



Briefing: Hunting and Fishing Portfolio - Initial Briefing and Immediate Decisions

To	Minister for Hunting and Fishing	Date submitted	24 January 2025
Action sought	Decisions on progressing urgent matters that relate to critical Cabinet or policy timeframes to support delivery of Government priorities.	Priority	Very High
Reference	25-B-0011	DocCM	DOC-7863279
Security Level	Sensitive – BUDGET		

Risk Assessment	High Time sensitive decisions are required.	Timeframe	Urgent: Legislative bids need to be submitted by 29 January.
Attachments	Appendix 1 – Briefing for Incoming Minister for Hunting and Fishing		

Contacts	
Name and position	Phone
Ruth Isaac, Deputy Director-General, Policy and Regulatory services	9(2)(a)
Stephanie Rowe, Deputy Director-General, Biodiversity, Heritage and Visitors	

Executive summary – Whakarāpopoto ā kaiwhakahaere

1. The Department of Conservation looks forward to supporting you in the Hunting and Fishing portfolio. This paper provides an initial briefing as an introduction to your new portfolio, and summarises several urgent items on which your direction is sought. These items all have time critical Cabinet or external deadlines, or meet milestones in delivering policy priorities.
2. A Briefing for the Incoming Minister (BIM) is attached, and provides context and background on your portfolio and the previous Minister's priorities.
3. The immediate decisions needed are:
 - to submit the Hunting and Fishing Legislative Bids for 2025 (briefing 24-B-0615 refers), with or without changes. The Cabinet Office deadline is 29 January;
 - whether to continue to progress urgent Budget night legislation to clarify that Herds of Special Interest may be designated in national parks. This requires the agreement of the Leader of the House. A Cabinet paper seeking policy decisions would need to be lodged for discussion at ECO on 19 February; and
 - whether to continue with Minister McClay's commitment to meet with online, or visit in person, all 12 regional Fish and Game Councils and the New Zealand Council before March 2025. This was part of Minister McClay's preferred engagement plan to support legislative reform of Fish and Game New Zealand by the end of term.
4. DOC provided several briefings to Minister McClay over the past few months which led to the decisions outlined above. We can discuss these issues in more detail at our first portfolio meeting, provisionally scheduled for 29 January, but are ready to meet with you earlier if you wish. Depending on your preferences and priorities, we can also prepare 'deep-dive' sessions to discuss different areas of the portfolio – including potential connections and interactions with your South Island Ministerial portfolio.
5. We also draw your attention to three operational matters with time critical deadlines on which you will shortly be briefed, separately. This includes taking a Cabinet paper to the Legislation Committee on the establishment of three new Game Preserves, and two matters requiring your authorisation or agreement to support the annual game bird hunting season.

We recommend that you ... (Ngā tohutohu)

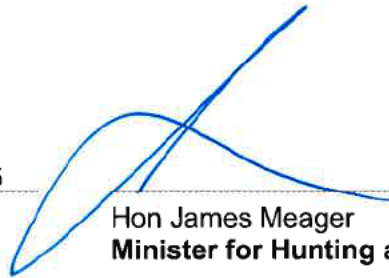
		Decision
1.	Note the attached Briefing for the Incoming Minister (BIM), which provides background information on your portfolio and to support your decisions.	Noted ✓
2.	Note some decisions are needed urgently to meet critical Cabinet or legal deadlines, or current policy delivery timeframes, should you wish to continue with the previous Minister's plans.	Noted ✓
3.	Indicate whether you want to make any changes to the three draft legislative bids for the 2025 Legislative Programme (through briefing 24-B-0615), due with the Cabinet Office by 29 January.	Yes / No
4.	Indicate whether you want to continue to progress urgent Budget night legislation to clarify that Herds of Special Interest may be designated in national parks.	Yes / No

5.	Note that you must have the agreement of the Leader of the House to progress legislation under Budget night urgency.	Noted ✓
6.	Indicate whether you wish to meet online or visit in person each of the 12 regional Fish and Game Councils throughout February.	Yes / No
7.	Note that you are due to meet with officials on [29 January] and can discuss your priorities for the portfolio and the contents of this briefing then.	Yes / No



Date: 24 / 01 / 2025

Ruth Isaac
Deputy Director-General, Policy and
Regulatory Services



Date: 27 / 1 / 25

Hon James Meager
Minister for Hunting and Fishing

Purpose – Te aronga

1. The Briefing for the Incoming Minister (BIM) is attached to this briefing that provides broader background on the portfolio, your responsibilities, and key relationships. The Department of Conservation is the lead advisor for the Government in this portfolio.
2. This paper also seeks your direction on items in your Hunting and Fishing portfolio that require immediate decisions so that Cabinet, external deadlines, or current policy delivery timeframes, can be met (if these align with your priorities).
3. A first portfolio meeting with officials is provisionally scheduled for 29 January, but we are ready to meet with you earlier if you wish. DOC will provide further context at this meeting.

Background and context – Te horopaki

4. The Hunting and Fishing Portfolio was introduced by this Government. Hunting and fishing matters were previously the responsibility of the Minister of Conservation. Vote Conservation funds delivery of the portfolio.
5. The previous Minister for Hunting and Fishing established four main priorities for the portfolio, building on pre-election policy manifestos, which are discussed in more detail in the BIM. Those priorities are:
 - managing game animals as valued introduced species to ensure numbers are best managed for each region's individual interests;
 - supporting Fish and Game New Zealand (Fish and Game) and the Game Animal Council (GAC);
 - introducing Herds of Special Interest (HOSI) to balance hunting and conservation objectives; and
 - increasing hunting access on public conservation land.
6. Over the last few months, DOC has provided advice on next steps to take these priorities forward and the previous Minister had provided direction on his preferences. Some of the next steps require externally driven timeframes to be met. Others are to meet preferences for how policy outcomes should be delivered by the end of term, some of which require you to agree next steps with your ministerial colleagues.

There are issues which require your immediate attention if you wish to progress these portfolio priorities

Out of Scope

Out of Scope

Legislative change to support the introduction of Herds of Special Interest (HOSI)

12. Minister McClay was progressing work on two HOSI for **sika** and **wapiti**. Work on a third HOSI for **tahr** is currently paused. These are the three herds of specific interest to hunters as candidates for HOSI, specified in National's plan for hunting and fishing.
13. Under a HOSI, animals within a specific geographical area of public conservation land can be managed to provide for hunting outcomes, whilst also providing conservation benefits. There are currently no designated HOSI in New Zealand. The BIM provides further information, and DOC will provide additional briefing as needed.
14. The Game Animal Council Act 2013 (GAC) allows the Minister to designate HOSI, including in national parks. HOSI are then managed for hunting purposes under a herd management plan (HMP). HOSI HMPs must be consistent with relevant conservation management plans and national park management plans.

