



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	s9(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

Sam Thomas
Director Policy

Date: 11/04/2025


Hon James Meager
Minister for Hunting and Fishing

Date: 14/04/25

ENDS

IN CONFIDENCE

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

IN CONFIDENCE

IN CONFIDENCE

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.

IN CONFIDENCE

- 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

IN CONFIDENCE

Released under the Official Information Act 1982

s9(2)(h)

Released under the Official Information Act 1982

s9(2)(h)

Released under the Official Information Act 1982