



## Memo: Herds of Special Interest update

<b>To</b>	Minister for Hunting and Fishing	<b>Date submitted</b>	15 November 2024
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<b>Security Level</b>	<b>Sensitive</b>		
<b>From</b>	Sam Thomas, Director Policy, s9(2)(a)		
<b>Subject</b>	Herds of Special Interest update		
<b>Attachments</b>	Out of scope		

Out of scope

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### **National Parks Act requirements**

20. For a wapiti HOSI to be established under existing legislation, the New Zealand Conservation Authority (NZCA) may, depending on scale and scope, need to make a determination that the requirement to exterminate introduced species as far as possible (s 4(2)(b) of the National Parks Act 1980) should not apply to the HOSI animals.
21. If all parties to the litigation reached agreement to the conditions for managing the wapiti area, we would need to decide whether an exemption from the s 4(2)(b) of the National Parks Act would be needed, to enable the HOSI.
22. s9(2)(g)(i)

### **Legislative reform is necessary to provide certainty to a decision-maker in respect of a wapiti HOSI**

23. Given the above context, legislative change would be needed to provide certainty that a HOSI can be established within a National Park. A wapiti HOSI could potentially provide increased certainty around the ongoing management arrangements of wapiti, compared to the current arrangements.
24. This is most likely to be delivered through an amendment to the GAC Act that would provide an exception for a wapiti HOSI from the s 4(2)(b) requirement. DOC is undertaking policy work to establish the options for primary legislative change, including whether further amendments might be necessary or warranted to facilitate the delivery of a wapiti (or other) HOSI through the GAC Act.
25. Any amendment bill would need to be narrowly scoped and straightforward to allow it to be passed this term, since timelines would be very constrained. The most likely route to deliver a wapiti HOSI this term would be to develop an HMP as part of the legislative process to be considered and enacted by Parliament. This would be different to the statutory process set out in the GAC Act, and be driven by Government, not stakeholders. DOC will provide further advice in February on legislative options and risks, which will become clearer as the negotiations with Forest and Bird continue.

### **Risk assessment – Aronga tūraru**

26. Out of scope

Out of scope

27. If you decide to direct DOC to progress work on a legislative amendment in February 2025, there is a chance that Forest & Bird would seek to progress its judicial review proceedings. However, this would not prevent Parliament making changes to legislation.

28. s9(2)(g)(i)

29. While the most likely legislative option to enable the wapiti HOSI would be small, its impact is also likely to be controversial. s9(2)(a), s9(2)(g)(i)

30. Out of scope

#### Fiordland National Park as a UNESCO World Heritage Area

31. Fiordland National Park falls within the UNESCO World Heritage Area (WHA) “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.
32. An assessment of effects of an activity against world heritage area values is required before a decision is made to progress work. This will need to be considered in the context of any HOSI process and discussed with the Minister of Conservation.
33. Forest & Bird has previously noted that they intend write to UNESCO and request that the area is inscribed on the List of World Heritage in Danger (LoWHID). Properties are inscribed on the LoWHID when they are considered by UNESCO’s World Heritage Committee to be under threat and in need of corrective action.
34. If the World Heritage Committee determines that New Zealand is not adequately protecting the World Heritage Area, there could have impacts on New Zealand’s international reputation with political and economic consequences.
35. However, it is possible that a HOSI could be considered compatible with the WHA status if it can be shown that it leads to better conservation outcomes. We will undertake further analysis on this point.

#### **Next steps – Ngā tāwhaitanga**

36. Noting you are yet to make decisions, there is an indicative timeline to progress the HOSI and potential legislative change at Annex two. DOC will provide further updates and advice on the development of the proposals including initial financial information over the next two months. As part of this, we will keep you informed of progress

regarding the discussions with Forest and Bird and FWF on the management of the Wapiti Area.

37. We anticipate that two draft proposals will be submitted for your consideration in February 2025. We will provide detailed briefing on your options around a potential legislative process to enable a Wapiti HOSI, consultation requirements, long-term costs for DOC and others, and draft HOSI proposals.

38. Out of scope

39. You will need to make firm decisions in February 2025 on progressing the HOSI and any legislative change to enable delivery this term. This would need to include a decision on how and when to announce your next steps.

40. DOC also recommends that you meet with the Minister of Conservation at this point. This would be to discuss the likely ongoing resourcing requirements for implementing HOSI and any necessary conservation budget reprioritisation; the implications of legislative change that would affect the National Parks Act; and the implications for New Zealand's obligations under the UNESCO World Heritage Convention.

41. Should you decide to progress HOSI at this point, DOC officials will initiate the relevant statutory or legislative processes. You will be able to input to the development of the proposals as the draft management plan is refined. The next major decision points would be

Out of scope

- b) For wapiti, through legislation: August 2025, Cabinet decision to consult or to introduce draft Bill and HOSI management plan.

**ENDS**

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## Annex two – Indicative timeline for delivery of sika and wapiti HOSI

This indicative timeline assumes that – in order to save time and enable a wapiti HOSI to be delivered this parliamentary term - the wapiti HOSI would be developed as part of a legislative amendment (workstream B below).

This would mean the wapiti HOSI would be considered and enacted by Parliament, rather than following the statutory process for developing a HOSI laid out in the GAC Act. This would be a different process than for sika (workstream C below) which would follow the statutory process specified in the GAC Act.

