

In Confidence

Office of the Minister for Hunting and Fishing

Cabinet Economic Policy Committee

Amendments to the Game Animal Council Act 2013 to clarify the provision for Herds of Special Interest in national parks

Proposal

- 1 I seek Cabinet approval to progress amendments to the Game Animal Council Act 2013 (the Game Animal Act) to provide certainty for designation of Herds of Special Interest¹ in national parks.

Relation to government priorities

- 2 The Hunting and Fishing portfolio is a new portfolio. It seeks, amongst other things, to progress the Government's commitment to designate Herds of Special Interest, increase access to public land for hunting, and recognise valued introduced species.

Executive Summary

- 3 The Hunting and Fishing portfolio was created to recognise and progress the interests of hunters and fishers. Introducing Herds of Special Interest (HOSI) is a cornerstone commitment of the portfolio.
- 4 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. HOSI are the only tool available to specifically recognise outcomes of importance to hunters, such as the number and quality of animals within a specific herd. HOSI have the potential to provide recreational and economic benefits to regions and achieve important conservation outcomes.
- 5 There are currently no HOSI, despite an estimated 195,000 hunters in New Zealand.² Hunting provides important benefits to our primary industries by controlling the impact of wild animals on farm and forestry land and can support the Department of Conservation (DOC) in achieving conservation outcomes, including in national parks.
- 6 This Government is committed to progressing three HOSI: for wapiti, tahr and sika. Other herds may also be suitable candidates for HOSI in the future but are not prioritised at this time.
- 7 HOSI would enable me, as Minister of Hunting and Fishing, to designate a herd that has significant value to hunters, in a specific area of public conservation land, so that it can be managed for hunting purposes while also ensuring conservation values continue to be protected.

¹ A "Herd of Special Interest" is a herd of game animals on public conservation land that has been designated by the Minister for Hunting and Fishing to be managed for hunting, under the Game Animal Council Act 2013.

² NZ Mountain Safety Council, A Hunter's Tale, A deep dive into hunting incidents in New Zealand (2017)

IN C O N F I D E N C E

- 8 While hunting already occurs in national parks, with important conservation benefits, 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.
- 9 This creates significant uncertainty and ambiguity, since it isn't 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.
- 10 This ambiguity has led to both process and legal uncertainties surrounding the designation of HOSI for hunting under the Game Animal Council Act 2013 in national parks. These uncertainties are evidenced by the recent litigation taken by Forest and Bird against the community agreement between the Director-General of Conservation and the Fiordland Wapiti Foundation – an agreement which manages Fiordland National Park where wapiti reside for both hunting and conservation outcomes.
- 11 Both wapiti and tahr (two of three species the Government committed to progress HOSI for) are found in national parks. I am proposing the Game Animal Council Act be amended to provide certainty that HOSI can be designated in national parks as intended, while ensuring conservation values are upheld.
- 12 The amendments will be technical in nature and seek to give effect to Parliament's original intent that the Minister should be able to designate HOSI in national parks. I ask that Cabinet delegate authority to me to determine the specific amendments required.
- 13 Given the technical nature of amendments, I am proposing legislation be passed under urgency as part of Budget 2025.
- 14 Once amendments are passed, I am proposing to progress our commitments to introduce HOSI through the statutory process set out in the Game Animal Council Act, including for wapiti in Fiordland National Park. I note that Fiordland National Park is a UNESCO World Heritage Area, and that New Zealand has specific duties that need to be met to retain this important status. New Zealand's duties will be worked through as part of the statutory process to designate a specific HOSI.
- 15 I expect the amendments will be supported by the hunting community. There may be some pushback from conservation groups, who may perceive this change as allowing more non-native wild animals in national parks. However, it is important to recognise that hunting and controlling deer and tahr in national parks already occurs; the amendments I am proposing are intended to clarify the law. Designation of a specific HOSI will go through appropriate public consultation.
- 16 There are no financial implications from this proposed legislative change. I expect any additional costs that arise from designating future Herds of Special Interest to be covered through reprioritisation or through appropriate third-party funding mechanisms.

