

What is the Wildlife Act and what does it do?

The Wildlife Act 1953 (the Act) is the legislation that protects wildlife and manages game bird hunting in Aotearoa. The Act determines which species are classed as wildlife and regulates many human interactions with these species.

Wildlife, as defined in the Act, includes both native and introduced species of mammals, birds, reptiles, and amphibians. The Act creates a tiered system with different levels of protection for different species.

Most wildlife are *absolutely protected* throughout Aotearoa New Zealand which means that they may not be hunted, killed, harassed, or possessed without specific authorisation, and may not be sold.

Some species are *partially protected* (protected but not absolutely). These species are listed in Schedules 1-4 of the Act. They may be hunted or killed in certain circumstances. In addition, species in Schedule 5 are *not protected*. (See Appendix 1)

The Act asserts that the Crown owns all wildlife, except unprotected species. If a person lawfully takes partially protected wildlife, then ownership passes to them. But this does not apply to absolutely protected species, which the Crown continues to own (incl. their feathers, bones, eggs etc).

The Act provides for game bird hunting, which is managed by Fish and Game councils. Game birds include 13 species listed in Schedule 1 of the Act (Appendix 1). The Councils produce a notice each year setting out the season and associated conditions that hunters must comply with.

The Act also provides for the establishment and management of wildlife sanctuaries, wildlife refuges, and wildlife management reserves.

The Act regulates interactions with species, such as:

- managing game bird hunting
- the collection of tītī
- catching wildlife
- rehabilitating sick animals
- holding wildlife in captivity
- hunting, trapping, or killing wildlife or taking eggs
- export
- holding dead specimens (or parts) of absolutely protected wildlife, i.e. feathers and bones

The Wildlife Act does not deal with:

- pets or farm animals
- exotic animals only found in zoos (e.g. zebra)
- rabbits or hares
- deer, tahr, chamois, feral goats, and feral pigs
- freshwater fish
- whales, dolphins, porpoises, seals, or sea lions
- plants



Kākāpō feather, Strigops habroptilus.
In 1995 there were only 51 kākāpō left.
Image by Don Merton

Who is affected by the Act?

Many groups, organisations, and individuals across Aotearoa New Zealand are affected by the Act, including:

- People who hunt game birds for recreation
- Toi Māori who use feathers, bones, or other parts of protected wildlife
- People doing research on wildlife or monitoring wildlife (including marking or banding)
- Museums, universities, and community groups that hold dead specimens for exhibition or education purposes
- Wildlife parks, zoos and kiwi houses that have wildlife on display or as part of breeding programmes
- Wildlife hospitals that rehabilitate injured wildlife
- Airports which manage birds for public safety
- NGOs, community groups, and landowners involved in species recovery programmes
- People wanting to protect and restore wildlife on their land
- People wanting to relocate protected wildlife before development projects

Why we're reviewing the Act

Outcome 2 of *Te Mana o te Taiao - Aotearoa New Zealand Biodiversity Strategy 2020*, is that “Indigenous species and their habitats across Aotearoa New Zealand and beyond are thriving”. But more than 4,000 of Aotearoa’s native species are threatened or at risk of extinction and we are at a defining moment for nature.

We have heard from many sources over the years that the Act is not fit for purpose and is not delivering the aspirations we, as a modern Aotearoa, have for species management.

Some sources we are considering include:



*Harlequin Gecko, Tukutuku Rakiurae.
Found only in the south of Rakiura/Stewart Island.
Image by Sabine Bernert*

Who	What	When
Waitangi Tribunal	Ko Aotearoa Tēnei	2011
Department of Conservation	Inside Out (cultural materials and permissions processes)	2014
Supreme Court	<i>Ngāi Tai ki Tāmaki Tribal Trust v Minister of Conservation</i> [2018] NZSC 122	2018
Supreme Court	<i>Shark Experience Limited v PauaMAC5 Incorporated, Attorney-General, Shark Dive New Zealand Limited</i> [2019] NZSC 111	2019
Biodiversity system	<i>Te Mana o te Taiao - Aotearoa New Zealand Biodiversity Strategy</i>	2020
Environmental Defence Society	Conserving Nature: Conservation System Reform Issues Paper	2021
Options Development Group	Partial reviews of the general policies regarding Te Tiriti o Waitangi: Report of the Options Development Group	2022

Problems with the Act

Over time we have tried to fix some problems by amending the Act, but this has meant the Act has lost coherence. There are still core issues at the heart of the Act.

