

Summary of Underpinning Analysis: Game Animal Council Act (Fiordland Wapiti Herd of Special Interest Designation) Notice 2026

Agency responsible	Department of Conservation
Portfolio	Hunting and Fishing portfolio
Date finalised	17 June 2026
Identification Number	Not applicable

Good law-making: 9(i)

The importance of consulting, to the extent that is reasonably practicable, the persons or representatives of the persons that the responsible agency considers will be directly and materially affected by the legislation

Inconsistency identified? NO

Summary of agency analysis

The primary legislation (the Game Animal Council Act 2013) directs consultation with specified statutory stakeholders, and mandates public notification of the herd management plan (HMP) that must accompany a herd of special interest (HOSI) before it can be designated (via gazettal) by the Minister. These steps have been undertaken; a summary of submissions from the public notification has been provided to the Minister and informs the final decision-support documents.

In addition to the statutory stakeholders identified in the primary legislation, the Department also identified and consulted with relevant Treaty partners in the HOSI development process. Treaty partner views have been conveyed to the Minister and inform the final decision-support documents.

Good law-making: 9(j)

The importance of carefully evaluating—

- the issue concerned; and
- the effectiveness of any relevant existing legislation and common law; and
- whether the public interest requires that the issue be addressed; and

- any options (including non-legislative options) that are reasonably available for addressing the issue; and
- who is likely to benefit, and who is likely to suffer a detriment, from the legislation

Inconsistency identified? NO

Summary of agency analysis

The primary legislation clearly sets out the purpose of the proposed secondary legislation; i.e., to provide for a herd of game animals, which is valued by hunters, to be managed as a herd of special interest which provides for recreational hunting outcomes as an objective on par with conservation outcomes. It is understood that the primary beneficiaries are the hunters who value the herd of game animals.

The issue concerned in this case is that there is no instrument in place that explicitly provides for hunting outcomes as an objective on par with conservation outcomes on public conservation land. There are no other options, no other instruments available under existing legislation, that would achieve this besides a herd of special interest under the Game Animal Council Act.

Good law-making: 9(k)

The importance of the responsible agency identifying and developing effective arrangements for implementing the legislation

Inconsistency identified? NO

Summary of agency analysis

The statutory process mandated by the Game Animal Council Act requires development of a herd management plan (the herd of special interest need to be managed in accordance with such a plan); the practical arrangements for effective implementation have been developed as part of that process, including what the management objectives are and who is responsible for carrying out the work. Formal management powers can be delegated to the Game Animal Council or the Department of Conservation, and following consideration of advice on this point the Minister has made provisional decisions to delegate management powers to the Department of Conservation for a wapiti herd of special interest.

Good law-making: 9(l)

Legislation should be expected to produce benefits that exceed the costs of the legislation to the public or persons

Inconsistency identified? YES

Summary of agency analysis

The statutory guidance issued on 15 May 2026 by the Minister for Regulation and the Attorney-General under section 26 of the Regulatory Standards Act 2025 states that an inconsistency with this principle should be identified unless analysis has clearly showed that expected benefits of the legislation will outweigh the expected costs.

The Department's assessment of expected costs and benefits has not clearly identified that the expected benefits will outweigh the expected costs. This is not because the costs are expected to outweigh the expected benefits, but is due to the difficulty in quantifying and assessing the benefits.

The designation of a herd of special interest (the secondary legislation in question) will incur costs. The costs are well understood: Implementation of a wapiti HOSI is expected to cost \$710,000 per annum. This comprises the costs for herd management, monitoring, engagement, reporting, administration and programme management. Of this, the Department of Conservation will resource between \$200,000 and \$300,000 per annum for ecological monitoring. The remainder of the costs of management are expected to be met through a combination of hunter and wild animal recovery operations (WARO) cost recovery mechanisms, donations, and/or partnerships. While any shortfall would need to be met by reprioritisation of Government funding and resources, this is unlikely.

Management of the wapiti herd of special interest would be undertaken primarily by the hunting community, which contributes directly through its time, resources, and coordinated management arrangements. The majority of the management costs are proposed to be borne by only a segment of the public, being recreational hunters who enter an annual ballot for the opportunity to hunt during the wapiti breeding season. This approach materially reduces the need for public expenditure in a remote and operationally challenging area where deer control is not currently a priority for DOC-led intervention.

The expected benefits have been identified and discussed through the decision support documents, as well as statutory herd management plans that will accompany the HOSI. These include hunters enjoyment associated with hunting game animals in the managed herd of special interest, as well as benefits for conservation values as a result of the herd being actively managed and controlled.

The expected benefit of hunter enjoyment is very difficult to quantify and compare against costs since it is highly subjective and impacted by a range of factors depending on the individual hunter. There is no deer herd designation and management regime currently in place in New Zealand that is comparable to a herd of special interest, nor have the Department been able to identify international examples of institutions that are similar enough to provide for quantifiable comparison when evaluating the expected benefits with respect to hunter experience. However, the Fiordland Wapiti Foundation's operations controlling wapiti and facilitating hunting in Fiordland National Park has informed development of the draft herd management plan for the wapiti herd of special interest.

