



PROCESS FOR SETTING UP THE NEW ZEALAND GAME ANIMAL COUNCIL



*Recommendations to the
Minister of Conservation*

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Executive summary

Following a 2008 Ministerial report on the future management of deer, chamois, tahr and wild pigs the Minister of Conservation moved to establish one national-level body to manage and represent all interest groups. An Establishment Committee was appointed to recommend how that body should be set up, and it conducted an extensive process of research and stakeholder consultation. The result is this report, which proposes the details of setting up a user-management body to represent nationally the interests of hunters and game animal managers, and to manage and regulate the game animal resource, while having regard to the environmental effects of these animals and impacts on other users of the habitat.

The Committee found general agreement that the status quo was not successfully addressing the needs of both game management and conservation, and concluded that the solution was a stakeholder management system under a single national organisation.

The Committee's Terms of Reference required the GAC to be all-inclusive and multi-representational, and the Committee endorsed that view as it saw no benefit to the sector as a whole in a more narrowly focused body that would only perpetuate and increase past conflicts.

The following are the proposed objectives of the Game Animal Council:

- To be a national game animal management organisation undertaking management of people and animals to the benefit of all stakeholders.
- To be accountable to its stakeholders and produce better outcomes for them; respected for its balanced advocacy based on good science, research and authoritative advice.
- To be effective, openly communicative and democratic, with sound structure and governance, backed by appropriate legislation and as far as possible, self-funded.

Detailed statements of purpose and functions further elucidate these objectives. Game animal management plans are proposed and the Council would integrate with other public planning processes. It should not exercise a mandate over private land, but be involved in the management of cross-boundary issues that apply to both public and private land. It would actively participate in respect of conservation, biodiversity, food safety, animal health and welfare, and agreements between Maori and the Crown.

To provide proper representation a Council of 16 representatives and an independent Chair is proposed, spanning all game animal interests including government, private and commercial hunters, iwi, farmers, game estate operators, hunting guides, and the meat and sporting industries. Further representatives may be co-opted and management committees or specialist boards created as necessary. The Minister of Conservation should appoint representatives from nominations among the corresponding interest groups.

With DOC's focus today on "place-based" management, animals can be managed for different objectives at different places, and the law amended to effect this. Therefore the Committee recommends there be a clear separation between the responsibilities of DOC and the GAC, underpinned by legislative changes. The GAC could assist with control in the areas and with the species DOC manages actively, but elsewhere should also manage game animals to provide additional benefits to hunters and game animal managers that it is not DOC's role to provide. It should take over the issuing of hunting permits and

operate ballots and control programmes, though a DOC concession should remain a requirement when commercially hunting on public land.

A basic permit for recreational hunting on public conservation land should remain free of charge, but a Registered Hunter programme should be set up by the Council. Registered hunters would pay an annual fee and receive significant benefits in return.

Options for funding include levies and fees charged for use of the resource (including levies on trophies exported) and the sale of sporting goods, and contracting to carry out game animal management. Initially costs including salaries, offices and travel are projected to be around \$650,000 per year.

The Council should be a Public Entity under section 4 of the Public Audit Act 2001.

The legal status of deer, tahr, chamois and wild pigs should be changed so that captive animals are “Farmed Game Animals” on farms, and “Estate Managed Game Animals” on game estates. In the wild, they should be “Wild Game Animals”, and managed for different objectives at different places. In places prioritised by DOC planning processes for conservation purposes only, they should be managed by DOC for those purposes. The GAC should then be able to manage game animals outside of those places.

Legislative change should take place in two stages. First deer, chamois, tahr and wild pigs should be moved to Schedule 3 of the Wildlife Act, to provide an interim legislative mandate for the Council to manage game animals as an advisory body to the Minister of Conservation. Then the GAC in its final form should be established by amending the Conservation Act and Wildlife Act, and consequentially amending other legislation. Also, a new Schedule 11 to the Wildlife Act (“Animal managed by the Game Animal Council”) must be created for deer, tahr, chamois and wild pigs, which will be transferred there from Schedule 3.

1.0 Introduction and background

The history of game animals in New Zealand has been hugely influenced by societal attitudes, research and scientific knowledge, advances in technology, and government policies. For instance deer have been variously a government sponsored asset for tourism, a recreational sport resource, a food source, a noxious pest to be eliminated, the basis of a wild venison export industry, the foundation of a new farmed livestock industry, and a resource for industries based on professional guiding and trophy hunting. Over the past 50 years there has been a succession of commissioned reports, plans, proposals, discussion documents and legislative adjustments, none of which has succeeded in accommodating the often divergent interests of the various sectors representing conservation, sport, recreation, and private and commercial utilisation for food and tourism.

Legislation and administrative attitudes towards game animals have often lagged well behind public opinion and technology. New Zealand has developed world-leading systems in game animal control and capture, game farming and science, and land management and containment. Increasing affluence and mobility has seen growth in recreational hunting and greater use of the outdoors by urban dwellers. Yet there has been little utilisation of these resources to seek enduring solutions to the dissension in the game animal sector.

The establishment of the New Zealand Game Animal Council reveals the determination of the last two (and previous) governments, and a succession of four Ministers of Conservation, to address the conflicts that have plagued the present administration of game animals, and clearly anticipates the involvement of all with interests in game animals. It is a unprecedented opportunity to constitute a Council under modern principles and attitudes, and the Committee, in formulating its recommendations, has remained mindful of New Zealand's unique situation with respect to game animals and conservation. The Committee recognises the importance of its recommendations being fair, durable and easily understood.

1.1. Establishment and composition of the Game Animal Council Establishment Committee

The Committee was reconfirmed with new terms of reference in April 2009. The membership comprised Roger Duxfield, Geoff Fitzgerald, James Guild, Bill O'Leary, and Garry Ottmann (who was subsequently appointed Chair), assisted by Mike Bradstock (Secretary) and Stu Allan (analysis of submissions and responses to a questionnaire).

Two previous documents background the setting up of the Game Animal Council: the report of the Ministerial Panel (2008) and the discussion paper on options for the Game Animal Council (2009). The former includes an analysis of more than 4,000 responses to a questionnaire and submissions regarding the future management of deer, chamois, tahr and wild pigs. Generally, material from those documents is not repeated here except where necessary to clarify or provide context for the present recommendations, especially where those recommendations have been changed since the discussion paper was circulated.

A summary analysis of submissions and feedback from public meetings during the present Committee's deliberations is also attached as **Appendix 1**.

1.2 Terms of Reference

The Terms of Reference (TORs) in full are presented as **Appendix 2**. The TORs clearly directed the Committee to set up a whole-of-sector organisation: “The role of this Establishment Committee is to support New Zealand’s range of hunting interests across the sector to develop one national-level body that represents and advocates all their interests ... The Council will be an overarching body, covering the entire big game sector, and able to operate co-operatively with existing sub-sector bodies.”

1.3 Process of the Committee

The Committee’s work took place in five stages over the period January 2009 to June 2010:

- initial deliberations and research;
- preparing a draft discussion paper (checked with key stakeholders before finalising and public circulation);
- public meetings and submissions considering the discussion paper;
- further deliberations and consultation; and
- compilation of this report and its recommendations.

During its early research the Committee investigated situations elsewhere in the world where game animals were managed as a resource, for example in Africa, the USA and Europe. More specifically the committee looked at where introduced ungulates were being managed as resources in the absence of indigenous herbivores. No exact models could be found, but the closest were to be seen in the Game Council of New South Wales and the New Zealand Fish and Game Councils. There were significant differences (e.g. the native fauna of New South Wales includes numerous large herbivorous animals, and the New Zealand Fish & Game Councils only administer birds and fish), but both models provided useful information and ideas relevant to models of user management, and the Committee consulted with the Executive Directors of both these organisations to help inform its subsequent efforts.

Members of the Committee then worked collaboratively to formulate options through a series of meetings, and prepared a draft discussion paper which was discussed with key stakeholders at a one-day workshop before drawing up a final version that was posted on the internet and made available in print. The Committee then undertook public consultations through a series of 11 public meetings during October and November 2009 in Auckland, Te Awamutu, Taupo, Gisborne, Napier, Wellington, Nelson, Christchurch, Hokitika, Dunedin and Invercargill. The meetings and availability of the discussion paper were advertised to meet the statutory requirements of public consultation and also received some attention in the news media and the sporting press. A two-month period was provided for making written submissions, which closed at the end of November 2009. A timetable was set to provide for reporting final recommendations to the Minister of Conservation by 28 February 2010, and subsequently extended to June 2010 to enable further work.

By the time of its final deliberations the Committee considered it had a clear picture of the relevant background and the overall views, and had identified both the issues on which there was consensus and those on which there was not.

1.4 The New Zealand Game Animal Council

The future management of deer, tahr, chamois and wild pigs has recently been through a number of public processes, starting with the proposed National Deer Plan in 1996–97. During this time the message from the majority of the public has been consistent: deer, tahr, chamois and wild pigs are viewed as game animals and the preferred management system would be one that allowed users to manage them for their resource value, and to contribute to safeguarding the conservation of indigenous species. The New Zealand Game Animal Council is the culmination of that process, which has progressed under two governments and four Ministers of Conservation.

Aspirations for and management of deer, tahr, chamois and wild pigs have moved from the stage of their being managed just above the level of noxious animals to now requiring management as recreational, commercial, tourism and farming resources. Most now acknowledge that the legislation under which these species are controlled is unable to cater for these new aspirations, and examples of this can be clearly seen in the present difficulties with managing helicopter hunting of tahr and chamois, managing wapiti in the Wapiti Area of Fiordland National Park, and dealing with illegal hunting and releases.

A single organisation focused solely on the management of game animals, and unencumbered by such problems as competition for resources, divergent or changing priorities, and periodic arbitrary changes of direction, will be best placed to provide the outcomes needed.

The Committee concludes that in order to have an effective management system that will address the needs of both game management and conservation there will need to be legislative change.

The Game Animal Council is not intended to carry out all of the hands-on management work, but will facilitate and provide expertise, resources and monitoring for local communities and special interest groups to carry out game management programmes, and provide backup to ensure continuity of such community programmes. Empowering local and specialist groups promotes efficient use of resources and local buy-in to management programmes.

Generally, the Committee's proposals in the discussion paper were positively received. Those who disagreed tended to fall into one of three categories. A small number wanted to preserve the status quo. A small number wanted a Council of recreational hunters only, and a larger number sought varying degrees of change to the proposed membership and selection process of the GAC.

A few felt that the Department of Conservation (DOC) should remain in sole control of all issues relating to game animals, and that any change would weaken control programmes such as Regional Pest Management Strategies. However, the overwhelming majority considered that the status quo was not working for them.

A few submitters sought a Council of recreational-only interests and the exclusion of all other interests. These submissions were incompatible with the Terms of Reference that required the GAC to be all-inclusive and multi-representational. The Committee saw no benefit to the sector as a whole in a narrowly focused body, since such a proposal would only perpetuate and increase the conflicts of the past.

The majority of stakeholders were largely in support but sought changes in detail, particularly regarding the size and composition of the GAC. The Committee's final

recommendations have incorporated many of these changes, particularly to the composition (and perceived balance) of the Council. However, the Committee could find few opportunities to significantly reduce the number of Council members if it wished to maintain representation and the community of interest that it felt was important. Conventional wisdom favours the more focused dynamics of smaller boards, and the Committee feels this will still be achieved by the GAC operating several working groups. The Committee was also mindful that a smaller GAC would have a greater need for remuneration, as the workload would be spread among fewer people. It has always been intended that Councillors would be unpaid except for reimbursement of out-of-pocket expenses related to Council business. This is a similar structure to the New South Wales Game Council, which has a board of 16 and apparently works very successfully.

According to Brian Boyle, CEO of the NSW Game Council, “Having a large Council has advantages: the hunting representatives represent all forms of hunting (firearms, bows, pig dogging etc) and ethnic diversity and have a broad experience in various areas in the private sector (lawyers, accountants, occupational health and safety expert, management, professors and professional game manager).

“The Game Council is developing education and research related to hunting in NSW. It has established committees to assist, drive and develop these areas. By having a relatively large Council to call upon, a broad knowledge/skill base is available and the work load can be distributed to ensure that a few Councillors aren’t burdened with the oversight or development of these products and strategies and that they are delivered in a timely manner.”