We done our best to categorise what we have heard about the problems into 10 broad themes:

- The Act lacks a clear purpose and does not effectively protect at-risk or threatened species.
- The Act is not aligned with modern ecological management, mātauranga Māori or recent scientific developments.
- The Act manages species in isolation from the habitats they need to survive.
- The Act is not able to respond to the current and future impacts of climate change on species.
- The Act does not address the full range of ways people value and want to interact with species.
- The Act is highly process driven and not easy for people to understand.
- The Act does not allow for the exercise of kaitiakitanga and rangatiratanga in relation to indigenous and taonga species.
- Much of the Act was written 70 years ago and the governance and management structures reflect the priorities of the time.
- The multiple pieces of legislation that manage species, their habitats, and ecosystems do not work together coherently.
- The Act does not safeguard the full range of New Zealand's indigenous species biodiversity for future generations.

The review process

We are taking a 'first principles' approach. This means that we are not looking at quick fixes to improve the Act but are instead focusing on the fundamental problems. Once we know what the big picture problems are, and the aspirations New Zealanders have for our species, we can then work out how to address them.

The review will be progressed over the next 12 months.

During this time, we will be looking at:

- The challenges people are experiencing with the Act
- What outcomes we want our species legislation to deliver
- How we get from where we are now, to where we want to go.

In 2023 we will report back to the Minister about what we have heard and provide advice about the review on aspirations for the future and recommendations on the next steps.



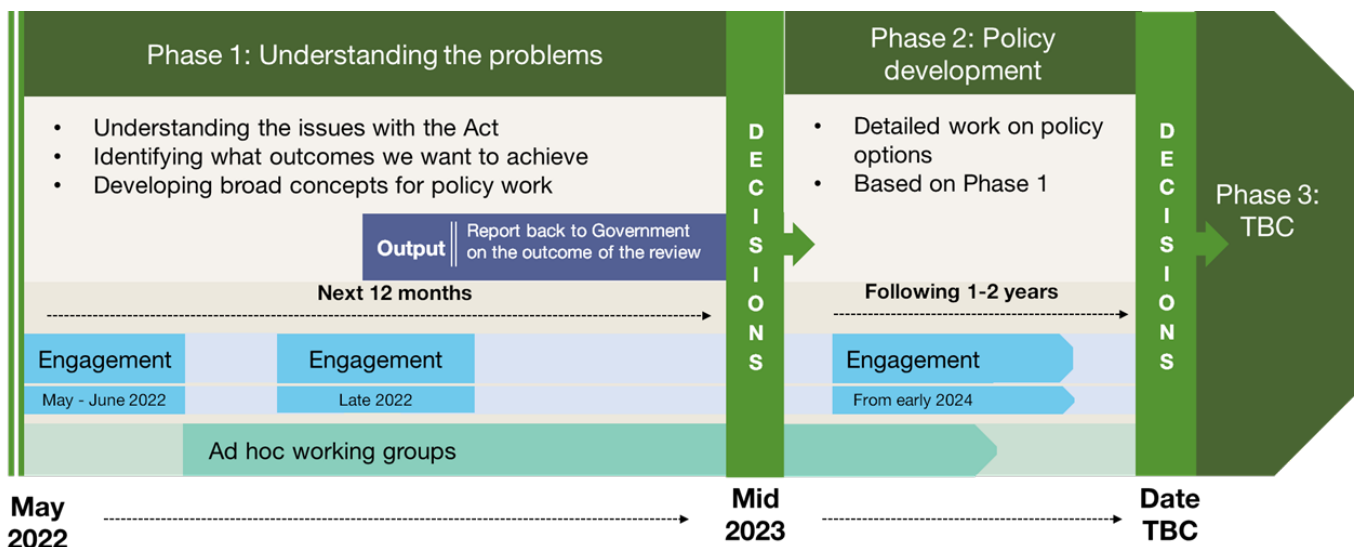
*Kakī/Black Stilt, Himantopus Novaezelandiae.
The Kakī is among the world's rarest birds.
Image by Sabine Bernert*

Working groups

We will be establishing ad hoc working groups to provide insights and advice on specific topics. These groups will work closely with policy and science experts to inform our analysis.

This first round of engagement will help us to identify what technical or expert advice we need. While we do not want to pre-empt what the specific kaupapa these groups might focus on, we will likely need to work collaboratively, with expertise such as:

- Cultural use practitioners
- Technical experts
- Industry or sector representatives



Looking forward

We understand you may have other priorities competing for your time. If you are unable to take part in this initial conversation but would like to meet later or receive further information, please let us know.