Application of National Parks Act principles has created uncertainty as to the ability for HOSI to be designated within a National Park

15. The National Parks Act 1980 (the NP Act) sets out principles to be applied in national parks. The principles include the statement that "*introduced... animals shall as far as possible be exterminated*" in national parks except where the New Zealand Conservation Authority determines otherwise.
16. In 2024, the Royal Forest and Bird Protection Society of New Zealand (Forest & Bird) instigated a legal challenge to an existing community agreement between DOC and the Fiordland Wapiti Foundation in Fiordland National Park on the basis that the Agreement sought to 'manage' wapiti rather than 'exterminate' them, as required by the National Parks Act.
17. The legal challenge has been paused while further work is undertaken by the parties. However, the challenge highlights the legal uncertainty surrounding any proposal to 'manage' wapiti numbers in a national park, which would be the outcome sought from a wapiti HOSI. Without addressing the legal uncertainty there remains a risk of challenge to the designation of a HOSI.

Current process to deliver legislative change

18. Minister McClay was considering introducing legislation to remove the ambiguity between the NP Act and the HOSI provisions in the GAC Act. This would be a small clarification to provide certainty that HOSI can be designated in national parks as intended. As previously noted, Minister McClay planned to take this legislation under urgency on Budget night and DOC has been working at pace to support this. Work on the statutory process to introduce a wapiti HOSI would follow Royal Assent (memo 24-B-0632 refers).

19. **A decision to continue to progress this legislation through Budget night urgency is needed:** this requires agreement from the Leader of the House. DOC does not know whether this agreement had been secured by Minister McClay.
20. Timelines are very tight. We are ready to provide a full briefing and draft Cabinet Paper seeking Cabinet agreement to policy decisions towards the drafting of a Bill. If you wish to progress this, the paper would need to be lodged by 12 February (following Ministerial consultation) for discussion at ECO on the 19 February, to meet Budget night deadlines.
21. There are alternative routes to deliver the same legislation and support HOSI delivery by the end of this term (memo 24-B-0582 refers). DOC can discuss these options with you and provide additional briefing as needed.

Refocusing and modernising Fish and Game New Zealand

22. **A decision is needed on whether you wish to meet with or visit the New Zealand Fish and Game Council and all 12 regional Fish and Game Councils (FGCs) in February**, progressing a commitment made by Minister McClay.
23. The commitment to meet with these bodies was intended to support the policy process for taking forward initial decisions made by the previous Minister on policy changes to modernise Fish and Game in October 2024. These proposals for change have not yet been taken to Cabinet – Minister McClay's intention was to undertake informal targeted engagement with Fish and Game and specific Post-Settlement Governance Entities (PSGEs) with a statutory relationship or arrangement with Fish and Game in their settlement or deed, and then go to Cabinet (in April/May).

Current engagement process towards final policy decisions

24. Minister McClay sent letters to the New Zealand Fish and Game Council and all 12 regional FGCs in November 2024 and to 20 PSGEs in December 2024. These letters sought feedback on the current operation and governance of Fish and Game on a range of questions. All Fish and Game responses have been received and we will provide you with a fuller policy briefing and analysis of the responses shortly.
25. In his letters, Minister McClay signalled his intention to meet or visit all FGCs either online or in their regions in the early new year. This was to build relationships, provide opportunities to discuss key issues, and inform final policy decisions and next steps. Rather than consult publicly on policy proposals, Minister McClay's preference had been to focus effort on Fish and Game and relevant PSGEs, and engage stakeholders and the wider public on the Bill during the select committee stage.
26. If you wish to continue with the current process and timeline to pass legislation by the end of term, you will need to complete targeted engagement with FGCs by early March. This would enable you to take a paper to Cabinet in April/May to seek approval to draft a Bill.
27. This timeline is ambitious but would enable you to introduce and pass legislation before the end of term. Depending on your preferences, while public consultation on the policy proposals is still an option, timeframes mean that legislation could only be introduced by end of term, but not passed. We can discuss the detailed timeframes and implications with you further.

Other matters requiring urgent action

Establishing three new game preserves

28. We will shortly provide a briefing seeking your agreement to lodge a paper for Cabinet Legislation Committee (LEG) that will deliver on Cabinet's earlier agreement to

establish three new upland commercial game preserves [CBC-24-MIN-0127]. Upland game preserves are privately owned land where captive game birds are released for paying guests to hunt recreationally.

29. This is a minor matter, but the paper must be lodged with the Cabinet Office by 13 February (following Ministerial consultation) for consideration at LEG on 20 February. This will ensure that the legislation enters into force in time for the preserves to operate at the start of the game bird hunting season at the beginning of May.

Authorising the sale of game bird hunting licences

30. We will also shortly provide a briefing seeking your approval of a statutory notice to enable the sale of game bird hunting licences for the 2025–2026 game bird hunting season. Policy for the notice – which determines the types of hunting licences available and the required fees – was approved by Minister McClay in 2024.
31. This is an annual regulatory process supporting game bird hunters. This notice must be published on the Government Legislation website and notified in the Gazette by 13 February 2025. This will enable licences to go on sale from 13 March 2025. This will allow approximately 38,000 game bird hunters to begin claiming hunting stands prior to the start of the season on 3 May 2025.

Approving game bird hunting conditions

32. The New Zealand Fish and Game Council will shortly provide a briefing seeking your approval of a statutory notice setting out the hunting conditions (such as daily bag limits and hunting seasons) for the 2025–2026 game bird hunting season. Policy for the notice will be recommended to you by the 12 regional Fish and Game Councils in the briefing. You will be able to amend the notice, if you wish, prior to approving it. DOC can provide further advice to support your decisions as needed.
33. This is an annual regulatory matter supporting game bird hunters. The notice must be approved and published in the Gazette in time for copies to be incorporated into regulations booklets, which need to be provided to hunters when they buy their licences from 13 March 2025.

Risk assessment – Aronga tūraru

34. This paper summarises decisions that are needed to progress several urgent policy and regulatory matters to meet external deadlines or timeframes set by the previous Minister. The key risk is that a delay to any of these decisions may mean that Cabinet or legislative deadlines, or existing policy timeframes, cannot be met. Alternative routes for delivering these priorities are available, and DOC can discuss these with you, including the consequences. Full risks for each policy proposal are considered in relevant briefings.

