

Game Animal Council Bill

Government Bill

As reported from the Local Government and
Environment Committee

Commentary

Recommendation

The Local Government and Environment Committee has examined the Game Animal Council Bill and recommends by majority that it be passed.

Introduction

The Game Animal Council Bill seeks to establish the Game Animal Council. The Council would be a body corporate with perpetual succession, and is intended to improve the management of chamois, deer, tahr, and wild pig, including opportunities to hunt such animals.¹

The bill includes provisions for the Minister of Conservation to designate any herd of game animals in a defined location on conservation land to be a herd of special interest. It is intended that such herds would be managed specifically for recreational hunting without adversely affecting other users or biodiversity values.

¹ Chamois: a goat-like antelope; tahr: wild goat.

The bill would require the payment of a levy to the Council to export a game trophy from New Zealand. The funds received would form part of the Council's revenue.

Hunting on the conservation estate

The Conservation Act 1987 states that one of the functions of the Department of Conservation is "to manage for conservation purposes, all land, and all other natural and historic resources, for the time being held under this Act". Many view the existence of game animals on conservation land as incompatible with this function, especially since New Zealand's unique ecosystem does not cope well with introduced species.

Hunting and conservation are not mutually exclusive. We recognise that many hunters take a keen interest in maintaining and protecting the environment. We think that it is possible for game animal hunting to be managed safely on the conservation estate, but would strongly encourage such activity being undertaken judiciously and with due consideration for the protection of our indigenous flora and fauna.

We note that under the bill, the Council would be able to manage only specified species in specified locations. The Department of Conservation would continue to have responsibility for controlling other species, such as hares, goats, rats, and stoats.

Game Animal Council Establishment Committee

The Game Animal Council Establishment Committee was appointed in 2008 to recommend how a national-level body should be set up to manage and represent all interest groups. In 2010 it presented the Minister of Conservation with a report which made a number of recommendations. We are aware that some would like to see the bill amended to adopt in full the establishment committee's recommendations. The changes sought would significantly change the overall intent and effect of the bill and would affect a wider range of interests, including private landowners. They are, however, outside the scope of this bill.

Commentary

This commentary covers the key amendments that we recommend to the bill. It does not cover minor or technical amendments.

Interpretation

For the sake of clarity we recommend a number of amendments to clause 4, including

- inserting a definition of “regional council”
- deleting the definition of “conservation land” and replacing it with a definition of “public conservation land”
- amending the definitions of “game trophy” and “overriding considerations”.

Defining “overriding considerations” is intended to ensure that a consistent set of considerations is applied in a number of potential decisions under the Act. Adding animal welfare to “overriding considerations” would not be appropriate as the Animal Welfare Act 1999 specifies how animal welfare requirements apply.

We recommend amending the definition of “game trophy” to exclude products that are traded on a significant scale as commercial products, such as velvet, hard antler, hides, and meat. We consider that all game animals and parts of game animals that are exported as trophies should be subject to Council regulations and levies irrespective of whether they were obtained on private or conservation land.

We do not recommend amending the definition of “game animal” to include other animals such as upland game birds, and wild sheep. Wild sheep and upland game birds are outside the scope of the bill.

We do not consider that enforcement officers should be renamed rangers. “Ranger” is a general term used to describe Department of Conservation and local territorial authority field staff—including those who are not warranted as enforcement officers. Renaming enforcement officers rangers could therefore lead to confusion. We note that ranger is not a statutory term under the Conservation Act 1987, and Council staff would be free to use the term in their work.

Functions of the Council

We recommend amending clause 7(1)(f) to make it clear that the Council may conduct research on the hunting of game animals and on game animals generally.

We also recommend inserting new clause 7(1)(j), to make it clear that the Council could assess the costs of managing herds of special interest, and could recommend to the Minister the appropriate ways to

recover those costs. The amendment we propose would not delegate decision-making powers to the Council, and we note that Schedule 2 provides an appropriate level of accountability as it seeks to make consequential amendments to the Public Finance Act 1989, including a requirement for the Council to submit an annual report to Parliament.

Council membership

We recommend amending clause 8(3) by including kaitiakitanga and relevant scientific knowledge among the kinds of knowledge and experience Council members should have. We believe this amendment would allow the Council to operate more effectively.

