

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

Agency responsible	Department of Conservation
Portfolio	Hunting and Fishing portfolio
Date finalised	29 July 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 Director-General and any persons or representative organisations that the Minister considers appropriate, before specifying, by notice, the conditions under which the animals may be hunted, including the periods and times at which they may be hunted. Consultations have been undertaken with the Director-General, and representatives of the Game Animal Council, New Zealand Deerstalkers Association, Fiordland Wapiti Foundation, and Royal Forest and Bird Protection Society of New Zealand.

In addition to the stakeholders listed above, the Department also identified and engaged with relevant Treaty partners. Treaty partner views have been conveyed to the Minister and informed the final decision-support documents.

Furthermore, the legislation builds on the existing Fiordland wapiti ballot system, which has been used for approximately 20 years to allocate hunting opportunities during the wapiti bugle and provides a well-established mechanism for managing hunter access during periods of peak demand. Given that the proposal largely formalises and continues the current management approach, and noting that demand for ballot places consistently exceeds the number available, it is unlikely to materially affect hunters in practice. Rather, the legislation

provides a clear statutory framework for an allocation system that is already widely understood and accepted by hunters.

The Fiordland Wapiti HOSI Herd Management Plan (HMP), approved by the Minister for Hunting and Fishing on 13 July 2026, includes Strategy 1.5: “Use a ballot and block system during the bugle period to allocate authorisations and manage recreational hunting of Fiordland wapiti.” The HMP was approved following extensive engagement and public consultation, including submissions on draft versions of the plan. A ballot and block system was consistently proposed throughout the development of the HMP and was included in each draft released for consultation.

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 specify, by notice, the conditions under which the animals may be hunted, including the periods and times at which they may be hunted. It is understood that the primary direct beneficiaries are the hunters. Non-hunters are unlikely to be adversely affected, as the area will remain open to the public year-round. In addition, any revenue generated from ballot fees will be reinvested into the management of the area, supporting conservation initiatives and other positive environmental outcomes.

The Minister for Hunting and Fishing has designated the Fiordland wapiti population within part of Fiordland National Park as a HOSI under the Game Animal Council (GAC) Act 2013. This designation was notified in Gazette Notice 2026-sl3766.

The designation does not take effect until the associated hunting conditions have been set and brought into force. This secondary legislation is required to give effect to the HOSI designation and ensure that the management framework, including harvest controls and other hunting provisions, is in place when the designation becomes operational.

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

Acting on behalf of the Minister, the Department will exercise the Herd of Special Interest management powers and remain accountable for the administration of the hunting opportunity, including the ballot process, collection of ballot fees, and issuing permits to successful applicants. The Department has been working closely with FWF as part of planning for implementation of the HOSI management.

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? NO

Summary of agency analysis

On balance, setting a ballot period for wapiti hunting will produce benefits that exceed the costs to the public or persons.

Establishing a ballot period through this legislation provides a framework for managing access to wapiti hunting during the bugle, a period of peak demand. The ballot period enables hunting opportunities during the wapiti bugle to be allocated in a safe, orderly, and equitable manner. It also provides a framework within which ballot fees may be considered to support the management of the hunting opportunity.

Importantly, the costs associated with administering the ballot system and managing access during the bugle period are expected to be borne primarily by those hunters who choose to participate in the ballot. Based on ballot revenue figures from 2021 to 2025, approximately \$340,000 per annum could be recovered through fees associated with the annual wapiti bugle ballot. As a result, the direct costs of administration are not expected to fall on the wider public.

In addition, management of the Fiordland Wapiti Herd of Special Interest is expected to be undertaken primarily by the hunting community through its ongoing contributions of time, expertise, and resources. This approach substantially reduces the need for public expenditure in a remote and operationally challenging environment, while supporting achievement of herd management objectives.

The expected benefits of the ballot period are closely linked to the benefits of maintaining an actively managed herd of special interest. These benefits have been identified through the

Summary of Underpinning Analysis

statutory herd management planning process and associated decision-support documents. They include recreational, social, conservation, and economic benefits.