Treaty principles (section 4) – Ngā mātapono Tiriti (section 4)

35. Many iwi have interests related to hunting and fishing, and engagement with local hapū and iwi will be important for supporting policy priorities such as Herds of Special Interest (HOSI) and Fish & Game modernisation.
36. The Treaty implications for specific proposals and processes are outlined in relevant briefings previously provided to Minister McClay. DOC can discuss these with you and provide further information.

Consultation – Kōrero whakawhiti

37. No consultation with other departments or stakeholders has been undertaken in preparing this briefing.

Financial implications – Te hīraunga pūtea

38. There are no financial implications arising from this briefing.

Legal implications – Te hīraunga a ture

Out of Scope

Next steps – Ngā tāwhaitanga

40. A first portfolio meeting with officials is provisionally scheduled on 29 January, but we are ready to meet earlier if you wish. We suggest we discuss this briefing more fully at this first meeting.
41. Your decisions on the matters in this briefing are needed quickly to provide an immediate pathway on live issues if you wish to progress the established mechanisms and timeframes for delivery. Notably, your legislative bids [briefing 24-B-0615] need to be submitted to the Cabinet Office by 29 January.
42. DOC will provide more detailed policy briefings on both the HOSI and Fish and Game priorities to support confirmation and delivery of your Hunting and Fishing priorities.

ENDS



Briefing: HOSI amendment bill Cabinet paper

To	Minister for Hunting and Fishing	Date submitted	11 April 2025
Action sought	Agree to provide feedback on attached draft Cabinet paper by 28 April for lodgement on 1 May.	Priority	High
Reference	25-B-0156	DocCM	DOC-10234204
Security Level	In Confidence	Timeframe	28 April 2025
Risk Assessment	Medium Risk of challenge to HOSI in national parks if amendment Bill is not progressed.		
Attachments	Attachment A – Draft Cabinet paper - <i>Game Animal Council (Herds of Special Interest) Amendment Bill: Approval for Introduction</i>		

Contacts	
Name and position	Phone
Sam Thomas, Director Policy	9(2)(a)

Purpose – Te aronga

1. This briefing provides a draft Cabinet paper (at Attachment A) for your feedback and for wider Ministerial consultation. The Cabinet paper seeks approval to introduce a Bill to amend the Game Animal Council Act 2013 (GAC Act) to clarify provisions around Herds of Special Interest (HOSI) in national parks.

Background and context – Te horopaki

2. On 19 February, you received Cabinet agreement to develop an Amendment Bill to address legal uncertainty around HOSI in national parks.
3. The background for this reform is the Government's intention to develop a HOSI for wapiti deer in Fiordland National Park (and possibly HOSI in other national parks), and the uncertainty that was caused by a recent legal challenge from Forest & Bird to current wapiti management in the park.
4. The purpose of the draft amendment Bill is to clarify that if the Minister designates a Herd of Special Interest (HOSI) in a national park, the requirement in the National Parks Act 1980 to exterminate introduced animals does not apply to that herd. There is

also therefore no need for the New Zealand Conservation Authority (NZCA) to provide an exemption from the National Parks Act requirement.

Risks, implications, and consultation

5. Progressing this Bill will help prevent risk of legal challenge due to the National Parks Act requirement to exterminate introduced animals, if a HOSI is designated in a national park.
6. Addressing this risk is especially relevant for the development of a potential wapiti HOSI in Fiordland National Park, since a recent legal challenge around wapiti management in the park has raised questions around the National Parks Act requirement to exterminate introduced animals. Progressing this Bill will provide certainty on this matter to the stakeholders engaged in the process to develop a wapiti HOSI.
7. Separately, there is a risk that some conservation stakeholders will react negatively to this Bill and view it as reducing conservation protections. This risk can be managed via clear communications noting that HOSI can only be set up where it is consistent with conservation management objectives (e.g., relevant national park management plans and policies).

Financial implications - Te hiraunga pūtea

8. There are no financial implications associated with this paper.

Next steps – Ngā tāwhaitanga

9. The immediate next steps are for you to consider the draft Cabinet paper at Attachment A, circulate for wider Ministerial consultation, and provide any feedback to officials by 28 April. Officials will then amend the Cabinet paper in line with the feedback received and lodge the paper on 1 May for consideration by Cabinet Legislation Committee.

15 – 28 April	Minister considers Cabinet paper and circulates for wider Ministerial and government caucus consultation.
28 – 30 April	Officials amend Cabinet paper following Ministerial consultation and confirms with the Minister's office that the paper is ready to be lodged the following day.
1 May	Officials lodge Cabinet paper (10 am deadline)
8 May	Cabinet Legislation Committee (LEG)
12 May	Cabinet confirmation of LEG decision
~20 May	Minister introduces Bill to the House for First Reading. Bill is referred to Environment Select Committee.

10. DOC will provide talking points to support your attendance at Cabinet Legislative Committee on 8 May, and officials will be available to support your attendance and answer questions as required.
11. If Cabinet agrees to introduce the Bill, DOC can support your office with material for any press releases or announcements you may wish to make.
12. DOC can also provide speech notes for your introduction of the Bill to the House and First Reading. Our understanding is that you intend to seek introduction of the Bill in the week of the 12 May, most likely with first reading on 20 May.

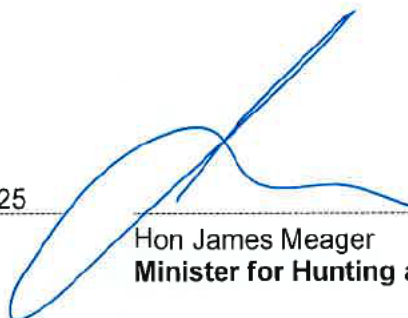
We recommend that you ... (Ngā tohutohu)

		Decision
a)	Agree to consider the attached Cabinet paper and provide feedback (including any feedback received from wider Ministerial and government caucus consultation) by 28 April 2025 to enable lodgement on 1 May 2025.	Yes / No



Date: 11/04/2025

Sam Thomas
Director Policy



Date: 14/4/25

Hon James Meager
Minister for Hunting and Fishing

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Office of the Minister for Hunting and Fishing

Cabinet Legislation Committee

**Game Animal Council (Herds of Special Interest) Amendment Bill:
Approval for Introduction**

Proposal

- 1 This paper seeks approval for the introduction of the Game Animal Council (Herds of Special Interest) Amendment Bill.