2.0 Committee deliberations and public input

2.1 Introduction

This section draws upon a combination of sources: submissions (both individual and organisational), feedback from public meetings, and the Committee's own research and deliberations that took into account these inputs. Statistics quoted in this section are derived from written submissions received by the Committee. Generally much the same views were expressed at public meetings, but where there are significant differences or further views were expressed these are incorporated in the discussion.

Some clarification of the discussion paper was necessary, in particular with regard to the process of Ministerial approval of Councillors, the process for organisations to nominate candidates, and the range of stakeholder interests to be represented on the Council.

2.2 Matters on which there was general agreement

2.2.1 Game Animal Council's overall management

Overall it was clear that most stakeholders wanted to see deer, chamois, tahr and wild pigs managed by stakeholders for their hunting benefits, and by a single national organisation rather than a regionally based one. However, they recognised that regional input on local issues would still be essential. They wanted to see conflicts resolved, and did not want the future management of game animals as a resource to be a DOC function. The past and present role of DOC in administering wild animals was a significant issue raised both at public meetings and in submissions.

2.2.2 Purpose, objectives and functions

Statements of purpose, objectives and functions as outlined in the discussion paper met with general approval. Reflecting the ongoing issues, important functions recognised for the GAC included promotion of hunting, resolution of disputes, contributions to conservation, and managing cross-boundary issues between private and public land.

2.2.3 Funding models

Most stakeholders agreed that the Council should be self-funding and that all of the options outlined should be considered. They also wanted a levy on the commercial harvest of game animals. Most stakeholders supported the principle that the basic permit to hunt on public land should remain free, but most also agreed that the cost of the gains that would accrue from managing game animals for their hunting benefits would need to be borne by those who stood to benefit. This also includes non-monetary contributions towards conservation and game management programmes.

Most stakeholders who responded to the questionnaire or made a written submission also supported the proposal for a Registered Hunter programme. At public meetings, the level of support was if anything higher, as indicated by how few people expressed opposition. Among those submitters who supported a fee, the strongest support was for a fee in the \$40–60 range.

Most also made it clear that they would expect significant benefits in return, and some expressed concern that they might end up funding “another bureaucracy”.

It was noted that if the majority of New Zealand hunters supported such a programme, they could make a major contribution towards a funding base of the size proposed in the discussion paper. This would help protect their interests, enhance management and hunting opportunities, and provide strong advocacy and other useful services.

Some suggested a much higher and compulsory permit fee for overseas hunters, and suggested increased trophy export fees. Some stakeholders advocated compulsory licensing, but there was much broader support for the above regime.

2.3 Matters on which there were differing views

2.3.1 User management

The term “Fish and Game model” was widely used in discussions but there were differing interpretations of its actual meaning. Some stakeholders expressed a preference for what they called “the Fish & Game model” of game management, as they saw the management of game species by that organisation as an example that might simply be replicated for deer, chamois, tahr and wild pigs. (Some even suggested that Fish & Game should take over management of those animals) However, often in the course of discussions it became clear that what they really meant was that they approved of the principle of user management, which they saw embodied in Fish and Game. There was support for the principle of the Fish & Game model (management for and by stakeholders) but little support for the structure (13 independently constituted bodies).

2.3.2 Composition and number of Councillors

Stakeholders generally preferred a smaller rather than larger number of Councillors. However, the Committee’s terms of reference requested that the Council should be a whole-of-sector organisation. In proposing the composition of the Council, the Committee ensured that all sectors were represented and that no legitimate interests were excluded. It also ensured that those groups which would provide the funding base were represented. The Committee also felt that some sectors, specifically hunter groups and iwi, should have their representation increased to better reflect the balance of interests. It became clear that in order to provide representation across all sectors it would be necessary to have a larger number of Councillors.

2.3.3 Representation

It was clear from both written submissions and views expressed at public meetings that some old conflicts between the different sector groups remained. To make progress the committee was clear that representation on the Council should provide a mechanism by which conflicts could be resolved permanently and past conflicts left behind. Achieving this necessitated whole-of-sector representation. The Committee felt that the importance of this matter could not be overstated, and devoted considerable energy to clarifying the proposed direction. With the benefit of discussion and explanation at public meetings, stakeholder concerns over representation were often ameliorated.

There was initial concern with the proposed number of representatives and the range of interest groups or organisations to be included. Overall, stakeholders wanted to see far more representation of the recreational sector, which they considered was outnumbered by commercial interests. They advocated for the inclusion of unaffiliated recreational hunters as well as those belonging to hunting organisations. On consideration the Committee changed its original proposals to better reflect and balance the various interests.

The original proposal was for 17 members, and some stakeholders felt this was too many, but as explained above it was extremely difficult for the Committee to significantly reduce this number while also providing balanced representation and expertise. The Committee reconfirmed that it was not just a matter of representation according to numerical dominance, but also of recognising the need for all-inclusive membership across the full spectrum of interests and expertise. It also recognised that the work entailed might be too onerous for a small number of unpaid Councillors with a reduced range of expertise.

Some stakeholders argued that the GAC would be controlled by block voting (essentially they anticipated a division between recreational and commercial interests.) However, the Committee envisages a Council with a commonality of purpose, resolving its issues through collaboration and consensus, and believes the modified membership should successfully address these concerns. The Committee accepts that modifying prejudices and some of the more extreme attitudes may take time, but is confident that the GAC will herald a new era of co-operative management. Establishing clear nomination criteria for prospective Council members will help ensure appropriately skilled persons are appointed. The deliberations of the Committee itself provide an example of this working in practice, since all recommendations in this document are unanimous.

The Committee found that the consultation process, particularly the public meetings and its own discussions over the past 16 months, confirmed that the boundaries between groups with an interest in game animals are comparatively blurred and becoming more so all the time. For example, many farmers (including deer farmers) also hunt; some recreational hunters also do some guiding or commercial meat hunting; and the New Zealand Deerstalkers' Association and game estate owners have co-operated to run hunter education and safety courses on game estates. All share a common love of the outdoors, a respect for the environment and a desire to see game animals managed. A Council of individuals, all of whom value game animals and are committed to ensuring a future for them, has far more in common than in opposition. A major role for the Council will be to foster changes in attitudes, both between groups represented on the Council and between those organisations and other groups with interests in game animals, conservation and land management.

2.3.4 Selection process

Some stakeholders wanted Councillors selected solely by an electoral process. This presented an immediate practical difficulty of identifying an electorate with the right to vote, and the risk of losing the whole-of-sector representation seen as essential to the successful function of the Council. In part, it was in anticipation of these difficulties that the Committee recommended that each group adopt a selection and nomination process.

There was also much concern expressed about, and misunderstanding of, the process whereby nominees would be subject to ministerial endorsement. Some people unfamiliar

with this as a normal process for statutory organisations saw it as political interference and capture that might be unfairly applied. However, this could not happen if the Minister could only appoint Councillors from among people nominated by the constituent organisations or groups.

This concern was increased by some perception that the office of Minister of Conservation and the Department of Conservation were effectively one and the same thing. However, when public meetings provided the opportunity for Committee members to explain that process, generally public concerns were to some degree laid to rest: it was recognised that the power of making nominations was the main determinant, and noted that history showed ministerial veto on statutory boards was very rarely applied.

2.3.5 Mandate over private land

Some submitters appeared not to notice that the discussion paper expressly stated that the Council did not propose to exert management mandate on private land, and they proposed that it should do so. The Committee agreed that private property rights should be respected and that the interaction between the Council and private landholders should be on a negotiated basis.

2.3.6 Name of the Council

The Terms of Reference stated that the proposed Council had a wider mandate than just hunting, and a majority of submitters were happy with the name “New Zealand Game Animal Council”. There were numerous other suggestions but the Committee concluded that “game” was the term that best covered deer, chamois, tahr and wild pigs in all situations and places, and that “hunting” was too restrictive of the Council’s actual functions.

3.0 Recommendations

3.1 Overview

The NZ Game Animal Council will be a new representative body charged with managing New Zealand's game animal populations to produce better outcomes for conservation and hunting, and create commercial opportunities through accountable governance and collaborative management.

It is not cut from the mould of any existing organisation: it is not a government department and it is not like the Fish & Game Council or the New South Wales Game Council. What the GAC has in common with the two latter organisations is that it is also a user-management body.

It seeks to take something from all three and from other sources internationally, but recognises that New Zealand's game animal situation is unique. It is designed to be forward-looking and to anticipate and adapt to future changes, rather than find itself hamstrung by specificity, inefficiency and inflexibility. It has the representativeness and self-funding qualities of a Fish & Game Council, the focus and efficiency of a single national council such as the NSW Game Council, and the strength of a broad-based national constituency.

The GAC builds on the three closest models identified. The key difference is that it seeks to harness the resources of the community at large. Rather than create multiple levels of bureaucracy, it focuses on governance and policymaking, while enabling stakeholder groups to formulate their own plans to be carried out by community groups.

It recognises the potential to multiply the Council's input many times over through the passion and commitment of stakeholder groups. Those best placed to conduct the hands-on management of local resources are often local people, complemented by national-level oversight. The Council will set out to minimise excessive planning and consultation while retaining accountability and public input. It wants to focus on action.

3.2 Working with hunters

The history of hunting valued introduced animals in New Zealand dates from about 1770 when the first pigs were liberated as a food resource. Subsequent liberations of deer, tahr, chamois and other game animals have led to hunting becoming enshrined in the culture of New Zealand. Originally these animals were regarded as trophy and meat hunting resources, but subsequently they were redesignated as noxious animals and pests. Ever since that time hunting interests have felt disenfranchised. More recently it has been proved that these animals can be managed for their resource value, and that hunters have an integral role to play in providing outcomes that benefit both their own interests and conservation interests. The Game Animal Council is the opportunity for hunters to take responsibility for managing their own resources for outcomes that are in the national interest. All hunters will have the opportunity to be part of the Council, either through their organisations represented on it, or through the two independent hunter representatives. Furthermore, any hunter will have the opportunity to contact any Councillor or the Council collectively should they feel the need.

The driver for the game animal community making the investment in time and resources to achieve the conservation, recreation, tourism and farming benefits that managing game

animals can achieve was effectively encapsulated in a statement made by a workshop attendee who remarked, “If I can have an organisation whose purpose is to manage game animals on my behalf, ensures they are managed correctly, that I have a say in how this is done, then that would give me a sense of ownership and make me an actual stakeholder in something. At the moment I am a stakeholder is nothing since none of those things are available to me with any degree of certainty for the future.”

3.3 Working with Maori

Iwi have a statutory role in the management of public conservation land and indigenous resources, and the Committee recognises that they have a strong hunting and conservation culture with respect to the sustainable harvest of food. In many areas Maori are a particularly significant proportion of the hunting population. Maori are owners of land on which game animals live, and in some cases derive significant income from the hunting of those animals. In addition Maori collectively and individual iwi specifically have expertise in hunting and managing game animals and land generally, which would contribute to the overall management expertise of the Game Animal Council. Similarly Maori will derive benefit from the wider expertise represented on the Council even though the Council seeks no direct mandate over private land.

As a statutory body the Council will be accountable to its stakeholders and government by way of the functions prescribed in its statute. This assures all parties that the Council will carry out its obligations under agreements between Maori and the Crown.

The Committee sees iwi being involved in managing game animals at many levels, and to facilitate this recommends that the Council work with iwi to establish an iwi game animal and hunting advisory group. This group should be flexible and individual iwi may participate in the group as and when they deem necessary. The advisory group would also make the nominations for the two iwi representatives on Council. The Committee recommends that initially there be one representative from the North Island and one from the South Island. Individual iwi and hapu may also be involved in formulating and implementing game management plans. Similarly, management planning for game animals could be integrated into iwi environmental management planning such as the Conservation Accord between Tainui and the Crown.

3.4 Working with Conservation

The Committee could not ignore the fact that some submissions and views expressed at public meetings showed strong and historic antipathy towards DOC and its administration of game animals. Such criticism was often unconstructive but many stakeholders, and recreational hunters especially, had clearly lost confidence in DOC.

However, the Committee recognises that DOC is the manager of public conservation land and retains the overall responsibility for controlling wild animals there. Through public processes such as Conservation Management Strategies and management plans, DOC and the public decide what areas are top conservation priorities, and DOC manages these accordingly.

The Committee is of the view that the Council and DOC should work co-operatively together to identify, by public processes, priority areas where animals need to be actively controlled for conservation purposes. Outside of these areas, however, the Council would be mandated to manage these species for their hunting benefits. This reflects the current

and projected future situation whereby DOC carries out only limited wild animal control on some land under its jurisdiction, and has indicated that even if it were better resourced, wild animal control would not be a priority in most areas.

