

Targeted amendments to the Wildlife Act

On 8 May 2025, Parliament passed the Wildlife (Authorisations) Amendment Act to amend the Wildlife Act 1953. This fact sheet explains why these changes were made and what they do.

The Wildlife Act plays an important role in protecting wildlife

- It protects almost all native birds, all native reptiles, frogs, bats, some specified native invertebrates, and nine marine fish species.
- Without proper authorisation it is unlawful to take or kill protected species.

The Wildlife Act needed to be amended to fix a legal problem

- Protected animals are sometimes killed during activities such as building infrastructure or doing earthworks for a subdivision. This incidental killing is not intended but is foreseeable and often unavoidable. For example, when a new road is built it is not possible or practical to find every single animal and safely move them out of harm's way, especially when animals are small and camouflaged.
- On 5 March 2025, the High Court decided that the Director General of Conservation (the Director General) had unlawfully authorised the incidental killing of protected wildlife under section 53 of the Wildlife Act for a new highway at Mt Messenger.
- The Court's judgment was based on its interpretation that it was unlawful for the Director General to authorise the incidental killing of protected species unless there was a direct connection between killing protected wildlife and protecting them.
- The Court's decision put at risk the Department of Conservation's (DOC's) ability to regulate and manage incidental harm to wildlife caused by activities, including its ability to require those carrying out these activities to minimise this harm.
- The Court's decision could have delayed or halted many projects. It affected:
 - previously authorised infrastructure and development projects
 - other projects that are important for our environment and economy, such as pest control in the TBfree programme
 - future projects such as new housing developments, roads, wind farms, and many other types of projects that are important for our society and economy.

These amendments do not change current practice for protecting wildlife

- These changes effectively restore the approach that DOC was already taking to protect wildlife before the High Court's decision.
- The amendments confirm that authorisations already granted under section 53 of the Wildlife Act before the Court's decision are valid. This means that no action is required by authority holders to resubmit applications, and DOC does not need to reconsider these past decisions.
- Previously authorised activities can continue lawfully, so long as permit holders keep meeting any conditions previously set. The amendments do not alter or remove the requirement to meet these conditions.
- The amendments also enable DOC to continue granting authority for incidentally killing wildlife, and to set conditions as part of these authorisations. This is what DOC was doing before the Court's decision, based on DOC's interpretation of the Wildlife Act.



Department of
Conservation
Te Papa Atawhai

**Te Kāwanatanga
o Aotearoa**
New Zealand Government

Do these amendments water down protections for wildlife?

- No. They restore the approach that was being taken to regulate and manage incidental killing and to protect wildlife before the Court's decision. They neither lower nor raise the bar for protecting wildlife.
- The Director General must consider the potential adverse effects on wildlife populations and the species they belong to when considering an application. They can only grant an authorisation if satisfied that the overall effect of the authority will be consistent with protecting populations of wildlife, and that the applicant will take reasonable steps to avoid, minimise, and mitigate any adverse effects on individual animals.
- The Director General can set conditions to protect wildlife. For example, those set in the past have included measures such as finding and moving animals out of harm's way before an activity starts, improving the habitat in areas the animals are moved to, following best practice techniques, and reporting on impacts.

How are these changes consistent with protecting wildlife?

- The recent change to the Act ensures incidental harm can be appropriately regulated.
- The change focuses solely on wildlife permits that authorise and regulate incidental killing of wildlife. Wildlife permits and their conditions are designed to protect the viability of affected wildlife populations, and to protect individual animals as much as practicable. They also support best practice approaches for managing wildlife.
- The changes will clarify that the Act does not seek to regulate unintentional harm to wildlife solely at an individual level, and that the protective purpose of the Act can be met by addressing effects on protected wildlife populations.
- This will clarify and reinforce already established processes, allowing DOC's previous approach to authorising activities, prior to the Court decision, to continue.

Why did these changes need to be passed under urgency in Parliament?

- The Court's decision affected many projects. Over 100 existing authorisations were likely affected. In addition, the Director General had paused making any decisions involving applications for incidental killing of wildlife until this legal issue was resolved. This could have led to many projects being delayed or possibly cancelled.
- The Government considered other options, including appealing the Court's decision and leaving people to rely on the defence provisions in the Wildlife Act instead. The best approach to resolve this situation quickly was to amend the Wildlife Act to provide legal certainty and to maintain important protections for wildlife.
- The Government deliberately made the changes to the Wildlife Act narrow and targeted to focus on the specific legal issues that needed fixing.

Why did the amendments not tackle bigger problems with the Wildlife Act?

- The Wildlife Act is now over 70 years old. It has been amended many times since 1953, causing it to lose coherence.
- There are many issues with the Wildlife Act, which is why the government began reviewing it in 2022. This review is ongoing, although it was temporarily interrupted by these urgent targeted amendments.
- This comprehensive review will lead to a replacement of the Wildlife Act with modern species legislation. There will be public consultation on potential legislative changes in the future.