



Wildlife Order 2010

Anand Satyanand, Governor-General

Order in Council

At Wellington this 8th day of June 2010

Present:

His Excellency the Governor-General in Council

Pursuant to sections 7A, 7B, 7BA, and 8 of the Wildlife Act 1953, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following order.

Contents

| | Page |
|--|----------|
| 1 Title | 2 |
| 2 Commencement | 2 |
| 3 Schedules amended | 2 |
| 4 Revocations | 2 |
| Schedule 1 | 2 |
| Amendments to Wildlife Act 1953 | |
| Schedule 2 | 9 |
| Orders revoked | |

Order

- 1 Title**
This order is the Wildlife Order 2010.
- 2 Commencement**
This order comes into force on the 28th day after its notification in the *Gazette*.
- 3 Schedules amended**
Schedules 1, 2, 3, 5, 6, 7, and 7A of the Wildlife Act 1953 are amended in the manner set out in Schedule 1 of this order.
- 4 Revocations**
The orders listed in Schedule 2 are revoked.

Schedule 1

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Amendments to Wildlife Act 1953

Schedule 1

Items relating to Canada goose, Chukar, Paradise duck, Spoonbill duck, Partridge (*Alectoris rufa rufa*), Partridge (*Perdix perdix*), Pheasant, and Quail: omit.

Insert in their appropriate alphabetical order:

“Canada goose (*Branta canadensis*): except on Chatham Islands

“Chukar (*Alectoris chukar*): except on Chatham Islands”.

Item relating to Duck: insert in their appropriate alphabetical order:

“Australasian shoveler (*Anas rhynchotis*)

“Paradise shelduck (*Tadorna variegata*)”.

Insert in their appropriate alphabetical order:

“Partridge—

Grey partridge (*Perdix perdix*): except on Chatham Islands

Red-legged partridge (*Alectoris rufa rufa*): except on Chatham Islands

Schedule 1—*continued*

“Pheasant—

any bird, not being a domestic bird, of the genus *Phasianus* and any cross of any such bird with any other species, variety, or kind of pheasant: except on Chatham Islands

“Quail—

Bobwhite quail (*Colinus virginianus*): except on Chatham Islands

Brown quail (*Coturnix ypsilophora*): except on Chatham Islands

California quail (*Callipepla californica*): except on Chatham Islands”.

Schedule 2

Items relating to Gull, Hawk, Black shag, and White eye: omit.

Insert in their appropriate alphabetical order:

“Brown skua (*Catharacta antarctica lonnbergi*): on Chatham Islands only

“Silvereye (*Zosterops lateralis*)”.

Schedule 3

Item relating to Duck: insert after the item relating to Grey duck: “Grey teal (*Anas gracilis*)”.

Items relating to Mutton bird, Peafowl, Petrel, and Shag: omit.

Insert in their appropriate alphabetical order:

“Australasian harrier (harrier hawk) (*Circus approximans*)

“Chukar (*Alectoris chukar*): on Chatham Islands only

“Grey-faced petrel (northern mutton bird) (*Pterodroma macroptera*)

“Mute swan (*Cygnus olor*)

“Partridge—

Grey partridge (*Perdix perdix*): on Chatham Islands only

Red-legged partridge (*Alectoris rufa rufa*): on Chatham Islands only

Schedule 3—*continued*

“Pheasant—

any bird, not being a domestic bird, of the genus *Phasianus* and any cross of any such bird with any other species, variety, or kind of pheasant: on Chatham Islands only

“Quail—

Bobwhite quail (*Colinus virginianus*): on Chatham Islands only

Brown quail (*Coturnix ypsilophora*): on Chatham Islands only

California quail (*Callipepla californica*): on Chatham Islands only

“Shag—

Black shag (*Phalacrocorax carbo novaehollandiae*)

Little shag (*Phalacrocorax melanoleucos brevirostris*)

Pied shag (*Phalacrocorax varius varius*)

“Sooty shearwater (mutton bird) (*Puffinus griseus*)”.

Schedule 5

Items relating to Dove, Feral goose, Greenfinch, Guinea fowl, Kookaburra, Galah, Rosella, White (or sulphur crested) cockatoo, Rainbow lorikeet, Redpoll, Shag, Thrush, Turkey, Yellow hammer, Green frog, and Whistling frog: omit.