Present legislation inhibits DOC from managing game animals for their resource value despite its also having a responsibility to promote recreation, which clearly includes hunting. In this regard DOC is conflicted in a way that has never been addressed in the past, and that lies at the core of its chronically fraught relationship with game animal interests.

The Committee notes that DOC is in the process of trying to implement some of the functions of the Game Animal Council suggested by the Committee in the discussion paper.

The benefits of having a force of hunters who are active in the outdoors, often in places few other people get to, cannot be underestimated in the Committee's view. The conservation benefits can be huge, as demonstrated by the two following examples.

3.4.1 Working with hunters and conservation: The Wapiti Programme

The history of wapiti in Fiordland, as with most of our large game animals, involves an uncomfortable mixture of legislation amended and modified as different interest groups achieve ascendancy in promoting their causes, and as attitudes have changed. It is a history of conflict over recreational resource value, commercial meat and farmed game value, and conservation threat, and it has seen a number of passionate and spirited campaigns.

The population of wapiti has risen and fallen over the years under a succession of management regimes, at different times providing total protection, partial protection, partially controlled exploitation and uncontrolled exploitation. Some of the threats to wapiti are not just due to human factors, for example the crossing of wild wapiti with red deer takes place naturally, but can only be solved by human intervention.

In 2002, as part of a review of the Fiordland National Park Management Plan, DOC announced its intention to remove the last partial protection measure for wapiti. This had the immediate effect of galvanising hunter interests and eventually led to the setting up of a regime that has become recognised as a win for both hunting and conservation. However, it lacks legislative underpinning and is totally reliant upon the goodwill of all the parties involved. For now, it continues to be an effective but fragile regime that enjoys the approval and support of almost all parties.

The core of the wapiti issue lies in the fact that (as with other game animals) the present legislation, policy and planning reflects their status as wild animals to be controlled solely for their harmful effects, with little acknowledgement of their value as recreational and commercial resources. This reinforces their designation as pests and theoretically justifies a policy of eradication, even though many New Zealanders are unwilling to accept that their support for the conservation of native species and ecosystems must necessarily come at the cost of denying any place in the wild for introduced game animals.

In 2002 the planning process for the new Fiordland National Park Management Plan (FNPMP) was moving ahead at the inevitably slow pace dictated by statutory processes. Meanwhile, the commercial harvest of deer had virtually ceased owing to market conditions and concern (unfounded as it turned out) over the possible contamination of wild venison by 1080 poison. Predictably, deer numbers were multiplying faster than the statutory processes

of wild animal management and policy could cope with, and causing adverse effects from both a hunting and conservation point of view. This created a historically unique situation where for once hunters and conservationists had a shared goal – the reduction of red deer numbers in the park – albeit for different though not mutually exclusive reasons. Hunters wanted red deer numbers reduced to keep the wapiti herd pure (or at least to slow the crossing process that was reducing the herd’s trophy value) and to protect the natural environment of the park. The conservationist lobby, while not sharing the same goal with regard to wapiti, had at least the common ground with the hunters that both wanted to protect the park’s environment from the impacts of higher deer numbers. Neither group was content to wait for an uncertain outcome of either the planning processes or an increase in venison prices while increasing deer numbers continued to have a detrimental effect on both the flora of Fiordland National Park (FNP) and the integrity of the wapiti herd.

A way ahead was found that enabled quick and effective action to address the issue. It required tortuous wording and a maze of policy smoke-and-mirrors but produced a beneficial outcome for recreational hunting, commercial hunting and conservation. The essence of the agreement was that hunters would assist in wild animal control, selecting and destroying red deer. In addition the hunters voluntarily initiated conservation programmes to trap stoats in parts of the Wapiti Area.

The result was the establishment of a management strategy for the Wapiti Area, with the goal of providing a higher level of protection for the natural values within the defined area of FNP, through a partnership between DOC, recreational hunters and commercial helicopter hunters. This goal has been successfully achieved by maintaining a consistent harvest of red deer and selected wapiti-type animals by co-ordinating, regulating and encouraging recreational and commercial hunting, and carrying out valuable and significant conservation-related work.

Benefits include reduction of deer numbers and more equitable recreational hunter access to wapiti-type animals through better co-ordination of helicopter hunting and venison recovery, maintaining a sufficient annual harvest of deer from within the Wapiti Area to achieve consistent control (even in the absence of commercial helicopter hunting), and increasing the effectiveness of recreational hunting there. All interest groups had to make certain compromises, but also received benefits for their particular cause. Hunters got better access to wapiti trophies, while also providing conservation services including culling red deer, trapping stoats and assisting in other conservation projects. The success of this can be seen in the following statistics that sum up the programme’s achievements to date:

- Deer killed: About 5,000 including 3,725 recorded from managed commercial harvest and hunter-funded culling plus an unknown number (believed to be over 1,000) taken by other recreational hunting.
- Stoat trapping programme: 117 volunteers have killed 300 stoats and 37 rats over 2,000 hours in the field and 267,306 trap-nights. This programme is now being extended from the Worsley into the Glaisnock. Volunteers have also assisted with field observations such as whio (blue duck) counts.
- Funds raised to contribute to the costs of wapiti and conservation management: more than \$396,000 from fees for participating in ballots and for access to hunting blocks after a successful ballot.
- Participation in the annual wapiti ballot has nearly quadrupled from about 300 to

1,150, meaning a continued increase in funding for the Wapiti Area management and conservation work.

Wapiti hunters have linked their notions of personal achievement to responsibility for managing the environment as a whole. Hunting for conservation had always been an underlying concept, and in this case the initiative came from wapiti hunters advocating responsible action over both hunting and conservation of the wider resource. This identified hunters as champions of the wider public good.

What has resulted is a conservation multiplier, through managing wapiti in a way that provides for both enjoying their resource benefits and mitigating their harmful effects, at no cost to the taxpayer. Although the programme does not easily fit the legislation, policy or planning environment, it is almost universally recognised as having been the right thing to do.

A regime set up like this under the auspices of a Game Animal Council would be more robust and exemplifies the kind of beneficial and enduring outcome that might be achieved.

3.4.2. Working with hunters, conservation and iwi: The Rakiura Hunters Trust

Over many years, innumerable temporary bivouacs and camp sites have been created in the bays around Stewart Island/Rakiura. Most (though not all) of these have been created by hunters seeking whitetail deer, and the effects have been concentrated in locations regarded as the most attractive in terms of the hunting, fishing and scenic values they offer. This situation has resulted in the usual environmental impacts associated with camping in remote places, including cutting and clearing native vegetation and leaving makeshift shelters, fireplaces and other structures in place.

As this situation became environmentally unacceptable, it was a hunter initiative that provided the solution, working with DOC and local iwi. Under the aegis of the Rakiura Hunters Huts Trust 17 permanent huts have been built and upgraded, and three more maintained. Hunters working with DOC also cleaned up many old campsites and provided input and assistance with possum and cat trapping programmes. The result is another win for all parties, with better facilities for both hunting and conservation work and an end to the further proliferation of environmentally unacceptable camping. It has also facilitated the more orderly management of hunting. Again, the success of this initiative depended on the goodwill of all parties and the same outcome would be more effectively and sustainably achieved under the aegis of an organisation like the GAC.

3.5 Working with biosecurity interests

The Committee recommends that the GAC should recognise wild game first and foremost as a hunting resource, and will aim primarily at better management of hunting. However, it does recognise that other groups sometimes see these animals as pests. Further, the Committee recommends that the GAC should commit to the conservation of natural resources, and to native biodiversity in particular. It should therefore support the principles and initiatives proposed in the Ministry of Agriculture and Forestry Biosecurity New Zealand (MAFBNZ) draft action plan for pest management (DAPPM), as follows.

First, the Game Animal Council will support pest management strategies that are measured against strong evidence-based criteria. The two DAPPM outcomes most strongly supported are a healthy environment (so that natural and historical heritage, the integrity of ecosystems and the character of New Zealand landscapes are protected and enhanced)

and optimised health and wellbeing (so that New Zealanders lead healthy and rewarding lifestyles, including enjoyment of the recreational value of the natural environment).

Second, the Committee recommends that GAC should support the pest management outcomes identified in the DAPPM, by not seeking the establishment of new game species in New Zealand, and by opposing the spread of established species to new areas. It is anticipated that the GAC will campaign actively against the illegal liberation of game animals outside their established range. It will also accept that where clear scientific evidence shows these species cause intolerable damage (relative to the impacts of other species such as rats and possums), local elimination or control to levels at which the impacts are tolerable will take primacy over management for hunting benefits.

With regard to the specific changes mooted in the DAPPM, the GAC will support moves to clarify pest management responsibilities (including the Crown's responsibilities as a good neighbour), update the legislation, improve access to pest management tools, and facilitate collective action.

In particular, the Committee would encourage the GAC to recommend that the "good neighbour" principle should be applied in game management. For example, where game animals are controlled intensively for conservation purposes it would be inappropriate to manage for hunting benefits within that area or in the immediate surroundings. In this regard, it would seem to be highly desirable and appropriate to include the GAC in any cross-tenure collective-action partnerships.

3.6 Working with other organisations

While the relationship between the GAC and DOC will be permanent and mutually supportive, other organisations will also interact with the Council from time to time. The Committee envisages that the Council will co-opt other agencies to its working groups as and when issues of concern to them arise or their expertise may be required. Such organisations may include the Animal Health Board, the Ministry of Agriculture and Forestry (specifically on matters of food safety, animal welfare and containment), the Walking Access Commission, conservation and recreation NGOs, and specialist hunting groups.

3.7 Working with hunters, iwi, production forests, conservation, private landowners and biosecurity interests: The Tokoroa Pig Hunting Club Programme

An example of how game animal interests, other interests and biosecurity can work together is the Tokoroa Pig Hunting Club's Game Animal Enhancement and Disease Surveillance Programme. This partnership between the owners of a local production forest, the Animal Health Board and the more than 1,000 members of the club has transformed a conflict into a win for both biosecurity and hunting. Historically pigs had been sporadically released by individual hunters. The club recognised the risks involved in such unmanaged activities so it initiated a programme to enhance pig hunting in the forest in a more managed way via an annual release of tagged and disease-tested pigs. The club has negotiated with the Animal Health Board and consulted stakeholder interests, and now has a disease monitoring and game animal enhancement programme that meets the needs of all parties. By actively managing the hunting resource, bovine tuberculosis is monitored and parties that were previously vigorous opponents have discovered mutually compatible interests and established compatible goals.

4.0 Statement of Purpose of the New Zealand Game Animal Council

The Committee recommends the following Statement of Purpose:

“To represent nationally the interests of hunters and game animal managers, and to manage and regulate the game animal resource, while having regard to the environmental effects of these animals and impacts on other users of the habitat.”

This statement is congruent with the Terms of Reference and its terminology should be interpreted broadly, for example “game animal manager” includes farmers, game estate operators and persons conducting game animal control. It should be incorporated into the GAC’s empowering legislation.

4.1 Objectives of the NZ Game Animal Council

The Committee considers that in exercising its functions the GAC should seek to achieve the following objectives:

- To be a national game animal management organisation undertaking management of people and animals to the benefit of all stakeholders.
- To be accountable to its stakeholders and produce better outcomes for them; respected for its balanced advocacy based on good science, research and authoritative advice.
- To be effective, openly communicative and democratic, with sound structure and governance, backed by appropriate legislation and as far as possible, self-funded.

4.2 Functions of the NZ Game Animal Council

4.2.1 General functions

The Committee recommends that the Council should seek to achieve its objectives through the following functions:

- to ensure that the diverse recreational, commercial and cultural interests of those involved in hunting are fairly and equitably represented in relevant forums at national, regional and local levels, and to the relevant Ministers as required;
- to help landowners and national and local government integrate and co-ordinate hunting activities in ways that increase recreational hunting participation and benefits while accommodating commercial opportunities and maximising environmental benefits;
- to develop a constituency and a structure that fairly represent all game animal interests in New Zealand;
- to actively manage hunters and the animals they hunt to maximise the benefits those animals provide, while having regard to best practice in land use and any constraints imposed by the land manager;
- to develop and implement systems to minimise or resolve conflict between hunting groups for any limited hunting resource;
- to develop and implement safety standards, ethical guidelines and codes of practice for hunting and managing game animals; and

- to develop a sustainable funding base.