Policy

- 2 The Bill seeks to clarify the legal ability to designate and operationalise a Herd of Special Interest within a national park. Developing and designating Herds of Special Interest (HOSI) is a top priority in the Hunting and Fishing portfolio. HOSI are a management tool under the Game Animal Council Act that enable certain herds of game animals (deer, tahr, chamois and wild pigs) to be managed for hunting purposes on public conservation land.
- 3 On 19 February 2025, Cabinet Economic Policy Committee agreed to delegate authority to the Minister of Hunting and Fishing to approve drafting of an amendment to the Game Animal Council Act 2013 (GAC act). The purpose of the amendment is to remove legal uncertainty and clarify that the National Parks Act 1980 requirement to “exterminate” introduced animals “as far as possible” does not apply to animals that are part of a herd designated as a HOSI. Cabinet confirmed this decision on 24 February 2025 [CAB-25-MIN-0036 refers].
- 4 Although the GAC Act allows HOSI to be designated in national parks, the current default position in the National Parks Act 1980 is that introduced species - including valued introduced species such as deer – must be exterminated as far as possible, except where the New Zealand Conservation Authority (NZCA) determines otherwise.
- 5 This creates uncertainty, since it is not possible to both exterminate a herd of game animals and simultaneously manage it for hunting purposes. Management of game animals under a HOSI would seek to maintain a stable and healthy population of animals for hunting, while ensuring conservation objectives are met.
- 6 This Bill will remove legal uncertainty and clearly affirm Parliament’s intention that HOSI can operate in national parks where this is consistent with conservation outcomes. It will also clarify that where the Minister has designated a HOSI consistent with the requirements in the GAC Act, there is no requirement for an additional decision by the NZCA.
- 7 The Bill does not set up or implement a HOSI. The effect of this Bill is that there will be clarity and certainty concerning the process to develop and designate a HOSI in a

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national park, when it is initiated under the Game Animal Council Act. It would also remove the risk of a potential legal challenge.

- 8 Although this is a small Bill that will not have any direct impacts, the Bill may nevertheless be controversial with some conservation stakeholders who may perceive this as a weakening of conservation protections relative to HOSI.
- 9 However, I consider that such perceptions can easily be addressed: First, by pointing out that the GAC Act makes it clear that HOSI can only be set up where it is compatible with existing conservation and national park management plans; and second, by underscoring that an increase in hunter-led management as a result of HOSI designation will bring direct conservation benefits by reducing overall animal numbers to more sustainable levels. Importantly, hunting of deer already occurs in national parks; the Department of Conservation currently has a Community Agreement with the Wapiti Foundation for the ongoing management of wapiti deer in Fiordland National Park.
- 10 It is also important to note that this Bill does not impact on the statutory process to develop a HOSI under the GAC Act. That process will develop a herd management plan with specified management objectives and methods and show how they align with conservation objectives for the area. Both key stakeholders and the public will have an opportunity to input and comment during this process before final Ministerial decisions.

Impact analysis

- 11 The Ministry for Regulation has determined that this proposal is exempt from the requirement to provide a Regulatory Impact Statement on the grounds that it has no or only minor economic, social, or environmental impacts.

Compliance

- 12 The Bill complies with each of the following:
 - 12.1 the principles of the Treaty of Waitangi;
 - 12.2 the rights and freedoms contained in the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993 [\[TBC confirmation from MoJ and BORA vetting\]](#)
 - 12.3 the disclosure statement requirements (a disclosure statement has been prepared and is attached to this paper as an appendix).
 - 12.4 the principles and guidelines set out in the Privacy Act 2020
 - 12.5 relevant international standards and obligations
 - 12.6 the Legislation Guidelines (2021 edition), which are maintained by the Legislation Design and Advisory Committee

Consultation

Relevant Government Departments or Other Bodies

- 13 [TBC following end of agency and Ministerial consultation] Relevant government agencies were consulted during policy development. Agencies consulted included: the Treasury, Parliamentary Counsel Office, and the Ministry of Foreign Affairs and Trade. The Department of the Prime Minister and Cabinet has also been informed. Agencies raised no concerns with this paper [TBC]

The Government Caucus and Other Parties Represented in Parliament

- 14 [TBC] Consultation has occurred with both coalition partners, no issues were raised with this paper. [TBC]

Binding on the Crown

- 15 The Game Animal Council Act 2013 is binding on the Crown. The draft Bill does not include provisions that would change this.

Creating new agencies or amending law relating to existing agencies.

- 16 This Bill will not create a new agency or amend any law relating to an existing agency.

Allocation of decision-making powers

- 17 This Bill does not involve the allocation of decision-making powers between the executive, the courts, and tribunals.

Associated regulations

- 18 No regulations are required to bring this Bill into operation.

Other instruments

- 19 This Bill does not include any provision empowering the making of other instruments that are deemed to be legislative instruments or disallowable instruments.

Definition of Minister/department

- 20 This Bill does not contain a definition of Minister, department (or equivalent government agency), or chief executive of a department (or equivalent position).

Commencement of legislation

- 21 This Bill is proposed to come into effect on the day after the date of Royal assent.

Parliamentary stages

- 22 The Bill should be introduced to the House in the week of May 12 and should be passed before the end of 2025.

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- 23 The Bill is proposed to be referred to the Environment Select Committee following introduction to the House.

Proactive Release

- 24 I intend to proactively release this paper and the associated policy Cabinet paper (ECO-25-SUB-0011) within a month after this Bill has been introduced to the House.

Recommendations

I recommend that the Cabinet Legislation Committee:

- 1 note that the Game Animal Council (Herds of Special Interest) Amendment Bill holds a category 4 priority on the 2025 Legislation Programme (to be passed by the end of 2025 if possible);
- 2 note that the Bill will clarify that the National Parks Act 1980 section 4(2)(b) requirement to exterminate introduced animals “as far as possible” unless the New Zealand Conservation Authority determines otherwise does not apply to animals that are part of a herd designated as a Herd of Special Interest under section 16 of the Game Animal Council Act 2013;
- 3 approve the Game Animal Council (Herds of Special Interest) Amendment Bill for introduction, subject to the final approval of the government caucus and sufficient support in the House of Representatives;
- 4 agree that the Bill be introduced in the week of 12 May 2025;
- 5 agree that the government propose that the Bill be:
 - 5.1 referred to the Environment Select Committee for consideration;
 - 5.2 enacted before the end of 2025.

Authorised for lodgement

Hon James Meager

Minister for Hunting and Fishing

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Email advice to the Minister for Hunting and Fishing on questions raised around HOSI legislative amendment process.

