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Shark Experience Ltd v PauaMAC5 Inc
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Shark Experience Ltd v PauaMAC5 Inc

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[\[2019\] 1 NZLR 791](#); [\[2019\] NZSC 111](#); [BC201961970](#)

Key details at a glance, including decision date, presiding judges, and court.

Court: NZSC
Judges: Winkelmann CJ, William Young, Glazebrook, O'Regan and Ellen France JJ
Judgment Date: 11/10/2019

In this document:

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Criminal law — Offences — Miscellaneous offences — Shark cage diving

Statutes — Interpretation — Wildlife Act 1953 s 63 — 'Hunt or kill'

Appeal against decision of New Zealand Court of Appeal (NZCA).

NZCA found that for purposes of (NZ) Wildlife Act 1953 s 63A, shark cage diving was 'hunting' or 'killing' great white shark, as it amounted to 'pursuing' or 'disturbing' sharks, despite these not being common meanings of the words 'hunting' or 'killing'.

NZCA therefore declared that shark cage diving was offence under s 63A.

Finding that NZCA erred in issuing declaration that shark cage diving was offence under s 63A.

Appeal allowed.

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catch alive or kill — hunt or kill — pursuing, disturbing, or molesting — taking — wildlife

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 PauaMAC5 Inc v Director-General of Conservation	4/9/2018 NZCA
[2019] 2 NZLR 1 ; [2018] NZCA 348 ; BC201861218	
Reversed	
 PauaMAC5 Inc v Director-General of Conservation	2/6/2017 NZHC
[2017] NZHC 1182 ; BC201761030	
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 Shark Experience Ltd v PauaMAC5 Inc	11/12/2018 NZSC
[2018] NZSC 121 ; BC201862027	
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		1 3
	NZDC	NZHC

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Cited	
 Paul v Mead	31/3/2020 NZHC
[2020] NZHC 668 ; BC202060556	
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 Bartle Group Ltd v New Zealand Transport Agency	29/1/2020 NZHC
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