The substance of these functions should be incorporated into the GAC's empowering legislation.

4.2.2 Specific functions

The GAC will have many functions in common with other organisations that manage introduced species in New Zealand. While the functions will be similar, the governance, structure and operation will be specific to the species being managed.

The Committee recommends including the following functions:

- (a) to develop national policies for the carrying out of its functions for game animals, and the effective implementation of relevant general policies established under the Wildlife Act 1953 and this Act.
- (b) Assessing and monitoring as it deems necessary:
 - game animal populations;
 - the success rate and/or degree of satisfaction of hunters, game animal managers and other stakeholders; and
 - the condition and trend of ecosystems as habitats for game animals.
- (c) Liaising with national organisations responsible for disease surveillance programmes.
- (d) Managing the game animal resource by:
 - maintaining and improving access;
 - preparing and recommending, for the Minister's approval, notices for game harvesting; advising the Minister in relation to such matters; and publishing in the Gazette notices for game harvesting;
 - undertaking works to maintain the quality of game animals as a meat and trophy resource;
 - supporting and encouraging the farming and keeping on game estates of game animals;
 - educating stakeholders;
 - defining and promoting ethical standards of behaviour to be followed by hunters and game animal managers;
 - promoting and encouraging recreational and commercial use of game animals, including tourism;
 - promoting and enforcing adherence to industry-agreed standards, codes of conduct, and industry best practice in the guided hunting and game estate sector;
 - ensuring there are sufficient resources for effective enforcement of regulations and conditions set by the Council; and
 - keeping hunters, game animal managers and other stakeholders informed on matters affecting their interests.
- (e) Assessing the costs of managing game animals in New Zealand, and recommending to the Minister of Conservation appropriate fees and levies to recover those costs.
- (f) Assessing the value to New Zealand of wild animal control by hunting.

- (g) Representing the interests and aspirations of hunters and game managers in the statutory planning process.
- (h) Formulating and adopting operational work plans.
- (i) Preparing and operating game animal management plans in accordance with its legislative requirements.
- (j) Identifying research needs and ensuring that research is undertaken.
- (k) Liaising with the New Zealand Conservation Authority, conservation boards and regional councils or unitary authorities.
- (l) Issuing permits for the purpose of:
 - hunting or killing game animals for recreation, meat, and trophy purposes;
 - hunting or capturing game animals for commercial purposes;
 - conducting commercial guiding operations on public land;
 - operating game estates;
 - holding game animals in captivity for farming or any other purpose; and
 - killing game animals for any other purpose.
- (m) Resolving conflicts between hunting or managing game animals and other activities and users of the habitat, and between recreational and commercial hunters.
- (n) Contracting with private landowners or landholders and government agencies to manage game animals on land under their jurisdiction.
- (o) Advising the Minister of Conservation on issues relating to game animals.
- (p) Advising other relevant Ministers on issues relating to game animals.
- (q) Performing such other functions as the Minister of Conservation may require in regard to game animals.

These functions should be incorporated into the GAC's empowering legislation.

4.2.3 Game animal management plans

The purpose of a game animal management plan is to implement objectives for the management of game animals within any region or part of any region. The New Zealand Game Animal Council will prepare for approval by the Minister such game animal management plans as it considers necessary for the management of game animals within its area of jurisdiction.

When preparing a draft game animal management plan, the NZ Game Animal Council must have regard to the sustainability of game animals in the area to which the plan relates, and the impact that the management proposed in the draft is likely to have on other natural resources and other users of the habitat concerned. The plan should also include such provisions as may be necessary to maximise opportunities for hunters and game animal managers.

The Committee recommends that the above be incorporated into the GAC's empowering legislation.

5.0 General structure

The Committee recommends that initially the Game Animal Council should be a single national body consisting of a suitably qualified group of 16 Councillors, including a DOC representative and an independent foundational Chair. It should be appropriately constituted, resourced and have agreed vision, clear objectives and aims, a defined statement of purpose, and functions consistent with the Terms of Reference. Council members should be appointed by the Minister, having regard to the interests of conservation, recreation, commerce, tourism, farming and biosecurity.

The Committee considers that 16 Councillors are needed to ensure the workload is handled effectively, and to ensure full representation of stakeholder interests. It is envisaged that the Council will, in time, create management committees (or specialist boards) as it deems necessary. These will report to the Council, which will less frequently need to meet for policymaking and planning purposes.

The Committee also recommends that the GAC should have powers to co-opt further stakeholder interests or persons with specific expertise, to enable the efficient performance of its functions. This will be particularly important during its establishment phase.

5.1 Chair of GAC

The Chair of the Game Animal Council will be a most crucial appointment. The Committee recommends that the Chair for the transitional period be an independent Ministerial appointment, not an elected position, and that the foundational Chair should not be appointed from among the Councillors. The skills required from the foundational Chair may not necessarily be the same as for successive Chairs, since the establishment process is different from ongoing operations. Subsequently the Council may choose a Chair from among its ranks, or if deemed necessary may agree to appoint an independent Chair.

The Committee considers it has the support of a sufficiently large constituency to function as the selection panel for the purpose of making recommendations to the Minister for the first appointment. Subsequent Chairs should be appointed on the recommendation of the Council, and this will need to be provided for in the legislation. The foundational Chair could be a paid position remunerated at a level to be determined by Council.

5.2 Number of Councillors and sectors from which they are nominated

In the light of stakeholder input the Committee amended the proposed representation, but in so doing was unable to significantly reduce the total number, owing to the diversity of sectorial interests and the need to provide some weighting to the different groups. Accordingly, after much deliberation the following composition is recommended:

- NZ Deerstalkers' Association. Two nominated representatives.
- Unaffiliated hunters. Two representatives appointed from Registered Hunters nationwide. "Unaffiliated" means not a member of any other organisation on this list, and thus means the majority of NZ recreational hunters. Initially, owing to the problems of identifying a constituency, the Committee recommends that it make these appointments.
- Pig hunters. Two nominated representatives from the NZ Pig Hunters Association.

- Iwi. Two representatives appointed on the recommendation of the Iwi Hunting Liaison Advisory Group. One member to represent North Island Iwi and one to represent South Island iwi.
- Safari Club International (NZ chapter). One nominated representative.
- NZ Sporting Industry Association. One nominated representative.
- Department of Conservation. One representative appointed by the Director-General of Conservation. This representative should be a senior DOC official.
- Federated Farmers. One nominated representative.
- NZ Association of Game Estates. One nominated representative.
- NZ Professional Hunting Guides Association. One nominated representative.
- The New Zealand Deer Farmers Association. One nominated representative.
- The aerial game recovery industry. One nominated representative

5.3 Process of appointment

The appointment process should begin with each group formulating a list of candidates. In the first instance this task falls within the Terms of Reference of the present Committee. Initially, appointments should be made for varying terms (e.g. one to three years), to avoid sudden major changes of composition and to ensure that key positions are not changed so frequently that they affect the continuity of crucial long-term tasks. About a third would be appointed for one year, a third for two years and a third for three years. Councillors appointed for the two shorter terms would be entitled to make themselves available again when their one-year and two-year terms expired. Councillors would be expected to serve a maximum of three 3-year terms.

In the longer term an electoral college or appointment panel process within each organisation represented should be used to draw up lists of candidates for the Minister to consider. The Committee recommends that individual groups represented on the GAC must have the power to select their nominee/s, and that such nominees should be selected from among their own constituencies.

Each group should be issued with a set of basic criteria to consider before proposing each nominee, to help ensure they are selected for qualities like ability and skill, rather than their status in other fields or their prior involvement in issues that at a national level may be peripheral or irrelevant. This should also help avoid the pitfalls of “single-issue” capture and ensure the Minister is provided with a GAC that has a broad range of skills. Every group should be entitled to offer more than one nominee and state in writing its case for each.

The Committee feels that an electoral process for selecting two Councillors to represent unaffiliated hunters is inefficient and the other members of the Council should act as the electoral college for recommending these appointments, via nominations from unaffiliated hunters at large. In the first instance the Committee would act as the selection panel.

5.4 Co-opted members

The Committee recommends that the GAC should have the power to co-opt further members from time to time as necessary, for example from the Ministry of Agriculture and Forestry, the Animal Health Board, the NZ Food Safety Authority, National Animal

Welfare Advisory Committee, the science community, bowhunters and conservation NGOs. These members would not have voting rights.

5.5 Relationship between the Council and DOC

The Committee recommends clearly separating the responsibilities of DOC and the GAC, with legislative changes made to underpin that separation.

Management of animals for hunting benefits has never been a core DOC role. The primary focus for DOC is and should be the conservation of native flora and fauna, and its resources should be prioritised in this area. Present DOC planning processes focus on the concept of “place” and what management is undertaken at which place. There are very few active wild animal management plans. The management of hunters, hunting, and animals for hunting benefits should be the role of the GAC. The GAC should assist with control in the areas and with the species DOC manages actively, but elsewhere should also manage game animals to provide additional benefits to hunters and game animal managers that DOC is unable to provide. Maintaining a close working relationship with DOC is essential to enable the GAC to provide services to hunters and game animal managers, and conservation benefits to the public.

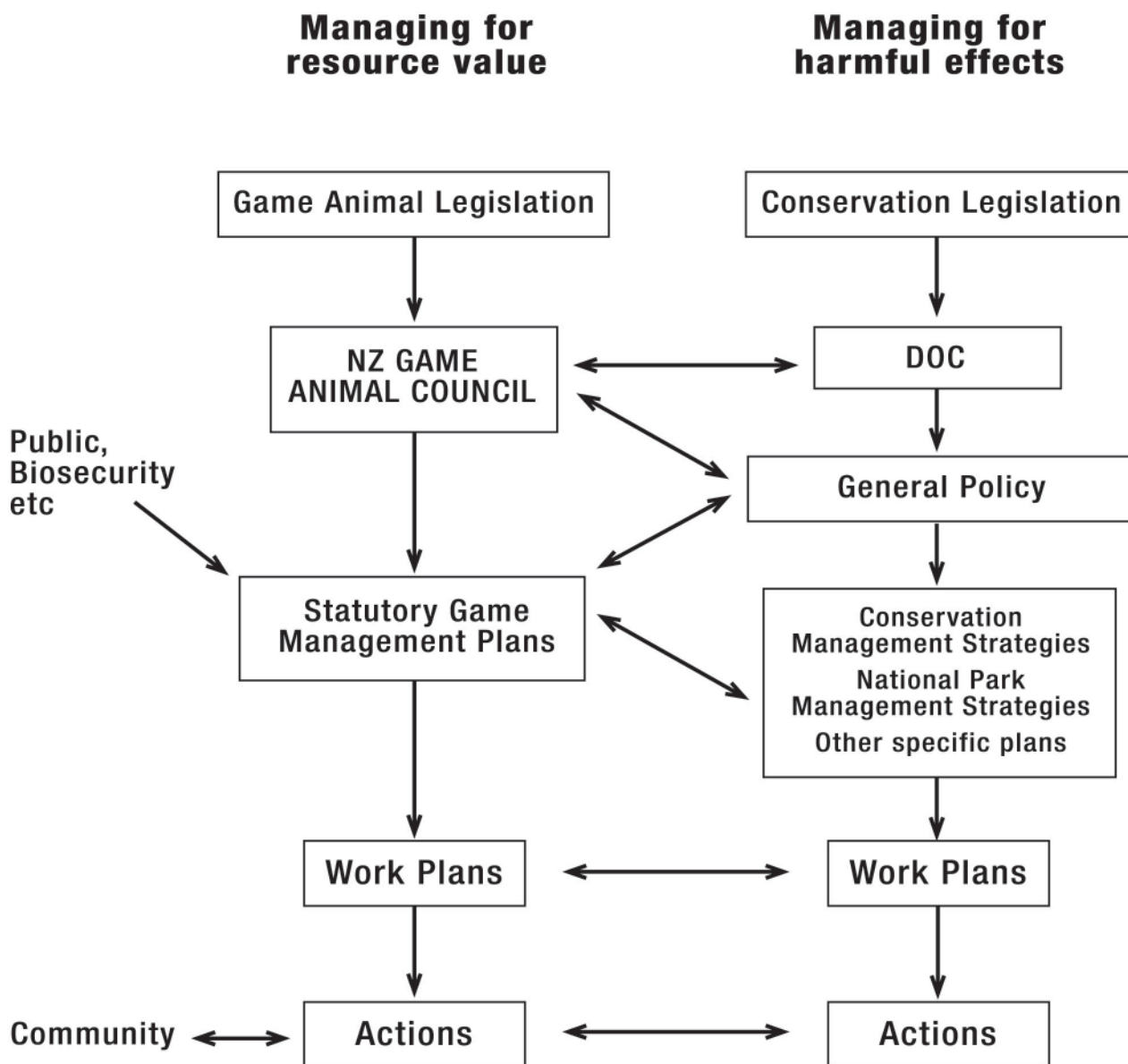
Since little active management of deer, chamois, tahr and wild pigs is undertaken on public conservation land, usually the resulting population is the default level resulting from recreational and commercial hunting and by-kill from possum control. Thus recreational and commercial hunters are the two major controllers of game animal populations. Ensuring that hunting is co-ordinated and that there is an ongoing programme of hunter recruitment and training is the most cost-effective way to control game animals, and a programme of hunting benefits will be a major incentive for hunter recruitment. Here the Committee recommends that the GAC and DOC operate in mutually supportive roles.