Recreational benefits arise from maintaining access to a high-quality hunting opportunity that is valued by hunters in New Zealand and overseas. While hunter enjoyment is inherently difficult to quantify, demand for access provides a strong indication of value. It is not uncommon for applications for bugle period hunting opportunities to exceed the number of available ballot places by a factor of five. The Fiordland Wapiti herd is widely regarded as an iconic hunting resource and represents the only wild wapiti-type hunting opportunity in the Southern Hemisphere.

Additional social benefits arise from the collaborative management of the herd, which fosters participation, stewardship, and community engagement among hunters. The herd also provides an important source of wild game meat for hunters and their families.

Conservation benefits are expected to result from the active management of deer numbers in accordance with the approved herd management plan, to which both the legislated ballot period and hunting opportunities available outside the ballot period contribute. Maintaining deer populations at agreed levels can reduce browsing pressure on indigenous vegetation, support forest regeneration, and contribute to improved ecosystem condition over time. While these benefits have not been quantified in monetary terms, they are expected to contribute positively to the protection and enhancement of conservation values within the management area.

There may also be wider economic benefits associated with hunting-related tourism and expenditure in Fiordland and surrounding communities. The Fiordland wapiti herd already attracts significant domestic and international hunting interest, and the Herd of Special Interest framework may further enhance the profile of this hunting opportunity. Although some of the expected benefits cannot be readily quantified and compared directly against costs, the available evidence suggests that the benefits are likely to exceed the costs. This is because the principal costs are borne by those who voluntarily seek access through the ballot system, while the resulting recreational, conservation, and community benefits extend more broadly to hunters, local communities, and the public.

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 establish the conditions under which Herd of Special Interest animals may be hunted. Providing for a ballot period reflects the existing

management approach and hunter expectations for wapiti hunting. It also creates a mechanism through which access can be allocated, and any associated fees can be established to support management of the hunting opportunity.

Without a ballot period, alternative arrangements would be required to manage access and recover the costs associated with administering the hunting opportunity during periods of peak demand. Restricting access during the wapiti bugle helps maintain the quality of the hunting experience and supports herd management objectives by reducing the likelihood of increased harvest pressure on younger animals. It also promotes hunter safety by managing the number of hunters in the area during a period when demand for access is highest and wapiti bulls are especially valued by hunters.

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. For ease of access, the relevant Department webpage will include a link to the notice alongside the Game Animal Council Act (Fiordland Wapiti Herd of Special Interest Designation) Notice 2026.

Rule of Law: 9(a)(ii)

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

Inconsistency identified? NO

Summary of agency analysis

The Gazette notice has been drafted to align with the Fiordland National Park Management Plan, which provides for the use of ballots to allocate hunting opportunities during periods of peak demand. Public access to the area will remain available year-round, including during the ballot period. However, different arrangements will apply to those seeking to hunt in the Wapiti HOSI Area. During the ballot period, hunting of wapiti will be restricted to hunters who have been allocated access through the ballot system, whereas outside the ballot period, hunting access will continue to be available under a separate hunting access regime. All hunters who enter the ballot will have an opportunity to be selected. This approach supports the equitable allocation of hunting opportunities during periods of high demand while maintaining public access to the area throughout the year. The conditions will apply only from the commencement of the notice and will have no retrospective effect.

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? NO

Summary of agency analysis

Public access to the area will remain available year-round, including during the ballot period. However, different arrangements will apply to those seeking to hunt in the Wapiti HOSI Area. During the ballot period, which will be for two months of the year, hunting of wapiti will be restricted to hunters who have been allocated access through the ballot system. Outside the ballot period, hunting access will continue to be available under a separate hunting access regime. All hunters who enter the ballot will have an opportunity to be selected. This approach supports the equitable allocation of hunting opportunities during periods of high demand while maintaining public access to the area throughout the year.

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

Relevant international treaties, standards and obligations

Departures from the Legislation Guidelines

Other unusual provisions or features