Q1: Can we amend the title to be to just *Game Animal Council Amendment Bill*?

1. DOC can instruct PCO to change the title, but we do not consider this would have the intended effect of broadening the scope of the Bill. This is because the clauses in the Bill and the General Policy Statement would still define the scope alongside the title.
 - o The general scope of the Bill could only be expanded now by returning to Cabinet for further policy approvals. The current narrow scope of the Bill means that the statutory process to develop HOSI won't be affected by the Bill, and therefore the two processes can run simultaneously without issue. If the scope is expanded, DOC will provide advice on potential implications for the statutory process.
2. The current draft title of the Bill follows standard naming conventions used by PCO. We understand a contextual heading is typically added in parenthesis to the title of an amendment Bill when the amendment Bill is about a specific matter - i.e., *Principal Act (Subject Matter) Amendment Bill* – and that more general titles are typically used when the Bill is broader and amend many different parts of the principal Act.
3. Deviating from the standard naming convention would be unusual, but we understand possible. If the Minister still prefers a different name for the Bill, we can instruct PCO to change it to Game Animal Council Amendment Bill.

Q2: Can we amend the General Policy Statement in the Bill to include the 'valued introduced species' terminology?

4. Yes. DOC has instructed PCO to change the second sentence in GPS to say "The Bill ensures that there is no requirement to exterminate **valued introduced species** that have been designated as herds of special interest." This is in line with the policy rationale expressed in the Cabinet policy paper. We will ensure this change is made before lodgement.

Q3: Can you clarify the relationship between s19(1) and (2) of the GAC Act? is there greater discretion under s19(2), and what is the Minister's role under (1) compared to (2)?

5. Section 19(1) states that the Minister must make a herd management plan for any herd of special interest. This section corresponds with s 16(1)(c) which requires the Minister to have regard to a herd management plan that has first been made under s 19. A HOSI cannot be designated if a herd management plan has not been made. A herd management plan is a mandatory requirement for a HOSI.
6. Section 19(2) states that if the Minister wants to put forward an initial proposal for a new HOSI (like the way the Sika and Wapiti Foundations developed proposals) the Minister **may** also make a HMP to go with that proposal.
7. Whether or not a proposal includes a draft HMP doesn't change the requirements in 19(1) and 16(1)(c) that a HOSI needs to have a HMP in place before it can ultimately be designated by the Minister.
8. In practice, section 19(2) has little additional effect to s 19(1). The only time it would be relevant would be if a) the Minister themselves wanted to develop an initial proposal and b) the Minister had a strong desire that the proposal include a worked-up herd management plan from the start. This is currently a discretionary requirement.

9. This hypothetical scenario is very unlikely however, since if the Minister did want to develop a HMP to go with the proposal, they would still need to follow the process for developing a HMP (including consultation and public notification) specified by the GAC Act – and therefore they would not be saving any time by developing a HMP to go with their initial proposal.
10. The relationship between 19(1) and (2) appears to be the result of changes made to the Game Animal Council Act during select committee.
11. An effect of making 19(2) mandatory (changing “may” to “must”) would be to make it more difficult for a Minister to propose a new HOSI – since the Minister could only do so if he made a herd management first, in every case.
12. DOC does not recommend seeking an amendment to this section.

Q4: Would it be possible to amend section 19(2) during select committee?

13. Amending section 19(2) or other sections relating to HMPs would likely be considered outside the scope of the Bill.
14. Select committees can only recommend amendments that are relevant to the subject matter of the bill, that are consistent with the bill’s principles and objects, and otherwise conform to the Standing Orders and practices of the House ([S.O. 300\(1\)](#)).
15. The Clerk of the select committee will provide advice on whether a proposed amendment is in scope of a bill, and the chairperson of the select committee is responsible for ruling on the admissibility of amendments.
16. If the select committee wants to make substantial amendments that may be outside of the scope of a bill, the Parliament Business Committee can determine that a select committee’s powers are to be extended so that it can recommend amendments that would otherwise be out of scope. This is generally initiated by the select committee by writing to the Business Committee.

Q5: Do we need to ensure this legislative change applies retrospectively to current HOSI proposals?

17. There is no need to provide for this legislative change to apply retrospectively to HOSI proposals. Initial HOSI proposals (like the ones you have received from the Wapiti and Sika foundations) are not impacted by this legislative change in any way.
18. Similarly, there is no need to have this legislative change apply retrospectively to the statutory process to develop a HOSI (e.g., a potential wapiti HOSI in Fiordland National Park).
19. This is because the proposed amendment is not needed to ensure that a HOSI can be developed and set up. The Game Animal Council Act already allows HOSI to be developed and implemented in national parks. Instead, the proposed amendment will ensure that once a HOSI is developed and stood up in a national park, there will not then be a risk of a legal challenge to the way that HOSI is being managed on the basis that the National Parks Act requires all introduced animals to be exterminated.
20. Further, the legislative amendment will have been completed before any HMP is due to be finalised and agreed by the Minister. If you decide to progress the development of a wapiti HMP, it can run in parallel with the legislative amendment to clarify the GAC Act.



Memo: Confirming timeline and next steps for Herds of Special Interest

To	Minister for Hunting and Fishing	Date submitted	13 December 2024
GS tracking #	24-B-0632	DocCM	DOC-7836729
Security Level	Sensitive		
From	Sam Thomas, Director Policy, 9(2)(a)		
Subject	Confirming timeline and next steps for Herds of Special Interest		
Attachments	N/A		

Purpose – Te aronga

1. This item confirms your request to take forward legislation to amend the Game Animal Council Act (the GAC Act) through Budget Night urgency and identifies next steps.

Background and context – Te horopaki

2. At the 2 December Minister's meeting you confirmed your preference to progress legislative amendments to the GAC Act via urgency on Budget Night.
3. This legislation will provide technical clarification on the relationship between provisions to introduce a HOSI under the GAC Act, and certain requirements under the National Parks Act 1980. Given this interaction, we recommend you speak to Minister of Conservation (MOC) ahead of lodging a Cabinet Paper to inform him of your intentions.
4. To pass a Bill through Budget Night urgency, you will need agreement from the Leader of the House (LoH). The LoH's agreement should be included in your legislative bids submission. Cabinet will discuss its view on the legislative programme at the end of January 2025. The draft Bill will need to have cleared Cabinet by mid-April 2025.
5. You have indicated you will speak to the LoH prior to the end of the year to discuss including this Bill in the Budget Night process. Following this conversation officials will prepare a letter to seek formal approval for this process from the LoH.

