

Conservation (Natural Heritage Protection) Bill

This Bill was introduced in September 2012. It introduces increased penalties for offences under the Conservation Act 1987, National Parks Act 1980, Reserves Act 1977, Wildlife Act 1953 and Wild Animal Control Act 1977 (and associated bylaws and regulations). The closing date for submissions to the Local Government and Environment Select Committee was 28 February 2013 and eight submissions were received and considered. The Bill has now been reported back from the Select Committee.

The Bill, and the Select Committee recommendations, will be of broad interest: to councils and statutory bodies who administer any of these acts, people whose activities will be governed by the acts e.g. recreational and commercial hunters, developers whose activities might unlawfully kill wildlife, and people who recreate or operate businesses in reserves/conservation management areas.

In recent years there have been a number of prosecutions of people caught smuggling endangered native geckos and lizards out of New Zealand for the international black market. This led to a call for tougher penalties and the Bill answers that call. It will significantly increase penalties for offending motivated by commercial gain or reward, as well as updating penalties for lesser offences that are not motivated by gain or reward. The purpose of the Bill is to create a strong deterrent and penalise the most serious offending sufficiently severely.

The Select Committee has recommended a tiered approach to penalties based on the seriousness of the offending:

- Penalties for lesser offences - for individuals: a term of imprisonment not exceeding one year or a fine not exceeding \$100,000, or both; for bodies corporate: a fine not exceeding \$200,000; for a continuing offence: a further fine not exceeding \$10,000 per day.
- Penalties for more serious offences, such as discharging a firearm into a protected area, injuring or taking absolutely protected wildlife, obstructing an officer, and taking plants from conservation areas - similar penalties to above, but with a higher maximum term of imprisonment, 2 years, for individuals.
- Penalties for offending motivated by commercial gain or reward - for individuals: a term of imprisonment not exceeding five years or a fine not exceeding \$300,000, or both; for bodies corporate: a fine not exceeding \$300,000; for a continuing offence: a further fine not exceeding \$20,000 per day.

Further, the Committee recommends removing any distinction between national reserves and other reserves and applying the same penalty regime to all reserves on the basis that national reserve status does not necessarily designate the most important places.

Additionally, the Committee recommends extending the Bill to include the Marine Mammals Protection Act 1978 and to update the penalty regime in that Act to bring consistency to the penalties administered by the Department of Conservation. This recommendation will interest commercial fishers and people who operate within the limits of New Zealand fishery waters (for example, failure to report an accidental death or injury of a marine mammal is an offence).

There is now limited opportunity for the public to influence the content of the Bill (although amendments raised by a Member of Parliament in a Supplementary Order Paper are possible) and it will now proceed to its second reading.

If you have any questions on the content of the Bill please contact our Resource Management team.