Hunting provides important economic, recreational, wild animal management and conservation benefits for New Zealand

HOSI can enhance recreational and economic benefits from hunting

- 17 Over 30,000 hunters obtain permits each year to hunt on public conservation land, with the total number of hunters in New Zealand being about 195,000. A study in 2019 found hunting provided around \$100 million in economic value to New Zealand, particularly in regional New Zealand.
- 18 HOSI are a management tool under the Game Animal Council Act. This tool enables the Government to designate a herd that has significant value to hunters, in a specific area of public conservation land, so that it can be managed for hunting purposes while ensuring conservation values continue to be protected. Currently, no HOSI exist.
- 19 HOSI allow herds to be managed specifically to encourage development of animals for hunting purposes, including providing sought after trophies. The introduction of HOSI will support improved experiences for those seeking both a high-quality hunting experience and a high-quality trophy to take home. Incentivising more hunting also has benefits for primary industries like agriculture and forestry insofar as it helps manage wild animal populations more effectively.
- 20 The designation of HOSI in combination with the growth of our existing commercial hunting sector will help boost New Zealand's profile as a hunting destination. This could support the Government's goal of growing economic output from our resources by, among other things, increasing tourism numbers.³
- 21 HOSI can also help support conservation outcomes through the management of populations and the pressure they can impose on native flora and fauna. Hunters often provide wider conservation benefits through associated activities including predator trapping, monitoring and track and hut maintenance. Such activities in partnership with DOC have an associated fiscal benefit, by reducing the need for Crown investment in these areas.

Legal uncertainty challenges the effective designation of HOSI

- 22 Current legislation creates ambiguity in two areas:
 - a. whether recreational hunting through a HOSI, which manages deer numbers, is consistent with the National Parks Act 1980, which requires the extermination of introduced species in a national park "as far as possible"; and
 - b. the need to obtain a determination from New Zealand Conservation Authority (NZCA) – rather than Ministers – to allow a HOSI in a national park if it is inconsistent with the above requirement.
- 23 Under the Game Animal Council Act, to designate a HOSI, the Minister must "have regard" to the status of the land as a national park and be consistent with the "overriding considerations" under the National Parks Act.

³ International hunters on public conservation land numbered 520 in 2017 before peaking in 2019 at 710, COVID-19 had a profound impact on international hunter numbers, which have now recovered to number 642 in 2024.

- 24 Section 4 of the National Parks Act states that *national parks shall be preserved as far as possible in their natural state; and except where the [New Zealand Conservation] Authority otherwise determines, ... the introducedanimals shall as far as possible be exterminated.*
- 25 The NZCA may determine that animals need not be exterminated “as far as possible” where, for example, conservation outcomes are still being achieved. However, it is not clear that the NZCA would make this determination with respect to a HOSI in a national park given the legal ambiguity.

Application of the National Parks Act principles has created uncertainty about the designation of HOSI within a national park

- 26 In 2024, Forest and Bird instigated a legal challenge to the existing community agreement between the Department of Conservation and the Fiordland Wapiti Foundation concerning the management of wapiti in Fiordland National Park. The community agreement is important to DOC, as it provides significant conservation benefits to the area and allows the Department to deploy its resources to wider challenges. Forest and Bird’s challenge asserts that ongoing management of the herd in line with the agreement is inconsistent with the National Parks Act requirement to ‘exterminate introduced species as far as possible’.
- 27 This has created uncertainty around potential HOSI designation processes as well, since it would not be possible to both ‘exterminate’ a herd of game animals while also managing it for hunting purposes (on an ongoing basis) under a HOSI. 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.
- 28 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 the 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.

I propose to remove the legal uncertainty surrounding HOSI in national parks, while ensuring important conservation outcomes are upheld

- 29 I am seeking Cabinet agreement to delegate decisions to me to determine the specific technical amendments that will be required to clarify the law and remove any legal ambiguity.
- 30 The intention of the technical amendments to the Game Animal Council Act 2013 would be that, by default, the National Parks Act requirement in section 4(2)(b) to exterminate introduced animals as far as possible does not apply to animals that are part of a herd designated as a HOSI under section 16 of the Game Animal Council Act 2013. This would negate the requirement for the NZCA to make a determination that animals that are part of a HOSI need not be exterminated “as far as possible”.
- 31 The intended role of the NZCA following the proposed amendments would reflect a position that significant policy settings, such as approving the General Policy for National Parks, should be decided by Ministers, which is consistent with the existing

IN CONFIDENCE

role of the Minister of Conservation in approving the General Policy for Conservation. The Minister of Conservation is also currently consulting on wider changes to the conservation management system, including moving some other decision-making functions to Ministers from the NZCA.

- 32 I do not propose changes to the National Parks Act 1980, or any amendment that would dilute existing conservation outcomes. Under an appropriately designed HOSI that is consistent with statutory management plans for the area, existing conservation outcomes can be achieved in national parks while providing for hunting. I consider this is consistent with the intent of Parliament at the time HOSI were provided for in the Game Animal Council Act.