Sequencing of advice and timeframes

6. You have indicated you wish to begin the statutory consultation process for the sika Herd Management Plan (HMP) early in the new year while simultaneously seeking legislative change to allow for a wapiti HOSI, and to progress a wapiti HMP subsequently. To meet tight timelines, we anticipate that we will split decisions on sika and wapiti HOSI into two papers:
 - a) Initial evaluation of the draft wapiti proposal, including costs and funding options. The paper will also include a draft Cabinet Paper to progress legislative change for Ministerial and agency consultation. Substantive assessment of wapiti proposal will follow Budget 2025. (See timeline below)

- b) Evaluation of the draft sika proposal, including costs and funding options. This will provide the option to begin the statutory process for the sika Herd Management Plan (HMP). (See timeline below).

7. Indicative key milestones are set out below:

Milestone	Date
Briefing on Legislative Bids sent to your office	17 January 2025
Cabinet discusses legislative programme for 2025 Parliamentary Session	End January 2025
Briefing and draft Cabinet Paper on wapiti proposal and GAC Act amendment to your office	W/C 20 January 2025
Ministerial/Agency Consultation	W/C 27 January 2025
ECO Committee	12 February 2025
Briefing seeking approval to begin sika HMP statutory consultation	14 February 2025
LEG Committee	10 April 2025
Budget Night	TBC May 2025

Funding the operation of a HOSI

8. We are working with the Fiordland Wapiti Foundation and the Central North Island Sika Foundation to understand the quantum of funding needed to operate each HOSI. It is unlikely that the Foundations will be able to fund the full HOSI costs without financial support.
9. DOC is considering funding options and will advise further in the forthcoming wapiti and sika advice.

Risk assessment – Aronga tūraru

10. As previously noted, there are risks in choosing this approach. This includes losing time to pass both wapiti and sika HOSI this term if the Bill falls out of the Budget Night package at late stage and a different parliamentary slot is needed to pass under urgency. We also expect a high level of scrutiny on the decision-making process after the legislation has passed. The public will have no opportunity to comment on proposals under this process, and stakeholders may question the proposals and the use of the Budget Night urgency process.
11. We note that changing legislation through a standard legislative and policy process would still allow delivery of both HOSI this term [memo 24-B-0582 refers]. This process will not be as fast as the Budget Night process but would mitigate some of the risks highlighted above.

Next steps – Ngā tāwhaitanga

12. We will provide a more fulsome briefing on the Budget Night process in early 2025.
13. We will also provide a letter for you to send to the LoH on the use of the Budget Night process in January 2025.

ENDS



Briefing: Next steps on wapiti HOSI process

To	Minister for Hunting and Fishing	Date submitted	30 January 2025
Action sought	Agree to proceed with Budget night legislation to enable a wapiti HOSI Consider attached draft Cabinet Paper	Priority	Very High
Reference	24-B-0643	DocCM	DOC- 7868834
Security Level	BUDGET SENSITIVE		

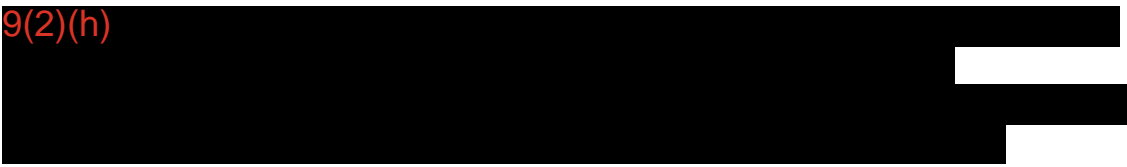
Risk Assessment	High A decision is needed urgently on proceeding to Cabinet so we can meet deadlines for Budget night legislation. 9(2)(h) [REDACTED]	Timeframe	4 February 2025
Attachments	Attachment A – Draft Cabinet paper - Amendments to the Game Animal Council Act 2013 to clarify the provision for herds of special interest in national parks		

Contacts	
Name and position	Phone
Sam Thomas , Director, Policy	9(2)(a) [REDACTED]
Nicola Molloy , Policy Manager, Hunting, Fishing and Economic Development	9(2)(a) [REDACTED]

Executive summary – Whakarāpopoto ā kaiwhakahaere

1. A Herd of Special Interest (HOSI) allows animals within a specific geographical area of public conservation land to be managed to provide for hunting outcomes, whilst also providing conservation benefits. The National Party manifesto signalled an intent to introduce three HOSI, one for sika, one for wapiti and one for tahr (work on tahr is currently paused). There are currently no designated HOSI in New Zealand.
2. This briefing outlines the implications for and seeks your agreement to lodge the attached Cabinet paper seeking approval to **draft legislation to remove legal uncertainty around the introduction of a HOSI in a national park**.
3. Progressing this legislative change would provide the most certainty that you can introduce a HOSI for wapiti this term. You have indicated that you wish to progress this under Budget night urgency, and we understand that you have spoken with the Leader of the House. Your legislative bids for 2025 have been submitted on this basis.
4. We seek your feedback by 4 February 2025 in advance of a short Ministerial consultation. Given the significant links with the conservation portfolio (specifically with the National Parks Act 1980 and responsibilities for UNESCO World Heritage Areas), we suggest you speak with the Minister of Conservation before wider Ministers.
5. Lodging the attached Cabinet paper by 13 February for discussion at the Cabinet Economic Policy Committee (ECO) on 19 February would enable us to meet deadlines to support your preferred approach of seeking introduction at Budget 2025.

Updates on related work

6. 9(2)(h) 
7. We also provide an update on the development of the wapiti HOSI proposal, which is progressing well. DOC is confident that the final version will be suitable for progressing to the statutory consultation process. The predicted costs appear reasonable, although DOC will likely need to contribute some operational funding for monitoring in at least the first years of operation. We will provide a full briefing to inform your decision on whether or not to commence the statutory process to develop a Herd Management Plan (HMP) in due course.