It is well understood that the Fiordland wapiti herd is a hunting icon of significance to many New Zealanders. It is the only wild hunting opportunity for wapiti-type deer in the Southern Hemisphere, and hunters value wapiti for producing the largest round-antler trophies of any deer species in New Zealand. Among the hunting community, management of the herd fosters cohesion, providing contributors with a sense of belonging, purpose, and achievement. The shared challenge of contributing to Fiordland wapiti herd management creates an engaged and connected hunting community. The herd also provides a valuable food source of quality meat for hunters and local communities.

The expected benefit for conservation outcomes is also reflected in the herd management plan with the primary benefit being a reduction in browsing pressure on indigenous flora, where deer numbers are reduced or maintained at moderate levels. This in turn can support improved regeneration of the forest understory, and enhance overall vegetation structure, species composition, and ecosystem resilience. The herd management plan includes objectives and monitoring measures that will facilitate this benefit being realised over time. However, this expected benefit has not been quantified and weighed against the known expected costs. This is primarily due to the difficulty in quantifying the monetary value of a reduction in browsing pressure and benefits for forest health.

Other expected benefits include a potential increase in economic activity in the area as a result of hunting tourism. The Fiordland wapiti herd is already a drawcard for thousands of domestic and international hunters each year, and it is expected that the herd of special interest designation will further bolster the profile of this herd for domestic and international hunters.

Good law-making: 9(m)

Legislation should be the most effective, efficient, and proportionate response to the issue concerned that is available

Inconsistency identified?

NO

Summary of agency analysis

The purpose of the secondary legislation is to designate a herd that is of special interest to hunters as a herd of special interest under the Game Animal Council Act. The issue concerned in this case is that there is no instrument in place that explicitly provides for hunting outcomes as an objective on par with conservation outcomes on public conservation land. There are no other options, no other instruments available under existing legislation, that would achieve this besides a herd of special interest under the Game Animal Council Act.

Rule of Law: 9(a)(i)

The law should be clear and accessible

Inconsistency identified? NO

Summary of agency analysis

The Gazette notice is drafted as clearly as possible and will be published and made accessible as required in line with Part 3 of the Legislation Act 2019.

Rule of Law: 9(a)(ii)

The law should not adversely affect rights and liberties, or impose obligations, retrospectively

Inconsistency identified? NOT APPLICABLE

Summary of agency analysis

Rule of Law: 9(a)(iii)

Every person is equal before the law

Inconsistency identified? NO

Summary of agency analysis

This proposed secondary legislation does not include any elements that could result in the law being administered unequally to the degree that it is likely to be contrary to the rule of law.

Rule of Law: 9(a)(iv)

There should be an independent impartial judiciary

Inconsistency identified? NOT APPLICABLE

Summary of agency analysis

Rule of Law: 9(a)(v)

Issues of legal right and liability should be resolved by the application of law, rather than the exercise of administrative discretion

Inconsistency identified? NOT APPLICABLE

Summary of agency analysis

Liberties: 9(b)

Legislation should not unduly diminish a person's liberty, personal security, freedom of choice or action, or rights to own, use, and dispose of property, except as is necessary to provide for, or protect, any such liberty, freedom, or right of another person

Inconsistency identified? NOT APPLICABLE

Summary of agency analysis

Taking of property: 9(c)

Legislation should not take or severely impair, or authorise the taking or severe impairment of, property without the consent of the owner unless-

- **there is a good justification for the taking or severe impairment; and**
- **fair compensation for the taking or severe impairment is provided to the owner; and**
- **the compensation is provided, to the extent practicable, by or on behalf of the persons who obtain the benefit of the taking or severe impairment**

Inconsistency identified? NOT APPLICABLE

Summary of agency analysis

Taxes, fees and levies: 9(d)

The importance of maintaining consistency with section 22(a) of the Constitution Act 1996 (Parliamentary control of taxation)

Inconsistency identified? NOT APPLICABLE

Summary of agency analysis

Taxes, fees and levies: 9(e)

Legislation should impose, or authorise the imposition of, a fee for goods or services only if the amount of the fee bears a proper relation to the

cost of providing the good or service to which it relates

Inconsistency identified?

NOT APPLICABLE

Summary of agency analysis

Taxes, fees and levies: 9(f)

Legislation should impose, or authorise the imposition of, a levy to fund an objective or a function only if the amount of the levy is reasonable in relation to both—

- the benefits that the class of payers is likely to derive, or the risks attributable to the class, in connection with the objective or function; and
- the costs of efficiently achieving the objective or providing the function

Inconsistency identified?

NOT APPLICABLE

Summary of agency analysis

Role of courts: 9(g)

Legislation should preserve the courts' constitutional role of ascertaining the meaning of legislation

Inconsistency identified?

NOT APPLICABLE

Summary of agency analysis

Role of courts: 9(h)

Legislation should make rights and liberties, or obligations, dependent on administrative power only if the power is sufficiently defined and subject to appropriate review

Inconsistency identified?

NOT APPLICABLE

Summary of agency analysis

Additional information [optional]

Relevant publicly available inquiry, review, or evaluation reports



Department of
Conservation
Te Papa Atawhai

Relevant international treaties, standards and obligations

Departures from the Legislation Guidelines

Other unusual provisions or features