

[In Confidence]

Office of the Minister for Hunting and Fishing
Chair, Cabinet Legislation Committee

WILDLIFE ORDER 2025

Proposal

- 1 This paper seeks authorisation for submission to the Executive Council of the Wildlife Order 2025. The Order will allow for the creation of three new commercial game preserves, to provide recreational hunting opportunities.

Policy

- 2 “Game birds” are those species listed on Schedule 1 of the Wildlife Act 1953. Wild-bred populations of game birds are managed by the 12 regional fish and game councils in the interests of recreational hunters. I have Ministerial responsibility for Fish & Game New Zealand.
- 3 An upland game preserve is an area of privately-owned land where captive-bred pheasants (or potentially partridges) are released and then hunted recreationally. Commercial game preserves have been operating for over 20 years. The existing preserves provide valued recreational hunting, employ the equivalent of about 40 people full-time, and contribute approximately \$7 million annually to the New Zealand economy.
- 4 Prospective preserve operators want to establish a further three commercial game preserves. The proposed new preserves (fully described in Order) are:
 - 4.1 Mangakahia (Whangārei) (359 ha)
 - 4.2 Lagoon Hill (southern Wairarapa) (653 ha)
 - 4.3 Grange Hill (Timaru) (2481 ha).
- 5 The Wildlife Order 2025 is the only mechanism currently available to enable these preserves to operate.¹ I am looking at ways to simplify this process as part of wider plans for improvements to the Fish & Game regime that I am currently considering.
- 6 The policy for the Order was taken to Cabinet Business Committee by the Hon Todd McClay, and approved by the Committee on 2 December 2024 [CBC-24-MIN-0127]. I am progressing this to Cabinet Legislation Committee. The Wildlife Order 2025 will add the three new preserves to Schedule 3 of the Wildlife Act, which lists the areas of commercial game preserves.

¹ This is a legislative workaround to provisions in the Wildlife Act 1953 that would have unintentionally prevented commercial preserves from operating. Details are provided in policy paper CBC-24-SUB-0127.

Timing and 28-day rule

- 7 The Order has a commencement date of 3 May 2025. To comply with the 28-day rule, the Order must be made, and then notified in the New Zealand Gazette no later than 3 April 2025. This will allow the legislation to come into force in time for the beginning of the 2025 hunting season.

Compliance

- 8 The Order complies with each of the following:
- 8.1 the principles of the Treaty of Waitangi;
 - 8.2 the rights and freedoms contained in the New Zealand Bill of Rights Act 1990 or the Human Rights Act 1993;
 - 8.3 the principles and guidelines set out in the Privacy Act 2020;
 - 8.4 the Legislation Guidelines (2021 edition), which are maintained by the Legislation Design and Advisory Committee.
- 9 There are no statutory prerequisites for the making of this Order.

Regulations Review Committee

- 10 I am not aware of any reasons why the Regulations Review Committee might draw the Order to the attention of the House of Representatives under Standing Order 327.

Certification by Parliamentary Counsel

- 11 The attached draft Order has been certified by the Parliamentary Counsel Office (PCO) as being in order for submission to Cabinet.

Impact Analysis

- 12 The Ministry for Regulation determined that this proposal is exempt from the requirement to provide a Regulatory Impact Assessment on the grounds that it has no or only minor impacts on businesses and individuals [the earlier policy paper CBC-24-SUB-0127 paras 17-18 refer].

Publicity

- 13 Once the Order is made, DOC will advise the NZ Game and Conservation Alliance (NZGCA, the national association of preserve operators), which will advise the game preserve operators who can then begin advertising their services to game hunters.

Proactive release

- 14 Once decisions are confirmed by Cabinet, I intend to delay the release of this paper (and the earlier policy paper) until decisions and possible announcements about wider Fish and Game legislative reform (signalled in the policy paper) have been made.

Consultation

- 15 The continued operation of game preserves was discussed at length by the New Zealand Fish and Game Council (NZ Council), and among the 12 regional fish and game councils and all affected parties (including the NZGCA), from 2018 to 2022. Cabinet agreed in 2022 that commercial preserves could be formally established and continue operating [ENV-22-MIN-0009].
- 16 The NZ Council, and the Northland, Wellington, and Central South Island fish and game councils (within whose regions the three new preserves will operate), support the creation of the new preserves.
- 17 I do not consider that additional consultation is necessary for the proposed small increase in hunting opportunities provided by this long running activity.
- 18 The following government agencies were consulted in the preparation of the policy for the proposed Order: Ministry for Regulation, DIA, MBIE, MPI, and Parliamentary Counsel Office. The Department of Prime Minister and Cabinet has been informed.

Recommendations

I recommend that the Cabinet Legislation Committee:

- 1 note that on 2 December 2024 the Cabinet Business Committee agreed to the making of an Order in Council under section 8 of the Wildlife Act 1953 to add three new areas to the list of upland game preserves listed in Schedule 3 of the Act [CBC-24-MIN-0127];
- 2 note that the Wildlife Order 2025 will give effect to the decision referred to in paragraph 1 above;
- 3 authorise the submission to the Executive Council of the Wildlife Order 2025;
- 4 note that the Wildlife Order 2025 will come into force on 3 May 2025.

Authorised for lodgement

Hon James Meager

Minister for Hunting and Fishing