



# Cabinet Legislation Committee

## Minute of Decision

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### Conservation Infringement Offences Regulations

#### Portfolio Conservation

On 10 December 2019, the Cabinet Legislation Committee:

- 1 **noted** that on 6 April 2016, the previous government approved the introduction of an infringement system for less serious conservation offences subject to specified criteria [EGI-16-MIN-0058];
- 2 **noted** that on 21 December 2018, the Conservation (Infringement System) Act 2018 came into force and included the regulation-making power necessary to make the regulations referred to in paragraph 7 below;
- 3 **noted** that the regulations will:
  - 3.1 prescribe infringement offences for the contravention of regulations made under the Conservation Act 1987, Marine Mammals Protection Act 1978, Marine Reserves Act 1971, National Parks Act 1980, Reserves Act 1977, Trade in Endangered Species Act 1989, Wild Animal Control Act 1977, and Wildlife Act 1953;
  - 3.2 prescribe penalties for infringement offences, which,—
    - 3.2.1 in the case of infringement fees, must not be more than \$1,000; and
    - 3.2.2 in the case of maximum fines, must not be more than twice the amount of the infringement fee for the offence;
  - 3.3 prescribe information to be included in infringement notices and reminder notices;
- 4 **noted** that the five sets of regulations give effect to the decision referred to in paragraph 1 above, as adjusted by policy decisions made during Parliamentary consideration of the Act referred to in paragraph 2 above;
- 5 **noted** that the legislation as enacted made it possible for fish and game councils to use an infringement system if certain conditions were met, which the Bill as introduced did not;
- 6 **noted** that the infringement system cannot be implemented until regulations have been made to set infringement fee levels, and to create infringement offences where the existing offences sit in regulations or bylaws rather than in primary legislation;

- 7 **authorised** the submission to the Executive Council of the:
- 7.1 Conservation (Infringement Offences) Regulations 2019 [PCO 21972/10.0];
  - 7.2 Conservation (Infringement Offences in Regulations) Amendment Regulations 2019 [PCO 21973], subject to the final version being confirmed by Cabinet;
  - 7.3 National Parks (Infringement Offences) Regulations 2019 [PCO 22100/8.0];
  - 7.4 Reserves (Infringement Offences) Regulations 2019 [PCO 22101/9.0];
  - 7.5 Wild Animal Control (Infringement Offences) Regulations 2019 [22102/8.0];
- 8 **noted** that the regulations come into force on 3 February 2020.

Gerrard Carter  
Committee Secretary

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**Present:**

Rt Hon Winston Peters  
Hon Chris Hipkins (Chair)  
Hon Andrew Little  
Hon David Parker  
Hon Iain Lees-Galloway  
Hon Jenny Salesa  
Hon Kris Faafoi  
Hon Tracey Martin  
Hon Eugenie Sage  
Michael Wood MP (Senior Government Whip)

**Officials present from:**

Office of the Prime Minister  
Officials Committee for LEG

**Hard-copy distribution:**

Minister of Conservation