham Islands.

Clause 3 sets out definitions of the wildlife to which this notice applies.

Clause 4 specifies that the notice applies only in the Chatham Islands and imposes conditions on the hunting or killing or possessing of the wildlife and its removal from the Islands.

Clause 5 permits the hunting or killing or possessing of black swan, grey duck, mallard duck, pūkeko, or weka in accordance with the conditions that the notice imposes.

Clause 6(1) limits the period in any year during which grey duck, mallard duck, and pūkeko may be hunted or killed or possessed (from the first Saturday of May to the close of 30 June). *Clause 6(2)* permits black swan and weka to be hunted or killed or possessed at any time of the year.

Clause 7(1) prohibits a person from taking or possessing the eggs of grey duck, mallard duck, pūkeko, and weka. It also prohibits any person from disturbing, destroying, or possessing the nests of grey duck, mallard duck, or pūkeko. *Clause 7(2)* states (for the avoidance of doubt) that a person may at any time take and possess the eggs of black swan or disturb, destroy, or possess their nests.

Clause 8 permits a person to hunt black swan, grey duck, mallard duck, or pūkeko, but only by using a shotgun. Live birds must not be used as decoys to hunt these birds. In addition, on and from 1 May 2016, lead shot must not be used to hunt the birds if the person is within 200 metres of open water (as defined in *subclause (4)*). This prohibition is to prevent the accumulation of lead in water bodies and in the flesh of waterfowl.

Clause 9 prohibits people from selling black swan, grey duck, mallard duck, pūkeko, and weka unless the Minister of Conservation approves the sale in writing.

Clause 10 permits a person to remove from the Chatham Islands, at any one time, a limited number of black swan, grey duck, or mallard duck or black swan eggs. The person must accompany the birds or eggs from the Chatham Islands and, in the case of grey duck and mallard duck, may only do so within 28 days of the expiry of the period in which the birds may be hunted or killed or possessed in accordance with *clause 6*.

Clause 11 revokes the Chatham Islands (Wildlife) Notice 1977.

Under section 6(3) of the Wildlife Act 1953, a person who acts other than in accordance with this notice commits an offence against that Act and is liable on conviction to the penalty set out in section 67F(3) of that Act.

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 23 July 2015.

This notice is administered by the Department of Conservation.