Currently DOC expends significant resources on issuing hunting permits, operating ballots and control programmes, etc. The Committee recommends that these services should be provided by the GAC. This would release significant resources for DOC to reassign to other conservation work. Joint programmes that benefit both conservation and hunting could also reduce costs to both parties.

The Committee recommends that pursuant to the above processes the Game Animal Council should have this general management mandate on public conservation land primarily, and on some other public land by negotiation, and that legislation be passed to enable this. The GAC should have no mandate over private land other than by negotiation with or contracting to landholders, but should be involved in the management of cross-boundary issues that apply to both public and private land. Such matters also need to be addressed through legislative change.

The Game Animal Council should be integrated into public planning processes in the same way as other public entities such as Fish & Game Councils, i.e. by compiling plans such as 10-year management plans and annual operational plans. At present, priority areas for managing game animals only for conservation purposes are identified through the Conservation General Policy and National Parks General Policy, Conservation Management Strategies and other management planning processes. The Committee recommends this should continue be the case, as these are established public processes, with the Game Animal Council being an organisation to be consulted like other public entities such as Fish & Game Councils. Clearly there will be some places where wild

animals should be kept at very low levels (e.g. Murchison Mountains) or exterminated altogether (e.g. Secretary Island). This is consistent with DOC's concept of "place-based" management, which recognises that some places have higher biodiversity and conservation values than others. Once such places are defined, then the GAC could compile management plans for the other areas. This approach is consistent with current planning processes and also what actually takes place.



5.6 Hunting permits

The Committee recommends that permits for recreational and commercial hunting on public lands should be issued by the Game Animal Council, which should have the corresponding statutory powers including the right to set terms and conditions. A basic permit for recreational hunting on public conservation land should remain free of charge. Empowering legislation will need to be sufficiently flexible to enable terms and conditions to be evolved over time in response to policy developed by the GAC, and to provide for its management needs. Legislation will also have to be sufficiently flexible to enable the

Council to accommodate future changes in game animal management and use that may evolve, thus preventing the legislative rigidity of the past. A GAC permit for commercial hunting should not replace the need for a DOC concession to operate a commercial activity on public land.

The current regime for managing harvest is a blunt instrument that relies on either open slather or total closure. This has perpetuated the conflicts between recreational and commercial hunting of game animals. What is required is a regime that can manage the total harvest by place, time, numbers and sex ratio.

5.7 Registered Hunter programme

The Committee recommends that a Registered Hunter programme be set up by the Game Animal Council. Registered hunters would pay an annual fee and receive in return significant benefits in addition to those conferred by a basic hunting permit. These could include:

- more hunting opportunities to better quality animals through more intensively managed hunting areas subject to managed access;
- commercial advantages (discounts, insurances etc);
- hunter training; and
- greater hunting access and better facilities.

Possession of a firearms licence should not alone be taken as proof of being a *bona fide* hunter, and conversely the lack of a firearms license should not disqualify any person from registering.

The Committee considers a Registered Hunter programme is a very important concept with a high potential for widespread public adoption, that it has high potential as an improved management tool, and recommends that it should be a high priority for the foundational Council.

Landowners spoken to by the Committee are frustrated by the current system's inability to adequately identify hunters and address important issues such as the legal rights and obligations of both parties. This covers matters like trespass, dog control and insurance. There is also the perception that there is little effective deterrent against transgression. This has resulted in some landowners closing access for hunters and others. Hunter registration would in their view go a long way to alleviating these problems, to the benefit of all parties.

5.8 Funding

The Committee considered all options its members and stakeholders were able to suggest, and the following are the main opportunities identified so far. The Committee recommends that these options be fully investigated and implemented where possible by the foundational GAC. Legislation will need to be passed providing for each of these possibilities that is adopted. In keeping with the principle of “no taxation without representation”, representation of interest groups proposed to be levied has been allowed for in the proposed composition of the GAC.

1. Export animals management fee. More than 3,000 trophies were exported in 2007–08. A sliding scale could be applied, depending on the international market value of the hunting opportunity (thousands of dollars for some animals in NZ). This could provide a large

and appropriate funding opportunity and would be straightforward to manage.

At present, when trophies are exported there is a flat fee for Convention on International Trade in Endangered Species (CITES) compliance procedures regardless of the number of trophies in a consignment. This could be made more “user-pays” to leverage a larger income stream.

2. Levies on sales of hunting-related sporting goods. The Committee believes that a levy would provide an appropriate and equitable funding opportunity, and notes that every year the NZ sporting industry sells millions of dollars’ worth of goods and services related to hunting large game animals. This is very much user-based, in that people who use the most equipment and services would contribute the most. Equipment specific to hunting game birds would be excluded from this levy.

This proposal is not without precedent, as a similar system is used overseas to fund game management, but it would require the generation of significant goodwill among most stakeholders. There are some operational challenges but this has the potential to be the largest single source of income. The percentage levied must not be set so high as to cause significant consumer resistance.

3. Registration of commercial operators. Both the NZ Professional Hunting Guides Association and the NZ Association of Game Estates have requested that guides and operators of game estates should be registered, and that such registration should entail an administration/cost recovery fee. Commercial operators on conservation land pay concession fees. Where fees are paid for the commercial use of game animals on public land, these funds could go to the Game Animal Council.

4. Government contribution. Currently the government via DOC spends an unknown amount of money (estimated to be in excess of \$1 million) on administering hunting and farming of game animals. While the GAC is to be essentially self-funding, it should not be ineligible for government funding to assist with “public good” functions. There is the prospect of the GAC undertaking specific management projects on behalf of other government agencies, such as the Animal Health Board, and being paid accordingly.

5. Contributions for special management. At present hunters pay fees for access to specially managed wild animal herds such as Fiordland wapiti, and for balloted hunting areas. Generally these funds are allocated for specific purposes.

6. Sponsorship (commercial). This is only a likely option for specific activities outside of the normal operating budget, but has significant potential.

7. Permit fees. (See also Registered Hunter programme, 5.7). These should be considered as a means of funding good management and providing a justified sense of ownership of the resource. It was noted that if the majority of hunters in NZ supported such a scheme, they could make a major contribution towards a funding base of the size proposed in the discussion paper. There are current proposals by DOC to impose charges in some areas to cover the cost of running the present permit system.

8. Levies on wild-harvested commercial game animal meat. A levy could be charged on each carcass processed after being harvested in the wild.

9. Some funding could be earned by contracting to landowners or government agencies. A current example is the management of pig hunting by the Tokoroa Pig Hunting Club in production forests at Kinleith. However, it must be stressed that the GAC seeks no specific mandate over private land.

6.0 Initial operational recommendations

The initial staffing of the Game Animal Council Executive must be able to provide advocacy, policy and planning, and the management of hunters and game animal managers. The Committee considers that, as with conservation work by local communities, the actual management of game animals can most often be carried out efficiently from within local communities, although the GAC will provide the expertise and possibly some funding.

6.1 Organisation and staffing

Head Office of the Game Animal Council will initially require staff to fill six key roles. The establishment of operational matters will be the province of the transitional Council, but the Committee envisages the following:

- the Chief Executive Officer;
- national game management;
- general administration/accounting;
- public relations;
- policy/resource management; and
- customer service.

Six roles does not necessarily mean six staff: there may be scope for more than one of these functions to be carried out by the same person.

6.2 Financial

6.2.1 Costs

Initially costs including salaries, offices and travel would likely be around \$650,000 per year. Servicing the costs of Councillors, including meetings, would add a further \$200,000. These figures are derived from the approximate costs for a Fish & Game Council of similar size, taking into account the operational similarities.

Once-only and establishment costs including the costs of research and database development will increase the total cost during the first 3–5 years. The first priority for the Council will be to establish the funding stream.

6.2.2 Payment of Councillors

The Committee recommends that beyond reimbursement of expenses, there be no fees paid initially to Councillors. Remuneration should be established for the foundational Chair only, the initial level to be set by the first Council.

6.2.3 Options for funding

The Committee recommends that the Council implement all options for funding, and any others it may subsequently identify and approve.

6.3 Public Entity

The Terms of Reference state that “The Establishment Committee will advise the government on the creation of the Big Game Hunting Council, as a statutory authority.” The Committee has examined the various categories of public bodies, and having regard to the proposed structure and functions of the Game Animal Council the Committee sees it in a similar legislative position to Fish & Game Councils, namely as a Public Entity. The Game Animal Council is very similar in its legislative requirements and therefore the Committee recommends that the Council should be established on the same basis.

6.4 Legal status and classification of animals

All animals are categorised for legislative purposes under the Wildlife Act and its Schedules, which detail the broad management objectives for each species and also which agency is responsible for that management. At present deer, chamois, tahr and wild pigs are defined as “Wild Animals” under the Wildlife Act, which states that they are to be managed under the Wild Animal Control Act 1977 (WAC Act), today administered by DOC. (In comparison, game birds appear on Schedule 1 which designates them as “game”, so they are managed by Fish and Game Councils.)

With DOC’s focus today on “place-based” management, animals can be managed for different objectives at different places, and the law should be amended to reflect this.

The NZ Deer Farmers’ Association made submissions to the Game Animal Panel setting out its opposition to the status of “Wild Animals” and wanted the status of deer on farms to be redefined as “Farmed Game Animals”. This safeguards the international market access advantages conferred by the status of “Game” while recognising that farmed deer are privately owned, treated as stock in every other respect, and governed by MAF requirements covering ownership, confinement, animal welfare, disease surveillance, identification, animal health, etc. Accordingly, this requires the farmed status that brings the deer industry under the auspices of MAF rather than DOC. The Committee recommends adopting this proposal.

Similarly, game estate owners want animals on game estates to be separately defined, with the suggested status of “Estate Managed Game Animals”. Animals on game estates are already separately defined under the Animal Products Act and the venison from game estates has separate designation under food safety regulations (as “wild game estate meat”). The Committee recommends adopting this proposal.

The third category of game applies to animals that are unconfined and owned by the Crown. The Committee considers that these are essentially “Wild Game Animals” and recommends that they should have such a status.

A number of submissions opposed the above reclassification of farmed and game estate animals. This opposition appeared to be from recreational hunters. However, the Committee noted that the changes sought were about marketing meat reared on farms and game estates (and associated tariff and trade access advantages), and therefore not an issue that affected or could affect recreational hunting interests. Therefore the Committee gave greater weight to the submissions of those genuinely affected by this proposal. (In the same way, had there been any matter that involved only the interests of hunters, the Committee would have afforded less emphasis to the views of other parties on that matter.) The Committee also noted that this objection was rarely expressed at public

meetings. It appeared that when Committee members had the opportunity to explain in more detail what these categories meant, the objections of recreational hunters were overcome. Comments on the questionnaire also tended to confirm this view.

The classification of “Game Animals” could be accomplished under the current system of schedules to the Wildlife Act under a separate schedule for which management would be undertaken by the Game Animal Council, i.e. game animals in this schedule, then sub-defined by place as farmed game, managed game and wild game. There will need to be some change to the Wild Animal Control Act with respect to the management of farmed and game estate deer and venison recovery.

With the focus now on management by place, animals will be managed for different objectives at different places. In the places prioritised by the DOC planning process as being managed for conservation purposes only, they should be managed by DOC for those purposes. The GAC should then be able to manage game animals outside of those places. It is therefore desirable that the animals’ status should reflect the different types of management and the objectives of each. This continuum of status is consistent with management by “place” and provides a flexibility that reflects differing management objectives and caters for future changes in management direction.

