

## 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.