

Serial Number **1953/147**



THE OPOSSUM REGULATIONS 1953

C. W. M. NORRIE, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington, this 4th day of November 1953

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Animals Protection and Game Act 1921-22, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

1. (1) These regulations may be cited as the Opossum Regulations 1953.

(2) These regulations shall come into force on the day after the date of their notification in the *Gazette*.

2. In these regulations, unless the context otherwise requires,—

“The said Act” means the Animals Protection and Game Act 1921-22:

“Authorized officer” means any person appointed by the Secretary to be an authorized officer for all the purposes of these regulations, or for any special purpose, as the case may be :

“Broker” means any person or firm who conducts public auction sales of opossum skins:

“Department” means the Department of Internal Affairs:

“Disqualified skin” means—

(a) Any skin or portion of skin in respect of which an authorized officer reasonably believes a subsidy has been paid;

(b) Any whole skin of 9 in. or less in length measured from the base of the tail ; or

(c) Any skin which an authorized officer reasonably believes has been reduced by the taking of a token therefrom for bounty purposes :

- “Licence” means a broker’s licence issued under these regulations:
 “Opossum” means any animal of the genus *trichosurus* or of any other genus *phalangeridae* (commonly known as Australian opossum):
 “Sale” means any public auction sale in New Zealand of opossum skins:
 “Secretary” means the Secretary for Internal Affairs:
 “Skin” means the skin of an opossum.

Provisions as to Taking, Liberating, and Harboursing Opossums

3. No person shall take or kill opossums by any means involving unnecessary cruelty.
4. Every person engaged in taking opossums by means of nooses or traps shall visit all such contrivances used by him for that purpose at least once daily.
5. No person shall liberate opossums in any part of New Zealand.
6. No person shall have live opossums in his possession without the prior consent in writing of the Secretary.

Licensing of Brokers

7. No person shall operate as a broker for the sale of skins under these regulations unless he is the holder of a licence issued by the Secretary.
8. Every application for the issue of a licence shall be in writing signed by the applicant, who shall state his occupation and address or, if the applicant is a company, the name and the registered office of the company.
9. Every licence shall remain in force until suspended or revoked.
10. The Secretary may in his discretion refuse the issue of a licence, and shall not be required to state the grounds for his refusal.
11. The Secretary may in his discretion suspend or revoke any licence already issued, and shall not be required to state the grounds of that suspension or revocation.

Subsidy on Opossum Skins

12. There may, out of moneys appropriated by Parliament, be paid in respect of each skin offered for sale at any auction sale a subsidy of such an amount as will ensure a gross realization by the seller of 2s. 9d.
13. No subsidy shall be payable in respect of any skin offered for sale unless the sale has been approved by the Secretary and is conducted by a licensed broker.
14. No subsidy shall be paid in respect of any disqualified skin:
15. All skins to be offered at an approved sale shall be submitted to an authorized officer for his inspection not less than twenty-four hours before the advertised commencing time of the sale.
16. An authorized officer shall mark in a manner approved by the Secretary every disqualified skin.
17. No disqualified skin, whether marked or not, shall be included in any lot offered at any approved sale without the prior approval of an authorized officer.

18. Immediately after the sale of any skins in respect of which any subsidy is payable, the broker shall make those skins available to an authorized officer, who shall mark them in a manner approved by the Secretary.

19. Where a subsidy is payable in respect of any skin, the broker shall be entitled to charge commission only in respect of the first 2s. 6d. of the selling price (including subsidy).

20. Any authorized officer may—

- (a) During normal hours of business enter into any place (not being a dwellinghouse) for the purpose of inspecting any skins which he has reasonable grounds for believing to be intended for sale:

Provided that any Justice, upon information on oath that there is probable cause to suspect that there are within any dwellinghouse any skins that are intended for sale or that a breach of these regulations has been or is being committed within any dwellinghouse or that preparation has been made to commit such a breach within any dwellinghouse, may by warrant under his hand empower any authorized officer, together with any constable, to enter and search the dwellinghouse at such time or times in the day as are mentioned in the warrant for the purpose of exercising the powers conferred by these regulations:

- (b) Inspect any skins wherever found which he has reasonable grounds for believing to be intended for sale:
- (c) Withdraw from sale and impound any lot containing skins which includes disqualified skins:
- (d) Seize any disqualified skin, whether marked or not, or any skin which he has reasonable grounds for believing is intended to be sold in breach of these regulations.

21. All skins lawfully seized or taken into possession under the provisions of these regulations shall be retained by the Secretary pending the trial of any person for the offence under which the skins were seized or taken into possession. If no such person can be traced within twelve months after the seizure or taking into possession, the skins shall be deemed to be forfeited to the Crown and disposed of as the Secretary directs. Where proceedings are taken against any person in respect of the offence, the skins seized or taken into possession shall when the proceedings are completed be returned to the person last in possession of the skins, unless the Court where it enters a conviction directs that the skins or any of them be forfeited to the Crown, in which case the skins shall be deemed to be forfeited to the Crown accordingly and shall be disposed of as the Secretary directs.

Bounty on Opossum Skins

22. There may, out of moneys appropriated by Parliament, be paid in respect of each token (being portion of an opossum skin) surrendered to the Secretary a bounty of 2s. 6d.

23. The form of the token to be surrendered in order to qualify for a bounty and the conditions on which the bounty may be paid shall be determined from time to time by the Secretary.

Miscellaneous

24. Every person commits an offence against these regulations who does or who attempts to do any act or thing prohibited by these regulations or who omits to do anything required of him thereby or obstructs or resists any authorized officer in the exercise of any powers conferred by these regulations.

25. Every person who commits an offence against these regulations shall, in the case of an individual, be liable to a fine not exceeding £20 or, in the case of a body corporate, to a fine not exceeding £100.

26. (1) The Opossum Regulations (No. 2) 1951* are hereby revoked.

(2) All matters and proceedings commenced under the regulations hereby revoked and pending or in progress at the commencement of these regulations may be continued, completed, and enforced under these regulations.

T. J. SHERRARD,
Clerk of the Executive Council.

* Statutory Regulations 1951, Serial number 1951/151, page 473.

EXPLANATORY NOTE

[*This note is not part of the regulations, but is intended to indicate their general effect.*]

These regulations re-enact with modifications the provisions of the Opossum Regulations (No. 2) 1951.

Regulations 3 to 6 re-enact the existing provisions as to the taking, liberating, and keeping of opossums.

Regulations 7 to 11 are new, and provide for the licensing by the Internal Affairs Department of brokers to conduct public auction sales of opossum skins. No person may act as a broker for the sale by auction of opossum skins unless he is the holder of a licence.

Regulations 12 to 21 are new, and provide for the payment of a subsidy on all opossum skins offered for sale at an approved auction sale conducted by a licensed broker in order to assure to the seller a gross return of 2s. 9d. a skin. The regulations contain provisions for the inspection and marking of skins by authorized officers and provide that no subsidy is to be paid in respect of skins which come within the definition of "disqualified skin" in regulation 2.

Powers of entry and inspection are conferred on authorized officers by regulation 20, and regulation 21 authorizes the Court, in proceedings against any person for a breach of the regulations, to decree forfeiture to the Crown of any skins seized as a result of the breach.

Regulations 22 and 23 provide for the payment of a bounty of 2s. 6d. in respect of each token portion of opossum skin surrendered to the Secretary for Internal Affairs. The form of the token and the conditions of payment are to be fixed by the Secretary.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 5 November 1953.

These regulations are administered in the Department of Internal Affairs.