For example, in Fiordland National Park there are both wapiti and red deer. Public planning processes (Fiordland National Park Plan) have determined that DOC should actively control deer in two places. The Takahe Area of the Murchison Mountains is managed to keep deer at as close to zero density as practical, and on Secretary Island there is a programme for managing deer at zero density. Both of these programmes are supported by the public at large (including hunters) and it is appropriate at these places for deer to be designated as “Wild Animals” and to be controlled for conservation purposes only.

It would therefore be more efficient to designate red deer and wapiti in Fiordland as “Wild Game Animals” and for them to be managed by the Game Animal Council under game animal management plans that gave recreational and commercial hunting different priority at different places. The Wapiti Area could be managed for wapiti specifically, while deer in the Takahe Area and on Secretary Island would be designated as “Wild Animals”, and managed by DOC for conservation purposes only, meaning that management would be synonymous with control aimed at the lowest possible density.

Such a system also allows for changing objectives in the future if public processes identify further areas that may need to be managed for conservation purposes only. This is both flexible and adaptive.

6.5 Accountability

The Committee considers the Game Animal Council should be fully accountable to government and its stakeholders, and this should be clearly enshrined in its foundational legislation.

“Government” includes Ministers of the Crown with statutory roles or obligations in respect of game animals, i.e. the Ministers of Conservation, Tourism, Maori Affairs (Te Puni Kokiri), Agriculture and Forestry, Biosecurity, Recreation and Sport, and Environment.

Two categories of stakeholder should be recognised: the public of New Zealand generally,

and key stakeholders (special-interest groups including but not limited to those with statutory representation on the Council).

Operating plans and review processes should refer to performance indicators for Councillors and Council staff alike. There should be a schedule of key performance indicators for all Council staff, and procedures developed for management and resolution of certain disputes between stakeholders, and any and all disputes between stakeholders and the Council.

7.0 Legislative requirements of NZ Game Animal Council

7.1 Transitional provisions

While the Committee considers that the work of the Council could commence almost immediately, it also recognises that legislative changes will take time to implement. Accordingly the Committee has identified a transitional process that will enable the Council to be formed and carry out many of its functions before the legislative process is completed. This involves, firstly, moving deer, chamois, tahr and wild pigs to Schedule 3 of the Wildlife Act (“Wildlife that may be hunted or killed subject to Minister’s notification”). This will provide an interim legislative mandate for the Council to manage game animals (though it will not provide the necessary long-term provisions for issues such as funding). Next, the Council should be established, initially as an advisory body to the Minister thereby immediately empowering the transitional Council to exercise a management mandate.

7.2 Final provisions

While the above interim provisions are being set in place and remain in force, the Establishment Committee should start working with parliamentary counsel to draft amendments to the Conservation Act and Wildlife Act, and consequential amendments to other legislation, thereby establishing the GAC in its final form. Also, a new Schedule 11 to the Wildlife Act (“Animal managed by the Game Animal Council”) must be created for deer, tahr, chamois and wild pigs. Once these final provisions are in place the transitional Council should automatically become the New Zealand Game Animal Council *per se*, and game animals transferred from Schedule 3 to Schedule 11.

8.0 Conclusion

The Game Animal Council as a statutory body will provide secure leadership for game animal management and a forum to facilitate better relationships among stakeholders. This will in turn result in better outcomes socially (e.g. increased recreational opportunities), environmentally (e.g. clearer control priorities for conservation), and economically (e.g. increased export and tourism returns). Key among these will be:

- instilling a greater conservation ethic among hunters;
- an acceptance by all of the resource values of game animals;
- the use of hunting to achieve conservation outcomes;
- instilling principles of responsibility for ethical harvesting and population management in hunters;
- reduced antagonism among hunting groups with different views as to how game animals should be utilised;
- reduced antagonism between game animal interests and persons or organisations that may not value game animals for meat, trophy or economic purposes; and
- embracing a collaborative approach to managing game animals and the conservation of indigenous species.

Adoption of these principles will provide numerous benefits to game animal interests, including:

- security for recreational hunting and for those involved in the business of hunting or managing game animals;
- better quality animals;
- more hunting opportunity;
- advocacy and dealing with statutory processes such as DOC planning and pest management strategies;
- commercial advantages such as discounts and insurances;
- hunter recruitment and training; and
- better hunting access and facilities.

While many of the benefits from a Game Animal Council will accrue to hunters, the Council will at the same time provide conservation multipliers, assistance with achieving biosecurity objectives and forming working partnerships with other organisations as set out in this report.

Appendix 1: Survey overview

The Game Animal Council Establishment Committee surveyed views on seven recommendations for a Game Animal Council. The purpose of the survey was to gauge support for the recommendations and to obtain information to inform subsequent changes that have been made to the Committee's proposals.

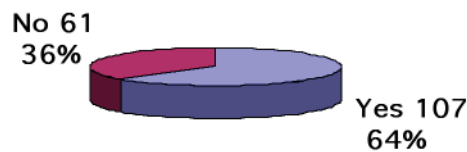
There were 236 submissions: 92 from individuals and 44 from organisations.

There was good support for all recommendations except Question 5 (Stakeholder representation).

In the light of this survey (and other inputs) significant changes were made to the original proposals in the discussion paper. It should also be noted that this survey records views of many people who did not attend the stakeholder meetings, so none of the concerns recorded here were able to be discussed the way they were in the interactive environment of the public meetings.

Question 1 – Council name

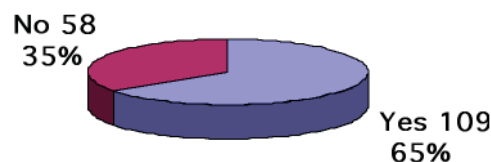
“The Committee acknowledges that its terms of reference state that the proposed council has a wider mandate than just hunting. It is therefore suggesting that the new council be called the New Zealand Game Animal Council. *Do you agree with the proposed name? If not what changes would you suggest?*”



Comment: Introducing the words ‘big’ and/or ‘hunting’ into the name would further increase support.

Question 2 – Animal management

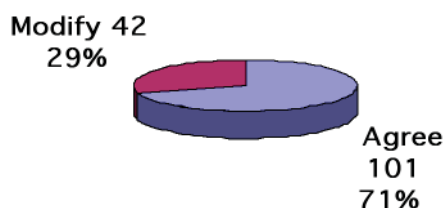
“The Committee is recommending that DOC would continue to identify, via public processes, priority areas where deer, tahr, chamois and wild pigs need to be actively controlled for conservation purposes. Outside of these areas the Game Animal Council could manage these species for hunting benefits. *Do you agree with the proposed direction? If not, please suggest any amendments you would like to see.*”



Comment: One theme was that this would not work because the Department of Conservation would use its power to zone areas in a way that did not meet hunters' interests.

Question 3 – Purpose, objectives, & functions

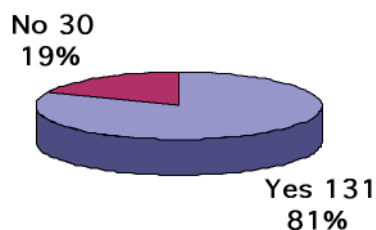
“The Committee has recommended statements of purpose, objectives and both general and specific functions. *What if any modifications would you suggest to these?*”



Comment: The purpose, objectives, and function often were not supported by hunters because they saw little in it for them. They were often opposed to the objectives relating to deer farming and to commercial hunting.

Question 4 – National model

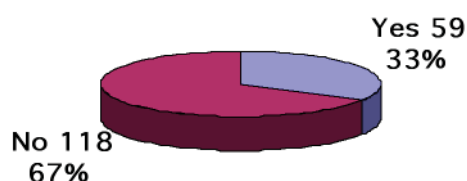
“The committee is recommending that the new council be a single national organisation as opposed to a regionally based organisation. *Do you agree with this recommendation? If not, what alternative structure do you believe would better suit the functions suggested?*”



Comment: There was strong support for a single national organisation, although many submitters wanted strong regional bodies (in various forms) as well.

Question 5 – Stakeholder representation

“Taking into account the diversity of interests in deer, tahr chamois and wild pigs, and lack of an identified constituency, a council of 17 members appointed by the Minister of Conservation following recommendations from organisations and sectors is recommended. *Do you agree with the proposed range of stakeholder representation? If not, what changes would you suggest?*”



Comment: The main reasons for lack of support for this proposal were the belief that recreational hunters would be a minority, and the Council would be too large. Many submitters referred to “the original concept”, which they believed was to look after recreational hunters’ interests. They did not believe that would happen with this structure.

Other submitters argued for re-balancing representation so that groups such as farmers and commercial hunting groups had just one member each.

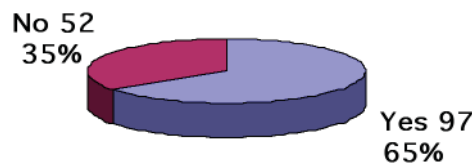
There was concern that people would be appointed, rather than elected by the interest group they would represent. This overlooked the fact that each group would put forward people to be considered for appointment.

Question 6 – Animal categories

“The legislative designation of deer, tahr, chamois, and wild pigs needs to reflect different management aims and outcomes. The following designations are recommended: • Wild animals

- Game animals (subdivided into wild game animals, estate managed game animals and farmed game animals).

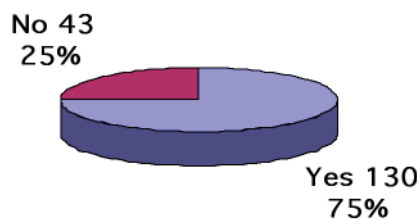
Do you agree with these categories? If not, what would you suggest?”



Comment: Many submitters supported the broad categories but objected to the subdivisions of the “Game animals” category.

Question 7 – Funding options

“A number of funding options are recommended by the Committee. We are recommending that permits to hunt on public land remain free of charge but are also suggesting a registered hunter scheme. *What are your views on these recommendations? Do you support the concept of partially funding the GAC through a registered hunter programme and if so how much would you be prepared to pay annually?”*



Comment: There was strong support for a registered hunter programme, often with the caveats that funding and decision-making go together, non-residents should pay more, and there must be benefits in return. The largest subgroup of those who supported the concept favoured an annual fee in the \$40–60 range.

Appendix 2: Terms of reference of the Establishment Committee

The 2009 Terms of Reference state:

The role of this Establishment Committee is to support New Zealand's range of hunting interests across the sector to develop one national-level body that represents and advocates all their interests.

The Establishment Committee will advise the government on the creation of the Big Game Hunting Council, as a statutory authority, to carry out, inter alia, the following functions and responsibilities:

- To encourage participation in hunting and farming of deer, chamois, tahr and wild pigs.
- To co-ordinate hunting activities to reduce conflicts.
- To establish agreed national standards for hunting activities.
- To advocate for the interests of its membership to the Minister of Conservation and to the public generally.
- Develop management strategies for big game animals.
- To advise the Minister on matters relating to the management of big game animals in New Zealand.
- Any other matters the Establishment Committee or the Minister may consider necessary.

Membership:

The Establishment Committee will comprise 5 members appointed by the Minister. The members will represent the interests of the following sub-sectors:

- Recreational deer, tahr and chamois hunting
- Pig hunting
- Commercial deer hunting
- Guiding services to recreational hunters
- Deer farming and Safari park operators

Appointments will be made of suitable persons after consultation with leaders within the sub-sectors. The members will choose a chairperson from among their membership.

Members of the Big Game Hunting Council will also be appointed by the Minister.

Work plan:

The Establishment Committee will first develop a plan that details its intended programme of action (in line with these Terms of Reference) and a timeline for its activities, including when it expects to finish. It shall provide this to the Minister of Conservation.

Tasks:

The Establishment Committee's responsibility for assisting with the establishment of

a Big Game Hunting Council will involve it helping the Council to cover initial costs associated with setting itself up and establishing itself with the sectors it seeks to represent. This assistance will be provided for a period of not more than two years.

Context:

In developing the proposal, the committee shall take into account the following matters.

- The Council will be an overarching body, covering the entire big game sector, and able to operate co-operatively with existing sub-sector bodies.
- This Council will be owned by its membership and be self-funding (this funding might come from membership fees, industry levies, and by contracting with landowners and managers to undertake management of and by hunters. There will be no ongoing government funding for its basic activities. This would not, however, preclude the body from seeking government or agency funding for particular functions that were in the national interest, on the same basis as any other organisation.

In establishing the Council, the Establishment Committee will work in partnership with the sector, and operate in a way that builds co-operation between sub-sectors.