We recommend that you ... (Ngā tohutohu)

		Decision
a)	Agree to progress development of a wapiti HOSI in Fiordland National Park and seek Cabinet agreement to introduce legislation via Budget night urgency to clarify the relationship between the Game Animal Council Act 2013 and section 4 of the National Parks Act 1980.	Yes / No
b)	Agree to consider the attached draft Cabinet Paper and provide feedback by 4 February 2025 to enable lodgement on 13 February 2025.	Yes / No
c)	Note Ministerial Consultation will need to run from 5 – 10 February which is shorter than the standard timeframe.	Noted
d)	Agree to meet with the Minister of Conservation prior to other Ministers during the Ministerial consultation period regarding your legislative bids and the implications for his portfolio.	Yes / No



Date: 30/01/2025

Sam Thomas
Director, Policy

Date: / /

Hon James Meager
Minister for Hunting and Fishing

Purpose – Te aronga

1. This paper:
 - a. provides an overview of the latest information we have received on the proposal for a wapiti HOSI from the Fiordland Wapiti Foundation (FWF);
 - b. seeks your views on how to proceed with the establishment of a wapiti HOSI in Fiordland National Park.
2. A draft Cabinet Paper is attached for your consideration if you decide to seek Cabinet agreement to progress legislation via Budget night urgency.

Background and context – Te horopaki

3. You have indicated that you wish to progress with legislation under urgency on Budget night to amend the Game Animal Council Act 2013 (the GAC Act) to give certainty on the status of a HOSI in a national park. You have submitted a Legislative bid to Cabinet seeking its agreement that this proposal can proceed under urgency (24-B-0165 refers).
4. You will need Cabinet's agreement by 19 February to draft legislation, in order to provide enough time to lodge the Bill for Budget night.
5. We recommended that you discuss this proposal and other legislative bids with the Minister of Conservation during the Ministerial consultation period of 5-10 February to explain how they would interact with his portfolio.

Development of Fiordland Wapiti Foundation's proposal for a wapiti HOSI is progressing well

6. In December 2011, a community agreement was formed between the Fiordland Wapiti Foundation (FWF) and DOC regarding the management of the wapiti herd area. This agreement formalised the management involved in ongoing deer and predator control within the wapiti area. Unlike a HOSI, the primary focus of the community agreement is wild animal control (as opposed to optimising the hunter benefits from the herd).
7. Based on discussions with FWF to date, a HOSI would cover the same area and replicate similar measures and management outcomes as the existing community agreement does. Monitoring (and costs) would increase in line with likely statutory requirements.
8. A Herd Management Plan (HMP) is required prior to any species being declared a HOSI. The GAC Act sets out the process by which the details of the HOSI are agreed (the statutory process). A HMP is designed based on these discussions. The statutory process is led by DOC officials and requires engagement with a wide range of stakeholders.
9. A wapiti HOSI HMP would provide for the management of animals and associated hunting outcomes. However, it cannot include reference to, or authorise, activity that is not relevant to the management of animals for hunting purposes currently carried out by the FWF as part of their community agreement. This includes supporting conservation and recreational activities such as hut maintenance and predator trapping.
10. If the FWF is to continue with activities other than management of animals for hunting purposes, the activities would need to be authorised by a separate, new community agreement, or by a concession, to ensure this work can continue once the HOSI is in place. Specifically, a community agreement or concession will be needed to allow meat sales and to require certain conservation activities such as the FWF's work with whio / blue duck habitat. DOC can progress any new community agreement or concession to align with the implementation of a HOSI.

You have options for managing wapiti in Fiordland

Progressing a wapiti HOSI via a determination from the NZCA carries uncertainty...

22. You could instruct DOC to proceed to develop a HOSI under current legislative settings. We would need to commence work on the statutory process as soon as possible to deliver this by the end of the parliamentary term.
23. Once the HOSI HMP has been developed (estimated time 12 months) you could then decide whether to seek a determination from the NZCA. A successful determination from the NZCA is not guaranteed.
24. Since Forest and Bird have stated that it considers a determination from the NZCA would be necessary, there is a risk of a legal challenge to the HOSI process if a determination is not sought. It is unclear how large this risk is or how likely such a challenge would be successful.
25. DOC does not consider this a viable option to give certainty for a wapiti HOSI. We do not believe discussions with Forest and Bird have progressed far enough yet to ensure a successful outcome if a determination were to be sought from NZCA. We will have a better understanding of this over the next couple of months as discussions progress.

... introducing legislation to clarify the relationship between the NP Act and the GAC Act would provide much greater certainty.

26. **DOC considers legislative amendment is the best option to provide certainty that a wapiti HOSI can be designated this parliamentary term without legal challenge.** Legislation would give the Government greater clarity on the process to designate a HOSI in a national park in the future and support the National Party's manifesto commitment.
27. The policy intent of a legislative amendment would be to clarify the interaction between the Game Animal Council Act 2013 (the GAC Act), HOSI provisions and section 4 of the National Parks Act 1980, making it clear that a HOSI can be designated in a national park as intended, without the need for a determination from the NZCA.
28. **DOC recommends a proposed change to legislation should apply to HOSI in national parks generally, and not just to wapiti.** This would be consistent with the objective of making these pieces of legislation work together coherently. Removing the need for an NZCA determination is also consistent with separate Government proposals (led by the Minister of Conservation) which would limit the decision-making role of the NZCA.

A community agreement is also an option, but will not meet the National Party's manifesto objectives

29. Another option would be to pursue development of a new community agreement following conclusion of negotiations between parties in the legal case. If this was your preference you could discuss this with the Director-General of Conservation who has the power to enter into such agreements under s53 of the Conservation Act 1987.
30. Note, however, that while it may be possible to develop a new community agreement that is acceptable to both Forest and Bird and FWF, a community agreement cannot have hunting outcomes as its primary purpose (as opposed to a HOSI which would be focused on hunting outcomes). It would also not deliver your manifesto commitment to introduce a HOSI for wapiti.

You need to lodge a Cabinet Paper by 13 February if you wish to proceed with Budget night legislation

31. You have indicated that you wish to progress legislative change via Budget night urgency. Budget 2025 is released on 22 May. We recommend having a draft Bill ready for Budget night as early as possible to allow for Easter recess and for any slippages in a busy Cabinet schedule around this time.
32. To meet this timeframe, we suggest that your Cabinet paper should be lodged no later than 13 February for discussion at the Cabinet Economic Committee (ECO) on 19 February.
33. 9(2)(h) [REDACTED]

DOC recommends any legislative amendment is narrowly scoped

34. We recommend that the policy intent of any legislative amendment is narrowly scoped to include only what is necessary to provide clarity that a HOSI can be designated in a national park as intended, and without the need for a determination from the NZCA. A narrowly scoped bill is more appropriate for introduction at Budget 2025 and will reinforce that you do not intend to amend the NP Act, or dilute conservation outcomes.
35. The primary change needed would provide that:
 - a. The National Parks Act requirement set out in section 4 (2)(b) to exterminate introduced animals as far as possible, unless the New Zealand Conservation Authority (NZCA) determines otherwise, does not apply to animals that are part of a herd designated as a herd of special interest under section 16 of the Game Animal Council Act 2013.