Council chairperson

We recommend amending clause 12 to require the Minister to appoint a chairperson who he or she considers possesses the appropriate management and conflict resolution skills to chair the Council. The Council is intended to help manage the wide range of interests in the hunting sector, and this amendment would help facilitate it doing so.

Meetings of the Council

We recommend amending clause 13 to require the Council to advise the responsible Minister of any amendments to its procedures, and to make its procedures available for inspection free of charge. The amendments we propose would ensure consistency between the bill and the Local Government Official Information and Meetings Act 1987.

We also recommend amending clause 13 to change the required majority for the purposes of Council decision-making from two-thirds to a simple majority.

Herds of special interest

Designating herds of special interest

We recommend amending clause 16 to require a Gazette notice designating game animals a herd of special interest to include any species of game animal that would be part of a herd, the area of land the ani-

mals must be located in, and the reasons for the particular “special interest” designation.

We recommend that clause 16 also require the Minister to consider the purpose of the Wild Animal Control Act 1977, the status of relevant conservation land, and any overriding considerations.

We further recommend that clause 16 require the Minister to have regard to the advice of the New Zealand Conservation Authority, relevant conservation boards and regional councils, and the Ministry for Primary Industries.

Ownership of herds of special interest

We recommend amending clause 17 to make it clear that the Crown would not have obligations or liabilities in respect of damage done by any game animal.

Herd management plans

We recommend amending clause 19 to make game animal management plans mandatory not discretionary, and to require that plans be reviewed at intervals of “not more than five years”.

We also recommend amending clause 19 to clarify who the Minister must consult with before making or amending a herd management plan, including

- the Minister for Primary Industries
- the Game Animal Council
- the Director-General of the Department of Conservation
- the New Zealand Conservation Authority.

Delegation of Minister’s powers

We recommend amending clause 20 to make it clear that the Minister could only delegate to the Council the powers under clause 18—excluding the ability to capture, convey, or liberate animals. As introduced, clause 20 would have allowed the Minister’s power to appoint the Council, designate a herd of special interest, and make a management plan to be delegated to the Council. This was not intended, and the amendments we propose would remedy this.

We also recommend that clause 20 allow the Minister to delegate his or her authority only if satisfied that the delegation would improve the management of the herd.

Failing to produce authorisation

We recommend deleting clause 31(2). Clause 31(2) deems any person who is carrying a weapon in an area where there is a herd of special interest to be there because they intend to kill a game animal. While this would not necessarily be the case—they could be merely passing through—the bill as introduced would put the onus on individuals to prove that they did not wish to kill a game animal that was part of a herd of special interest.

We believe there are adequate enforcement provisions in clause 28 to manage any unauthorised hunting or killing of herds of special interest.

Council funding

We recommend replacing clause 32 and inserting new clause 32B. New clause 32 would allow the Governor-General, by Order in Council and on the recommendation of the Minister, to impose hunting fees in relation to herds of special interest as well as game trophy export levies, while new clause 32B would require the Minister to determine the funds to be raised by levies each year.

Under the bill as introduced, Council funding, excluding appropriations, was to be limited to game trophy export levies. We were concerned that this would provide the Council with insufficient funding to operate effectively. At the same time we did not think it appropriate to propose levies that could be imposed on people who do not hunt game animals. The amendments we propose are intended to balance our concerns and provide for a targeted levy.

Government members of the committee supported the possibility of alternate funding mechanisms such as an ammunition levy.

We also recommend amending clause 33 to allow the Governor-General, by Order in Council, to impose fees for cost recovery purposes.

Relationship with other Acts

We recommend inserting new clause 34A to make it clear that ministerial powers relating to the authorisation of hunting could not limit the ability of the Minister or Director-General of Conservation to carry out the killing of wild animals or pests for control or management purposes.

Enforcement officers

We recommend amending Schedule 1 by inserting new clause 6A to grant enforcement officers the power to search when they have good reason to believe that an offence has been committed. While clause 7 would grant enforcement officers the power to stop, and clause 8 the power of seizure, the bill as introduced does not include the power to search. This could, potentially, have led to enforcement officers stopping a vehicle but being able to seize only that which was clearly visible, with any contraband in the boot, for example, being out of the reach of enforcement officers. The amendment we propose would remedy this.