Funding:

- The Establishment committee will be funded to a maximum of \$200,000, spread across 2008/09 and 2009/10 financial years. This money will be provided from Vote: Conservation.
- All expenditure must accord with the provisions of the Public Finance Act, and the committee will report regularly to the Director General of Conservation for its use of funds, in a format agreed to by him.
- Any payments to members of the Establishment committee for attendance at meetings and any payments to consultants must meet SSC guidelines.
- Government funding for the Establishment committee must be used in the financial year for which it has been allocated, except where prior agreement has been obtained.

Appendix 3: Legislative changes required

New Wildlife Act Schedule 11:

Animals declared to be game animals that can be hunted or farmed subject to the Minister's notification:

- (a) Any member of the family Cervidae, including but not limited to
fallow deer (*Dama dama*);
Japanese or sika deer (*Cervus nippon*);
rusa deer (*Cervus timoriensis*);
moose (*Alces americana*);
red deer (*Cervus elaphus*);
sambar deer (*Cervus unicolor*);
whitetail deer (*Odocoileus virginianus*);
Pere David's deer (*Elaphurus davidianus*);
wapiti (*Cervus canadensis*);
- (b) Chamois (*Rupicapra rubicapra*)
- (c) Wild pig (*Sus scrofa*)
- (d) Tahr (*Hemitragus jemlahicus*)

New Wildlife Act Part 7D

Animals declared to be game animals that can be hunted or farmed subject to the Minister's notification:

- (1) The Minister may from time to time, by notification, declare that any wildlife for the time being specified in Schedule 11 hereto to be game animals that may be hunted or killed, farmed or had in possession subject to such conditions as set out in the Gazette notice for game animals, and any such wildlife may be hunted or killed, farmed or had in possession accordingly.
- (2) Every person who hunts, kills, farms or has in his or her possession any wildlife or part of the carcass thereof to which any notification under subsection (1) refers, otherwise than in accordance with any conditions prescribed by the Minister under this section, commits an offence against this Act and is liable on conviction to the penalty set out in section

New provision needed in Wildlife Act

Ownership of Game Animals

- (1) All game animals shall be the property of the Crown:

Provided that where any game animal has been lawfully taken or killed or is lawfully held pursuant to this Act, it shall cease to be the property of the Crown, and the animal shall be deemed to be the property of the person by whom it was so taken or killed, or by whom it is held:

Provided also that nothing in this subsection shall have effect so as to impose any obligation or liability on the Crown in respect of damage done by any game animal.

- (2) The presence of any game animal on any land confers no right of ownership of the game animal or its carcass or part thereof on the owner or occupier of the land unless and until the animal is—
 - (a) Captured, held, or conveyed under a valid permit issued by the Director; or
 - (b) Killed by a person who hunts or kills a wild animal on the land with the consent of the owner or occupier; or
 - (c) Hunted or killed by the owner or occupier by lawful means; or
 - (d) Identified in accordance with an identification system—
 - (i) Registered under section 3 of the Animal Identification Act 1993; or
 - (ii) Approved under section 50 of the Biosecurity Act 1993 and approved by the Director-General for the purposes of this Act.
- (3) The taking or killing of any game animal shall be deemed to be unlawful where any person takes or kills the animal—
 - (a) While he or she is on any land without the express authority of the owner or occupier or authority in control of the land, or in any case where, while recovering any animal or the carcass or part thereof, he or she lands on or enters upon any land without the express authority of the owner or occupier or authority in control of the land; or
 - (b) By any unlawful means while he or she is lawfully on any land; or
 - (c) In the course of any hunting if, during that hunting, he or she commits or has committed any offence against this Act, or against the Trespass Act 1980, the Civil Aviation Act 1990 or any other enactment directly related to the purposes of this Act or to the protection or administration of the land or of the flora or fauna of the land whereon the offence took place; or
 - (d) By discharging a firearm or other weapon into or over or across any land without the authority of the owner or occupier or authority in control of the land.
 - (e) in the case of any farmed game animal legally identified in accordance with subsection 2(d) of this section, that is found outside its lawful enclosure owing to breaches of the confinement fencing caused by accident, misadventure, act of God or wilful damage.
- (4) Where the carcass of any game animal, including any specified wild animal, of a kind which may be farmed under any Act is to be sold or delivered to a game depot or game packing house by the person who killed the animal or by his agent or employer, it shall be an offence against this Act to so sell or deliver that carcass, or for the licensee of the game depot or game packing house to receive that carcass without the entire head attached.

New definitions in Wildlife Act

- (a) Wild game animal: any game animal living in a wild and free-ranging state
 - (b) Farmed game animal: any game animal held in captivity on a game animal farm and identified in accordance with an identification
- (1) registered under Section 3 of the Animal Identification Act 1993; or

- (2) approved under Section 50 of the Biosecurity Act 1993 and approved by the Director-General of MAF.
- (c) Estate-managed game: any game animal held in captivity on a registered game estate for the purposes of hunting.

New Part 5D Conservation Act

Game Animal Council

Functions of Minister

- (1) The functions of the Minister in relation to the management of game animals shall be—
 - (a) to approve policies and management plans for game animals, and their habitats;
 - (b) to recommend to the Governor-General the making of any necessary Orders in Council under section 2(3) of this Act;
 - (c) to establish, by notice in the *Gazette*, rules for the conduct of the meetings of the New Zealand Game Animal Council, and model rules for the conduct of Game Animal Council meetings; and any such rules may in like manner be amended or revoked;
 - (d) to approve annual operational work plans or provisions in such plans relating to the management of those species of game animals for which there is no management plan.
- (2) The Minister shall have all such powers as are reasonably necessary or expedient to enable the Minister to carry out the Minister's functions under this section.

New Zealand Game Animal Council

New Zealand Game Animal Council established

- (1) There is hereby established a council to be called the New Zealand Game Animal Council to represent nationally the interests of hunters and game animal managers, and to manage and regulate the game animal resource, while having regard to the environmental effects of these animals and impacts on other users of the habitat.
- (2) The New Zealand Game Animal Council shall be a body corporate with perpetual succession and a common seal, and, except as provided in this Act, shall have—
 - (a) the rights, powers, and privileges of a natural person; and
 - (b) the power to do anything it is authorised to do by or under—
 - (i) this Act; or
 - (ii) any other enactment; or
 - (iii) any rule of law.
- (3) The New Zealand Game Animal Council shall not exercise any of its rights, powers, or privileges except for the purpose of performing its functions.

Functions of New Zealand Game Animal Council

- (1) The functions of the New Zealand Game Animal Council shall be—
 - (a) to develop national policies for the carrying out of its functions for game animals, and the effective implementation of relevant general policies established under the Wildlife Act 1953 and this Act:
 - (b) Assessing and monitoring as it deems necessary
 - game animal populations;
 - the success rate and/or degree of satisfaction of hunters, game animal managers, and other stakeholders; and
 - the condition and trend of ecosystems as habitats for game animals.
 - (c) Liaising with national organisations responsible for disease surveillance programmes.
 - (d) Managing the game animal resource by
 - maintaining and improving access;
 - preparing and recommending, for the Minister’s approval, notices for game harvesting; advising the Minister in relation to such matters; and publishing in the *Gazette* notices for game harvesting;
 - undertaking works to maintain the quality of game animals as a meat and trophy resource;
 - supporting and encouraging the farming and keeping on game estates of game animals;
 - educating stakeholders;
 - defining and promoting ethical standards of behaviour to be followed by hunters and game animal managers;
 - promoting and encouraging recreational and commercial use of game animals, including tourism;
 - promoting and enforcing adherence to industry-agreed standards, codes of conduct, and industry best practice in the guided hunting and game estate sector;
 - ensuring there are sufficient resources for effective enforcement of regulations and conditions set by the Council;
 - keeping hunters, game animal managers and other stakeholders informed on matters affecting their interests.
 - (e) Assessing the costs of managing game animals in New Zealand, and recommending to the Minister of Conservation appropriate fees and levies to recover those costs.
 - (f) Assessing the value to New Zealand of wild animal control by hunting.
 - (g) Representing the interests and aspirations of hunters and game animal managers in the statutory planning process.
 - (h) Formulating and adopting operational work plans.
 - (i) Preparing and operating game animal management plans in accordance with its legislative requirements.
 - (j) Identifying research needs and facilitating that research.

- (k) Liaising with the New Zealand Conservation Authority, conservation boards and regional councils or unitary authorities.
- (l) Issuing permits for the purpose of
 - hunting or killing game animals for recreation, meat, and trophy purposes;
 - hunting or capturing game animals for commercial purposes;
 - conducting commercial guiding operations on public land;
 - operating game estates;
 - holding game animals in captivity for farming or any other purpose; and
 - hunting or killing game animals for any other purpose.
- (m) Resolving conflicts between hunting or managing game animals and other activities and users of the habitat, and between recreational and commercial hunters.
- (n) Contracting with private landholders or landholders and government agencies to manage game animals on their land.
- (o) Advising the Minister of Conservation on issues relating to game animals.
- (p) Advising other relevant ministers on issues relating to game animals.
- (q) Performing such other functions as the Minister of Conservation may require in regard to game animals.

Membership

- (1) The New Zealand Game Animal Council shall consist of persons appointed as members of the New Zealand Game Animal Council by the Minister, having regard to the interests of recreation, tourism, commerce, farming and conservation. The New Zealand Game Animal Council shall consist of
 - (a) two persons appointed on the recommendation of the New Zealand Deerstalkers Association;
 - (b) two persons appointed on the recommendation of the New Zealand Pig Hunting Association;
 - (c) two persons appointed on the recommendation of the Iwi Hunting Advisory Group;
 - (d) one person appointed on the recommendation of the Director-General of Conservation
 - (e) one person appointed on the recommendation of the New Zealand Association of Game Estates;
 - (f) one person appointed on the recommendation of Safari Club International New Zealand Chapter;
 - (g) one person appointed on the recommendation of the New Zealand Professional Hunting Guides Association;
 - (h) one person appointed on the recommendation of the New Zealand Deer Farmers Association
 - (i) One person appointed on the recommendation of the aerial game recovery industry
 - (j) one person appointed on the recommendation of Federated Farmers New Zealand:

- (k) one person appointed on the recommendation of the New Zealand Sports Industry Association:
- (l) two persons appointed following public notice given in accordance with subsection (2) of this section
- (2) Every notice required by subsection (1)(g) of this section shall—
 - (a) state the number of appointments intended to be made to the Council:
 - (b) call for nominations for membership of the Council to be sent to the Minister:
 - (c) state a date, being not less than 28 days after the date of the first publication of the notice, after which the Minister may decline to accept such nominations:
 - (d) be published—
 - (i) at least twice in a daily newspaper circulating in each of the cities of Auckland, Hamilton, Wellington, Christchurch, and Dunedin; and
 - (ii) in such other communications media and on such occasions as the Minister may direct.
- (3) Every appointment of a member of the Game Animal Council shall be made by notice published in the *Gazette*, and shall take effect from the date of such notice or such later date as may be specified in the notice.

Members not personally liable

No member of the New Zealand Game Animal Council shall be personally liable for any default made by the Council or any member of it, in good faith in the course of its operations.

Co-opted members

- (1) The New Zealand Game Animal Council may co-opt for such term as it thinks fit any suitable person or persons to be a co-opted member or members of the Council.
- (2) A co-opted member of the Council shall be entitled to attend and speak at any meeting of the Council, but shall not be entitled to vote on any question.

Powers of New Zealand Game Animal Council

- (1) The New Zealand Game Animal Council shall have all such powers as are reasonably necessary or expedient to enable it to carry out its functions.
- (2) Without limiting the generality of subsection (1) of this section, the New Zealand Game Animal Council may—
 - (a) make rules for the conduct of its business and financial requirements:
 - (b) appoint a Director and other staff for the efficient and economic administration of the affairs of the Council:
 - (c) expend money received by it from any source arising under this Act for the purposes of carrying out its functions under this Act;
 - (d) enter into contracts to provide services.