I propose amendments proceed as part of Budget 2025

- 33 I propose the amendment Bill (the Bill) proceeds under urgency as part of Budget 2025. I consider the matters dealt with by the Bill to be technical in nature and are necessary to bring certainty and efficiency to executing the intent of Parliament. This intent is that HOSI should be able to operate in national parks, with appropriate conservation protections provided for.
- 34 Once passed into law, I propose to progress the development of HOSI through the statutory process set out in the Game Animal Council Act.

Some HOSI will operate in World Heritage Areas

- 35 As noted above, my intention is to progress a HOSI for wapiti in the Fiordland National Park, which is in the UNESCO World Heritage Area (WHA) of Te Wahipounamu – South West New Zealand. As part of our World Heritage obligations, the statutory process to establish a HOSI will consider any potential impacts on the site and propose and consult on mitigation options to ensure we continue to fulfil our international obligations.

Cost-of-living Implications

- 36 The animals killed under a HOSI can be processed for personal consumption or sale (under a concession provided under the Conservation Act, provided food safety requirements are met), thus reducing the cost of food for individuals/families and communities.

Financial Implications

- 37 There are no financial implications from this proposed legislative change. I expect any additional costs that arise from designating future herds of special interest to be covered through reprioritisation within DOC's baseline, or through appropriate third-party funding mechanisms.

Legislative Implications

- 38 Refer above.

Impact Analysis

Regulatory Impact Statement

- 39 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.

Climate Implications of Policy Assessment

- 40 The Climate Implications of Policy Assessment (CIPA) team has been consulted and confirms that the CIPA requirements do not apply to this policy proposal, as the threshold for significance is not met.

Population Implications

- 41 There are no population implications associated with this paper.

Human Rights

- 42 There are no human rights implications associated with this paper.

Use of external Resources

- 43 A policy contractor was engaged to support the development of policy, this paper, and the associated regulatory impact statement. The contractor was engaged for 3 months. External resource was required due to the extremely tight timeframes associated with developing the policy and associated Cabinet paper, and the lack of internal capacity and experience of DOC staff.
- 44 External resource is not expected to be required beyond the submission of this paper.

Consultation

- 45 Consultation has occurred with the Treasury, Parliamentary Counsel Office, and the Ministry of Foreign Affairs and Trade, The Ministry for Primary Industries and the Ministry for Business, Innovation and Employment. The Department of the Prime Minister and Cabinet has also been informed.
- 46 Consultation with entities external to government has not occurred given the timeframes associated with progressing policy changes. The legal challenge by Forest and Bird indicate the amendments may be controversial. However, the proposed amendments provide certainty that a HOSI can be established in a national park as intended, without NZCA determination. In establishing a specific HOSI there is a statutory process during which public consultation is required.

Communications

- 47 I intend to release a statement following the passing of the Bill to notify the hunting community, and other interested parties, that the law relating to the operation of HOSI in national parks has been clarified to provide certainty and to ensure conservation outcomes will be upheld.

Proactive Release

48 I intend to release the Cabinet paper proactively once the Bill has passed.

Recommendations

The Minister for Hunting and Fishing recommends that the Committee:

- 1 **note** wild animal hunting is important to regional economies, the wellbeing of primary industries and the attainment of conservation outcomes
- 2 **note** the Game Animal Council Act 2013 enables the Minister to designate herds of special interest for hunting
- 3 **note** my intention to establish new Herds of Special Interest (HOSI) under the Game Animal Council Act 2013, including for species that exist in national parks
- 4 **note** that hunting deer in national parks already occurs with important conservation benefits, and that the Department of Conservation has an existing community agreement with the Fiordland Wapiti Foundation to hunt deer in Fiordland National Park
- 5 **note** the interface between the Game Animal Council Act 2013 and the National Parks Act 1980 creates uncertainty as to the designation and operation of Herds of Special Interest (HOSI) for hunting in national parks
- 6 **agree** to delegate authority, to the Minister of Hunting and Fishing, to approve necessary technical amendments to the Game Animal Council Act 2013 to remove legal uncertainty, and clarify that the National Parks Act 1980 requirement set out in section 4 (2)(b) 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
- 7 **note** that, given the technical nature of the amendments, I intend to propose that legislation be progressed as part of Budget 2025 urgency
- 8 **note** I intend to progress development of a HOSI for wapiti in Fiordland National Park which is in a World Heritage Area for which New Zealand has duties to ensure the identification, protection, conservation and transmission to future generations of the cultural and natural heritage situated on its territory
- 9 **note** I consider a HOSI can be developed, publicly consulted on, and operationalised to ensure our World Heritage duties continue to be met.

Authorised for lodgement

Hon James Meager
Minister for Hunting and Fishing