

Update Herds of Special Interest (HOSI) work programme

Out of scope



2. This note also updates you on the Minister's preference to use Budget Night Urgency should he need to pass legislation to amend the Game Animal Council Act (the GAC Act) to provide greater certainty for HOSI in National Parks.

Out of scope



5. We are also clarifying the relationship between the GAC and National Parks Acts to provide greater certainty for the designation of a HOSI in a National Park. This could be resolved by a determination from the New Zealand Conservation Authority (NZCA) or through changes to Legislation via the GAC Act. This issue interacts with the ongoing legal challenge from Forest and Bird (F&B) against the existing wapiti community agreement. This is covered in the second half of this paper.

Out of scope



Progressing a wapiti HOSI may require legislative change

10. A wapiti HOSI could proceed in a National Park without legislative change, provided the New Zealand Conservation Authority (NZCA) determines such a HOSI is compatible with legislation covering National Parks. Legislation change is needed to provide certainty that a wapiti (or other) HOSI can function in a National Park without the need for a determination from the NZCA. The Minister intends to proceed with this legislation under Budget Night urgency.
11. The Minister will need to lodge a Cabinet paper in early February 2025 (see *Table 3 below*) to proceed with Budget Night legislation. Officials recently provided a memo outlining the timing and risks with this approach to the Minister [memo 24-B-0632 refers]. We will provide fuller advice on this approach, and the potential for proceeding without legislative change in a paper in January.
12. We suggest the Minister discusses his approach with the Minister of Conservation prior to lodging a Cabinet Paper, as this legislative amendment will allow the GAC Act to override provisions in the National Parks Act. This recommendation will be included in the Legislative Bids briefing (due to the Minister's Office on 17 January 2025).

Out of scope



IN CONFIDENCE
NOT GOVERNMENT POLICY

35. Decisions will be needed from the Minister by late January 2025 if we are to meet deadlines to amend legislation to secure a wapiti HOSI under his preferred approach of Budget Night Urgency (see *Table 3*).
36. The outcomes from a wapiti HOSI could be delivered via the existing community agreement in Fiordland National Park. We also understand there is an emerging view that a wapiti HOSI is generally acceptable. However, it is unlikely we will have full clarity on the direction of legal case by January 2025.
37. The advice provided to the Minister in January will traverse the relative merits and risks of advancing either option. If we do not have a clear indication, we are likely to recommend continuing work to amend the GAC Act through Budget Night legislation. Should this change and a determination become more likely the Minister is able to halt the change to Legislation at any time up to introduction.

Table 3: Milestones for meeting Budget Night Legislation

Milestone	Date
Briefing on Legislative Bids sent to Minister's office – to include letter to Leader of the House seeking to use Urgent Budget Night process, and letter to MOC to clarify relationship of legislation with National Parks Act and to suggest meeting	17 January 2025
Cabinet discusses legislative programme for 2025 Parliamentary Session	End January 2025
Cover briefing and draft Cabinet Paper on wapiti proposal and GAC act amendment to 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

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