Item relating to Birds: insert in their appropriate alphabetical order:

“Chicken (junglefowl)—

any bird of the genus *Gallus*

“Dove—

all species of the genus *Streptopelia*

“Goose—

any bird of the genus *Anser*

Canada goose (*Branta canadensis*): on Chatham Islands only

“Guineafowl (*Numida meleagris*)

“Kookaburra—

any bird of the genus *Dacelo*

“Muscovy duck (*Cairina moschata*)

Schedule 5—*continued*

“Peafowl (*Pavo cristatus*)

“Song thrush (*Turdus philomelos*)

“Spur-winged plover (*Vanellus miles*)

“Turkey—

any bird of the genus *Meleagris*

“Yellowhammer (*Emberiza citrinella*)”.

Item relating to Finch: insert in their appropriate alphabetical order:

“Greenfinch (*Carduelis chloris*)

“Lesser redpoll (*Carduelis cabaret*)”.

Item relating to Parrot: insert in their appropriate alphabetical order:

“Crimson rosella (*Platycercus elegans*)

“Eastern rosella (*Platycercus eximius*)

“Galah (*Eolophus roseicapilla*)

“Rainbow lorikeet (*Trichoglossus haematodus*)

“Ring-necked parakeet (*Psittacula krameri*)

“White (or sulphur-crested) cockatoo (*Cacatua galerita*)”.

Item relating to Amphibians: insert in their appropriate alphabetical order:

“Green and golden bell frog (*Litoria aurea*)

“Southern bell frog (*Litoria raniformis*)

“Whistling frog (*Litoria ewingii*)”.

Item relating to Lizards: insert “Rainbow skink (*Lampropholis delicata*)”.

Item relating to Reptiles: insert “Red-eared slider turtle (*Trachemys scripta elegans*)” in its appropriate alphabetical order.

Schedule 6

Items relating to Opossum and Thar: omit.

Item relating to Mammals: insert in their appropriate alphabetical order:

“Himalayan tahr (*Hemitragus jemlahicus*)

“Possum (family Phalangeridae)”.

Schedule 7

All the items under the item relating to Orthoptera: omit and substitute:

“Acrididae (grasshoppers)—

Brachaspis robustus Bigelow 1967 (robust grasshopper)

Sigauss childi Jamieson 1999

“Anostostomatidae (giant, ground, tree, and tusked weta)—

Deinacrida (giant weta)—

all species

Hemideina ricta (Hutton 1897) (Banks Peninsula tree weta)

Motuweta isolata Johns 1997 (Mercury Islands tusked weta)”.

All the items under the item relating to Coleoptera: omit and substitute:

“Carabidae (ground or carab beetles)—

Mecodema laeviceps Broun 1904 (Ida Valley carabid beetle)

Megadromus speciosus Johns 2007 (Eastern Sounds ground beetle)

“Cerambycidae (longhorn beetles)—

Xylotoles costatus Pascoe 1875 (Pitt Island longhorn beetle)

“Curculionidae (weevils)—

Anagotus fairburni Brookes 1932 (flax weevil)

Anagotus stephenensis Kuschel 1982 (Stephens Island weevil)

Anagotus turbotti (Spiller 1942) (Turbott’s weevil)

Hadramphus spinipennis Broun 1911 (coxella weevil)

Hadramphus stilbocarpae Kuschel 1971 (knobbed weevil)

Schedule 7—*continued*

Hadramphus tuberculatus (Pascoe 1877) (Canterbury knobbled weevil)

Heterexis seticostatus Brookes 1951 (Campbell Island ribbed weevil)

Lyperobius huttoni Pascoe 1876 (speargrass weevil)

Lyperobius nesidiotes Kuschel 1987 (Broughton Island weevil)

Megacolabus sculpturatus Broun 1893 (Akaroa weevil)

Nothaldonis peacei Broun 1880 (Peace's weevil)

Oclandius laeviusculus Broun 1902

“Elateridae (click beetles)—

Amychus candezei Pascoe 1876 (Chatham Islands click beetle)

Amychus granulatus Broun 1886 (Cook Strait click beetle)

“Lucanidae (stag beetles)—

Geodorcus—

all species

“Scarabaeidae (scarab beetles)—

Prodontria bicolorata Given 1964 (Alexandra chafer beetle)

Prodontria lewisii Broun 1904 (Cromwell chafer beetle)”.

Item relating to Araneae (Spiders): omit and substitute:

“Araneae (spiders)—

Gradungulidae—

Spelungula cavernicola Forster 1987 (Nelson cave spider)

Theridiidae—

Latrodectus atritus Urquhart 1890 (black katipo spider)

Schedule 7—*continued*

Latrodectus katipo Powell 1871 (red katipo spider”).