Legislation will not address all issues associated with the introduction of HOSI

36. These amendments will improve coherence between the GAC Act and the NP Act. However, further work is needed to support introduction of other HOSI and to address broader issues arising from this change as outlined below.

Fiordland National Park as a UNESCO World Heritage Area

37. Fiordland National Park falls within the UNESCO World Heritage Area “Te Wahipounamu South West New Zealand” established under the World Heritage Convention (to which New Zealand is a signatory). The Minister of Conservation is the Minister responsible for these international obligations.
38. To be compliant with New Zealand’s World Heritage Convention obligations, an assessment of environmental impact on the values of the World Heritage Area is expected before a decision is made on a HOSI within a World Heritage Area. DOC will prepare this during the development of the HOSI Herd Management Plan (HMP), which is where specific impacts are identified and mitigation options are assessed.
39. Forest and Bird previously advised it would request UNESCO’s World Heritage Committee to consider Te Wahipounamu to be under threat and inscribe it on the List of World Heritage in Danger on the basis of the current FWF community agreement.
40. DOC does not consider this proposed legislative change would constitute a reduction in protection afforded to Te Wahipounamu World Heritage Area. However, there is a risk that Forest and Bird will decide to write to the World Heritage Committee if legislation is announced. Should this eventuate, we do not consider this poses a significant risk of further action from the Committee, given the absence of a specific HOSI proposal at this stage.

41. If UNESCO's World Heritage Committee considered the World Heritage Area to be under threat following the development of the HOSI HMP, it could implement measures under the Convention including: additional reporting, a UN mission to investigate, or inscribing the site on the List of World Heritage in Danger. This could have political and economic consequences and may affect New Zealand's status as a partner of choice on the international stage.
42. We suggest you discuss this matter with the Minister of Conservation, as Minister responsible, prior to the introduction of a wapiti HOSI.

Introducing a HOSI for tahr requires further changes

43. Work to progress a HOSI for tahr has been paused to prioritise wapiti and sika HOSI development. However, the proposed legislative amendments would also support a potential future tahr HOSI. Nevertheless, additional changes would be required to statutory plans that determine how tahr is to be managed currently (i.e. the 1993 Himalayan Thar Management Plan and relevant national park management plans (Mt Aspiring, Westland/Tai Poutini, Mt Cook/Aoraki National Parks)). We will provide you with further information on this matter in due course.

DOC officials have prepared a draft Cabinet Paper to support the option of legislative change through Budget Night urgency

44. The Cabinet paper:
 - a. seeks Cabinet's agreement to delegate to you the ability to determine the specific legislative amendments required to provide legal certainty of the designation and operation of HOSI in national parks;
 - b. notes there may be fiscal implications associated with the subsequent designation of HOSI; and
 - c. explains the potential risk to the region's classification as a UNESCO World Heritage Area.

You have indicated you wish legislation to be passed under urgency at Budget 2025.

45. Cabinet will discuss its legislative programme at the end of January 2025. This discussion will include agreeing which bills should be taken forward under urgency (briefing 24-B-0615 refers).
46. You have indicated your preference and submitted a legislative bid to take this Bill through under urgency on Budget night. We understand you have spoken with the Leader of the House, whose agreement is needed.
47. We require your feedback on this paper by 4 February so that Agency and Ministerial consultation can be completed in time to lodge the paper by 13 February for discussion at ECO on 19 February.

Risk assessment – Aronga tūraru

48. Passing this Bill under urgency is likely to raise concerns from certain stakeholders over the lack of consultation. Conservation stakeholders may be concerned that the legislation indicates a shift from a conservation to a hunting focus. The legislation would clarify the interaction between the NP Act and GAC Act.
49. DOC would fulfil its obligations with respect to assessing the protections for Te Wahipounamu World Heritage Area as part of the statutory process to establish a wapiti HOSI (i.e. the Herd Management Plan process, which includes consultation). However, there is still a risk that Forest and Bird recommend the World Heritage Committee inscribe the site on the List of World Heritage in Danger as a result of a

legislative amendment. We do not consider the World Heritage Committee would undertake further actions at this stage, given the absence of a specific HOSI proposal.

50. The possibility of Forest and Bird reaching out to the Committee may be exacerbated by the (presently paused) Forest and Bird litigation against the existing community agreement. DOC will seek to handle conversations with Forest and Bird sensitively as discussions on the legal case are ongoing.
51. Perception risks can be managed through appropriate communications material, and DOC officials will work closely with your office to prepare these.
52. Further perception risks around what a wapiti HOSI may end up looking like will be managed through the HOSI development process. Communications can note that there will be an opportunity for key stakeholders and the public to input during this process.

Treaty principles (section 4) – Ngā mātapono Tiriti (section 4)

53. Progressing legislation to override sections of the NP Act without prior engagement will likely be viewed negatively by many hapū/iwi, who may view it as a breach of Treaty principles (e.g. the principles of partnership and reasonable cooperation).
54. Some hapū/iwi may have a specific interest in proposals that override sections of the NP Act, or appear as though the Government is looking to weaken environmental protections.
55. Budget night legislation is treated as Budget sensitive, limiting the ability to engage with Treaty Partners. On completion of legislative amendments, the subsequent statutory process to develop a HMP for wapiti in Fiordland would require engagement and consultation, including with hapū/iwi. 9(2)(g)(i)

Consultation – Kōrero whakawhiti

56. As this change is being proposed as part of Budget 2025 and subject to Budget sensitivity, we have not consulted widely on this paper.
57. We have discussed the Budget night legislation process with the Treasury, PCO, the Department of the Prime Minister and Cabinet and the Office of the Leader of the House.

9(2)(f)(iv)

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

Key milestones are set out here:

Milestone	Date
Minister provides feedback on draft Cabinet paper directing any changes to be made prior to wider Ministerial consultation	4 February <i>(if possible, earlier)</i>
Wider ministerial consultation (managed by Minister's office)	5 – 10 February (4 working days)
Revision of Cabinet paper following wider Ministerial consultation	11 February
Minister approves final version of Cabinet paper for lodgement	12 February
Lodgement for ECO	13 February
ECO consideration	19 February
LEG Committee	10 April
Budget Night	TBC May

63. We recommend a discussion with the Minister of Conservation prior to other Ministers during the Ministerial Consultation period to discuss implications of your legislation on the NP Act and on the region's UNESCO status.

ENDS