- (3) For the purposes of section.... of this Act, the New Zealand Game Animal Council shall be entitled to appear before courts and tribunals in New Zealand and be heard on matters affecting or relating to the Council's functions.
- (4) Without limiting the generality of subsection (1) of this section but subject to subsection (3) of this section, the New Zealand Game Animal Council may, by agreement—
 - (a) acquire and dispose of land or any interest in land for such purposes as are reasonably necessary to enable the Council to carry out its functions, including the provision of office premises;
 - (b) acquire any land or interest in land;
 - (c) enter into contracts for the provision of services by it.
- (5) Every agreement under subsection (2-4) of this section is subject to the following conditions:
 - (a) in the case of an acquisition (other than for administrative purposes), the land or interest in land shall be acquired for use for the purposes of the management of game animals, and the protection of their habitat;
 - (b) no disposal (other than for administrative purposes) shall be made if the land or interest in land is required for the management of game animals, or the protection of their habitat;
 - (c) any land acquired under this section (other than for administrative purposes) shall be open to the public, and may be closed in order to protect the game animal habitat only after public notice of the closure has been given in the region;
 - (d) the land use shall comply with the provisions of this Act and any other Act, and any game animal management plan for the region in which the land is situated.
- (6) Subsection (3)(c) NO of this section shall also apply to any land that is transferred to the New Zealand Game Animal Council under any other Act, as if that land had been acquired under this section.
- (7) All land held under this section shall be subject to this Act.

Appointment of game animal rangers

- (1) The Director may from time to time appoint employees of the New Zealand Game Animal Council to be game animal rangers for the purposes of this Act.
- (2) The Director may from time to time appoint other suitable persons to be game animal rangers in an honorary capacity for the purposes of this Act.
- (3) A game animal ranger may be appointed—
 - (a) for a particular region or area or areas or to act generally throughout New Zealand;
 - (b) for a particular purpose or general purposes specified in the warrant issued to that person.
- (4) Every game animal ranger appointed under subsection (2) of this section shall be appointed for a term not exceeding 3 years specified by the Director; but may be reappointed.
- (5) Any game animal ranger appointed under subsection (2) of this section may at any time be removed from office by the Director for incapacity, neglect of duty, or

misconduct proved to the satisfaction of the Director, or may at any time resign office by writing addressed to the Director.

- (6) Every person shall, on ceasing to be a game animal ranger, surrender to the Director the warrant of appointment, any badge of office, and any article of uniform issued to that person.
- (7) No game animal ranger shall be regarded as an employee of the New Zealand Game Animal Council by reason only of the appointment of that person under this section.
- (8) The Director shall give every game animal ranger a written warrant, signed by or on behalf of the Director, evidencing the appointment; and the production of the warrant shall, in the absence of proof to the contrary, be conclusive evidence of the appointment.
- (9) Every person who is a member of the Police shall be deemed to be a game animal ranger.
- (10) There may be paid to any game animal ranger appointed under subsection (2) of this section, by the New Zealand Game Animal Council reimbursement of the actual and reasonable expenses incurred in the course of acting as a game animal ranger, if the Director has given prior authorisation and has subsequently approved the amount of the expenses.

Powers of game animal rangers

Subject to this Act and the terms of the warrant of appointment of any game animal ranger, a game animal ranger shall have and may exercise all the powers exercisable by a warranted officer under this Act or the Wildlife Act 1953, or under any regulations or notices made under either of those Acts.

Provisions relating to Director and game animal rangers

- (1) Sections [.....] of this Act shall apply in respect of game animal rangers as if—
 - (a) references in those provisions to the Director-General were references to the Director;
 - (b) references in those provisions to the Department were references to the New Zealand Game Animal Council;
 - (c) references in those provisions to a warranted officer were references to a game animal ranger;
 - (d) references to money appropriated by Parliament were references to money belonging to the New Zealand Game Animal Council.
- (2) The Director may in writing delegate to any employee of the New Zealand Game Animal Council all or any of the Director's functions and powers under this Act or any other Act, except the power to appoint game rangers under section 26FA of this Act.

Employment principles

The New Zealand Game Animal Council shall operate a personnel policy that complies with the principle of being a good employer by following, as closely as possible and as if

it were a chief executive of a Department, the provisions of sections 56 and 58 of the State Sector Act 1988.

Crown entity

- (1) The New Zealand Game Animal Council is, for the purposes of subpart 2 of Part 5 of the Public Finance Act 1989, an organisation named or described in Schedule 4 of that Act.
- (2) The Council is a public entity as defined in section 4 of the Public Audit Act 2001 and, in accordance with that Act, the Auditor-General is its auditor.

Annual report

- (1) The New Zealand Game Animal Council shall, as soon as practicable after the end of each financial year, furnish to the Minister a report on its operations for that financial year.
- (2) The Minister must present a copy of the report to the House of Representatives in accordance with section 150(3) of the Crown Entities Act 2004.

Chairperson of New Zealand Game Animal Council

- (1) The members of the New Zealand Game Animal Council shall from time to time appoint one of their number or appoint a person from outside the Council to be Chairperson of the New Zealand Game Animal Council
- (2) The Chairperson shall preside at all meetings of the New Zealand Game Animal Council at which he or she is present.
- (3) If the Chairperson is absent from any meeting of the New Zealand Game Animal Council, the members present shall appoint one of their number to be the Chairperson of that meeting.

Meetings of New Zealand Game Animal Council

- (1) Meetings of the New Zealand Game Animal Council shall be held at least twice a year at such times and places as the New Zealand Game Animal Council or the Chairperson from time to time appoints.
- (2) A special meeting shall be called by the Chairperson whenever 6 or more members so request in writing.
- (3) At any meeting of the New Zealand Game Animal Council, a majority of the members in office shall form a quorum, and no business shall be transacted at any meeting unless such a quorum is present.
- (4) Every question before any meeting of the New Zealand Game Animal Council shall be determined by a majority of the members present and voting on the question, and proper minutes shall be kept of proceedings.
- (5) At any meeting of the New Zealand Game Animal Council, the Chairperson of that meeting shall have a deliberative vote and, in the case of an equality of votes, shall not have a casting vote.
- (6) The powers of the New Zealand Game Animal Council shall not be affected by any vacancy in its membership, nor shall the proceedings of the New Zealand Game

Animal Council be invalidated merely because of the subsequent discovery that some defect existed in the appointment of any member.

- (7) Subject to the provisions of this Act, the New Zealand Game Animal Council may regulate its procedure in such manner as it thinks fit.

Department of Conservation to be represented on the New Zealand Game Animal Council

The Director-General shall appoint a senior representative of the Department of Conservation to serve as a member of the New Zealand Game Animal Council. The Director-General's appointee shall be entitled to attend and speak at any such meeting, and shall be entitled to vote on any question.

Term of office of members of the New Zealand Game Animal Council.

- (1) Subject to subsections (2) to (5) of this section, every member of a the New Zealand Game Animal Council shall hold office for a term of 3 years and may be re-elected.

No remuneration payable to members

Except as otherwise provided by this Act or any regulations made under it, no member of the New Zealand Game Animal Council shall be entitled to receive any remuneration or expenses in respect of his or her service as a member of the Council.

- (3) The following provisions shall apply in respect of operational work plans:
 - (a) The New Zealand Game Animal Council shall prepare such a plan annually;
 - (b) such plans shall be submitted to the Minister for the Minister's approval if there is no game management plan for the time being in force for the area;
 - (c) the Minister shall approve or amend plans submitted under paragraph (b) of this subsection;
 - (d) Subject to paragraph (e) of this subsection, such plans shall have effect on and from the date of their completion by a Council but shall be subject to any amendments made by the Minister;
 - (e) if there is no management plan for any species of game animal for the time being in force, those provisions of the Council's operational work plan that relate to the management of those species for which there is no management plan shall not have effect until approved by the Minister.

Game Animal Management plans

- (1) The purpose of a game animal management plan is to implement objectives for the management of game animals within any region or part of any region.
- (2) The New Zealand Game Animal Council shall prepare for approval by the Minister such game animal management plans as it considers necessary for the management of game animals within its area of jurisdiction.
- (3) When preparing a draft game animal management plan, the NZ Game Animal Council shall—
 - (a) Have regard to the sustainability of game animals in the area to which the plan relates;

and

- (b) Have regard to the impact that the management proposed in the draft is likely to have on other natural resources and other users of the habitat concerned; and
- (c) Include such provisions as may be necessary to maximise opportunities for hunters and game animal managers.

Procedure for preparation, approval, review, and amendment of game animal management plans

- (1) Every draft game animal management plan shall be prepared by the New Zealand Game Animal Council in the manner provided in subsection (2) of this section.
- (2) The following provisions shall apply to the preparation and approval of game animal management plans:
 - (a) The New Zealand Game Animal Council—
 - (i) shall publish a notice of the draft plan either in some newspaper circulating in the area in which the subject matter of the notice is situated or, if the draft is of national importance, at least once in each of 5 daily newspapers published in Auckland, Hamilton, Wellington, Christchurch, and Dunedin.; and
 - (ii) shall give notice of the draft plan to the Director-General and, so far as is practicable, to representatives of the appropriate iwi authorities, and to the appropriate regional councils and territorial authorities within the meaning of the Local Government Act 2002; and
 - (iii) may give such further notice of the draft plan as it thinks fit; and
 - (iv) shall, in every notice under this subsection, invite persons or organisations to send to the New Zealand Game Animal Council written submissions on the proposal before the date specified in the notice, being a date not less than 40 working days after the date of the publication of the notice; and
 - (v) shall consult with such other persons or organisations, in such manner, as it considers practicable and appropriate; and
 - (vi) shall give full consideration to any submissions and opinion made known to the New Zealand Game Animal Council:
 - (b) Every notice under paragraph (a) of this subsection shall state that the draft plan is available for inspection at the places and times specified in the notice:
 - (c) From the date of public notification of a draft plan until public opinion of it has been made known to the New Zealand Game Animal Council, the draft shall be made available by the New Zealand Game Animal Council for public inspection during normal office hours, in such places and quantities as are likely to encourage public participation in the development of the proposal;
 - (d) The New Zealand Game Animal Council shall give every person or organisation who or which, in making any submissions on the draft, asks to be heard in support of his or her or its submissions, a reasonable opportunity of appearing before a meeting of representatives of the New Zealand Game Animal Council;
 - (e) the New Zealand Game Animal Council shall prepare a summary of the submissions received on the draft and public opinion made known about it;
 - (f) the New Zealand Game Animal Council shall send the draft to the Minister with the

summary prepared under paragraph (e) of this subsection and a written statement of any matters of content on which the Director-General and the Council are unable to agree;

- (g) the Minister shall approve or amend plans submitted under paragraph (f);
- (3) The New Zealand Game Council may at any time review or amend any game animal management plan.
- (4) Subject to subsection (6) of this section, the review of any game animal management plan and amendments shall be dealt with under subsection (2) of this section, which shall apply with any necessary modifications.
- (5) The following provision shall also apply in relation to the review of any game animal management plan:
 - (a) any game animal management plan may be reviewed in whole or in part:
 - (b) A game animal management plan shall be reviewed as a whole by the New Zealand Game Animal Council not later than 10 years after the date of its approval:
 - (c) the Minister may, after consultation with the New Zealand Game Animal Council, extend that period of review.
- (6) Where the proposed amendment of any game animal management plan is of such a nature that the New Zealand Game Animal Council considers that it will not materially affect the objectives or policies expressed in the plan or the public interest in the area concerned, the amendment shall be dealt with under paragraphs (e) to (g) of subsection (2) of this section, which shall apply with any necessary modifications.

Effect of general policies, conservation management strategies, and management plans

- (1) Every statement of general policy approved under section 17B(3)(m) or section 17C of this Act, every conservation management strategy, and every conservation management plan, freshwater fisheries management plan, sports fish and game management plan and game animal management plan shall have effect on and from the date on which it is approved, or on such later date as may be specified in that behalf in the statement or strategy or plan.
- (2) No such statement or strategy or plan shall restrict or affect the exercise of any legal right or power by any person other than the Minister or the Director-General or any Fish and Game Council or the New Zealand Game Animal Council.
- (3) Every such statement, strategy, and plan shall be available for public inspection during ordinary office hours at the Department's Head Office, and at such other places as the Director-General thinks its public availability is desirable.
- (4) Game animal management plans, and policies relating to game animal management plans and policies that are general policies or are established by the New Zealand Game Animal Council, shall be available at the offices of the New Zealand Game Animal Council.
- (5) Where any such strategy or plan or any review or amendment of any such strategy or plan is approved, the the New Zealand Game Animal Council or the Director-General in the case of any other strategy or plan, must give public notice of the approval, specifying the offices or places at which the strategy or plan, or reviewed or amended strategy or plan, can be inspected; and section 49(1) of this Act applies as if the notice were required to be given by the Minister.