Item relating to Mollusca: omit and substitute:

“MOLLUSCA

“Gastropoda (snails)—

Cytora hirsutissima (Powell 1951)

Cytora tepakiensis Gardner 1967

Paryphanta (kauri snails)—

all species

Placostylus (flax snails)—

all native New Zealand species

Powelliphanta (large land snails)—

all species

Rhytidarex buddlei (Powell 1948”).

Schedule 7A

All items in this schedule: omit and substitute:

“CNIDARIA

“Anthozoa (corals and sea anemones)—

Black corals—

all species in the order Antipatharia

Gorgonian corals—

all species in the order Gorgonacea

Stony corals—

all species in the order Scleractinia

“Hydrozoa (hydra-like animals)—

Hydrocorals—

all species in the family Stylasteridae

“CHORDATA

“Chondrichthyes (cartilaginous fishes)—

Lamniformes (mackerel sharks)—

Deepwater nurse shark (*Odontaspis ferox*)

Schedule 7A—*continued*

- White pointer shark (*Carcharodon carcharias*)
- Orectolobiformes (carpet sharks)—
 - Whale shark (*Rhincodon typus*)
- Rajiformes (skates and rays)—
 - Manta ray (*Manta birostris*)
 - Spinetail devil ray (spinetail mobula) (*Mobula japonica*)
- “Osteichthyes (bony fishes)—
 - Perciformes (perch-like fishes)—
 - Giant grouper (Queensland grouper) (*Epinephelus lanceolatus*)
 - Spotted black grouper (*Epinephelus daemeli*)”.

Schedule 2
Orders revoked

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Wildlife (Canada Goose) Order 1973 (SR 1973/2)**Wildlife Order 1986 (SR 1986/7)****Wildlife (Partridge) Order 1960 (SR 1960/191)****Wildlife (Peafowl) Notice 1961 (SR 1961/31)****Wildlife (Peafowl) Order 1960 (SR 1960/199)****Wildlife (Rainbow Lorikeet) Order 2001 (SR 2001/213)**

Rebecca Kitteridge,
Clerk of the Executive Council.

Explanatory note

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

This order, which comes into force on the 28th day after its notification in the *Gazette*, amends Schedules 1, 2, 3, 5, 6, 7, and 7A of the Wildlife Act 1953 (the Act).

The amendments effect changes in the protection status of wildlife and make a large number of corrections to the names and descriptions of wildlife. Protection status has been changed for—

- 5 native bird species: spur-winged plover, brown skua (sea hawk), black shag, Australasian harrier, and grey teal:
- 15 introduced bird species or genera:
- 1 introduced frog species: southern bell frog:
- 2 introduced reptile species: rainbow skink and red-eared slider turtle:
- 21 native terrestrial invertebrate species of weta, beetle, snail, grasshopper, weevil, and katipo spider:
- 5 marine fish species: giant grouper, 2 species of shark, 2 species of ray:
- 2 orders of marine corals: stony and Gorgonian corals.

Some wildlife that was declared to be game in New Zealand generally (Schedule 1 of the Act) ceases to be game under Schedule 1 of the Act on the Chatham Islands and is included, in relation to the Chatham Islands, either in Schedule 3 (wildlife that may be hunted or killed if the Minister of Conservation issues a notice to that effect) or in Schedule 5 (unprotected wildlife). This is because wildlife declared to be game under Schedule 1 of the Act cannot be hunted on the Chatham Islands because there is no Fish and Game Council on the islands to perform the functions required by the Act in relation to game. Wildlife now included in Schedule 3 for the Chatham Islands is chukar, both grey and red-legged partridge, pheasant, and 3 species of quail. Canada goose is included in Schedule 5 for the Chatham Islands only.

Some wildlife that has been absolutely protected because it was not included in any schedule is now not protected (Schedule 5), or may be hunted or killed or possessed if the Minister issues a notice to that effect (wildlife listed in Schedule 3). Grey teal are included in Schedule 3 because they fly in formation with mallard ducks and are

therefore easily shot in error by recreational hunters. The penalty for unauthorised shooting of Schedule 3 wildlife is significantly less than that for shooting absolutely protected wildlife.

Some terrestrial invertebrates and marine species that were unprotected because they were not in any schedule are now included in Schedule 7 or 7A and therefore are protected.

In Schedule 7, the author and year of publication of the formal species description are enclosed in brackets in some cases and not in others. This is deliberate. The author and year are not enclosed in brackets if the species retains its original scientific name. If the author and year are enclosed in brackets, this indicates that the genus name has been changed by taxonomic revision.

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

Date of notification in *Gazette*: 10 June 2010.

This order is administered by the Department of Conservation.