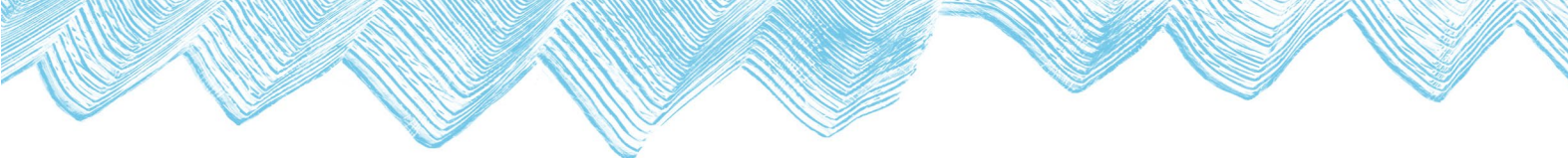
This is only the start of the discussion and over the next year we will be undertaking further engagement. We'll be in touch again to seek your interest in these opportunities. In the meantime, please contact the team if you have any questions or feedback at lawreform@doc.govt.nz

Thank you

Engagement with people who interact with the Wildlife Act is a crucial part of the review process. We thank you for your time and insights.

Appendix 1: Schedules 1-8 of the Wildlife Act

Schedule (Category)	What this means	Examples of listed animals (not exhaustive)
Schedule 1: Wildlife declared to be game	Protected, but may be hunted by those holding a game bird licence during open seasons, subject to a notice developed by the Fish and Game Council. The notice sets conditions such as daily bag limits, shooting hours, closed areas, and what guns and shot may be used.	Introduced species include mallard, black swan, partridges, pheasants, and quail. Native species include pūkeko, paradise shelduck, grey duck, and Australasian shoveler
Schedule 2: Partially protected wildlife	These species are protected, but where they are causing damage to a property they may be hunted or killed by that landowner.	This schedule only includes brown skua, little owl, and silvereye
Schedule 3: Wildlife that may be hunted or killed subject to Minister's notification	Protected, but may be hunted, killed, or possessed if allowed by a notice and in accordance with any conditions the Minister prescribes. Duck hunting seasons on the Chatham Islands and the taking of tītī on Tītī (Muttonbird) Islands are provided for under such notices.	Native species include Australasian harrier, grey teal, grey-faced petrel, black shag, little shag, pied shag, and sooty shearwater, mute swan. There are also species listed that apply only to the Chatham Islands, including the introduced game birds in Schedule 1, plus South Island weka, Stewart Island weka, grey duck, pūkeko.
Schedule 4: Wildlife not protected, except in areas and during period specified in Minister's notifications	The wildlife is protected within the specified areas and times; outside the specified areas and times the wildlife is not protected.	No species are currently listed
Schedule 5: Wildlife not protected	No permit is required under the Act to hunt, kill, or possess any wildlife listed on this schedule. Animals in the wild on this schedule can therefore be managed as pests if required (e.g. rats, mustelids, rainbow skink). Some have also been declared as unwanted organisms under the Biosecurity Act (e.g. ferret).	This schedule includes: cattle, sheep, horse, dog, cat, hedgehog, rat, mouse, possum, polecat, stoat, weasel, ferrets, and wallaby; 36 birds, for example e.g. guineafowl, geese, Canada goose, mynah, blackbird, magpie, sparrows;, and two native birds (black-backed gull, and spur-winged plover); rainbow skink and red-eared slider turtle; green and golden bell frog, southern bell frog, whistling (or brown tree) frog.



Schedule (Category)	What this means	Examples of listed animals (not exhaustive)
Schedule 6: Animals declared to be wild animals subject to the Wild Animal Control Act 1977	These animals are excluded from the definition of wildlife in the Wildlife Act and are instead subject to the Wild Animal Control Act 1977	This schedule contains all deer (9 species), tahr, chamois, feral goat, and feral pigs
Schedule 7: Terrestrial and freshwater invertebrates declared to be animals	By declaring these invertebrate species to be animals they become wildlife subject to the Wildlife Act (invertebrates not listed are not subject to the Act)	Currently includes about 71 species of land invertebrates, including about 29 beetle, 24 snail (including all species of kauri snails and flax snails), 13 wētā (including giant wētā), katipo spiders and Nelson cave spider, and two grasshopper species. No freshwater invertebrates are currently listed.
Schedule 7A: Marine species declared to be animals	Marine species that are declared to be animals and thereby become wildlife subject to the Wildlife Act (marine species not listed are not subject to the Act)	Currently includes some corals, five species of sharks, two rays, and two species of grouper
Schedule 8: Wildlife not protected but may be kept, bred, or farmed in captivity pursuant to regulations made under principal Act or by Minister's direction	Unprotected wildlife that may also not be farmed or kept in captivity without authorisation.	stoats, polecats, weasels, ferrets