New Zealand Labour Party minority view

Labour supported the referral of this bill to committee but raised serious concerns about it. Some of these concerns have been addressed during the committee process but several fundamental issues remain unresolved. Labour regrets that the Minister responsible, Hon Peter Dunne, did not agree to the committee's request for a longer extension of time, as we believe that these issues may have been resolved with further work.

The first issue was the actual structure of the Game Animal Council as a separate entity, rather than a structure such as a ministerial advisory committee under the Wild Animal Control Act. This separate structure was against the specific advice of both the Treasury and the Department of Conservation (DOC) and sets up direct and competing interest in the management of wild animals, rather than progressing, the more collaborative approach that should be pursued. They further advised that separate legislation to create a Game Animal Council would have the highest costs in regulatory time and resources.

Labour respects the long traditions of hunting of game animals in New Zealand and agrees that it does help to control animal num-

bers and protect biodiversity, but the establishment of the Council as reported back from the committee will create confusion and could undermine both these controls and protections. Many recreational hunter submitters expressed strong frustration at the lack of recognition by DOC in regard to their role as hunters in conservation. This frustration and lack of relationships in some parts of the country has been the driver of the establishment of the Game Animal Council. However these submitters, despite their frustration with DOC, and their equally strong support for a Game Animal Council, did not support the structure outlined in the bill.

The second issue is in regard to the final determination of a proposal for conservation purposes, for example the dropping of 1080 for possums, rats, or stoats. The Parliamentary Commissioner for the Environment raised this concern in her submission and it is unresolved. She pointed out that the Game Animal Council could halt 1080 operations if it thought game animals were going to be at risk. This is a direct threat to essential pest control and therefore to both health and biodiversity.

The third issue is in regard to the funding of the Council. This has been a very difficult area and one on which the committee has worked hard.

The next issue is the continued lack of recognition of Māori and the role of iwi in local conservation management. We heard through submissions of the strong relationship between some iwi and the local Department of Conservation, and innovative partnership approaches which have developed. The bill does not build on those relationships, but undermines them.

The bill creates tension between the Game Animal Council and the Department of Conservation. That is in no-one's best interest. The passing of the Wild Animal Control Act in 1977 recognised the role that commercial and recreational hunters had to play alongside the Department of Conservation if we were to control species that harm our fauna and flora. This bill actually makes the activities of recreational hunters more difficult and more expensive, to the advantage of safari hunters.

The bill provided an opportunity to build on existing relationships or create those that do not exist but could strengthen conservation if they did, but the opportunity has been missed. Instead, we have a bill which creates tension between hunters and the Department of

Conservation, and makes the activities of recreational hunters more difficult. Labour will not be supporting the further progress of this bill.

Green Party minority view

The Green Party supports recreational hunting on conservation land and recognises the enjoyment and satisfaction which many hunters gain from the sport. Recreational hunting of deer and thar, for example, can help reduce animal numbers but research shows that on its own it does not reduce numbers enough to protect indigenous biodiversity.

The Green Party opposes the Game Animal Council Bill for the following reasons:

Firstly, the bill introduces multiple-use management on the public conservation estate. This is at odds with the thrust of conservation legislation and the Department of Conservation's statutory purpose to preserve and protect natural and historic resources and our unique indigenous plants, wildlife, and landscapes for their intrinsic value, and to safeguard the options of future generations.

The Game Animal Council's statutory functions and decision-making powers potentially undermine the department's ability to control introduced animals such as deer and pigs on conservation land. This is because the bill establishes a dual management regime for areas where "herds of special interest" are designated. The Game Animal Council's desire to maximise hunting opportunities will conflict with the need to control and cull introduced browsers such as thar to protect alpine plants and ecosystems. Such conflict potentially delays or constrains the department's work in undertaking 1080, culling, and other pest control operations.

Secondly, the bill creates an unnecessary quango. Recreational hunting areas already exist under the Wild Animal Control Act and a ministerial advisory committee could have been established under that Act.

Additional appointments to existing organisations such as the New Zealand Conservation Authority and conservation boards would better reflect the range of public and stakeholder interests in the management and control of introduced species on conservation

land. This would promote more collaborative discussion than a stand-alone Game Animal Council.

Thirdly, historically wild animal recovery operators (WARO) taking thar and deer for commercial use (such as venison recovery) have contributed significantly to reducing deer and thar numbers. The bill introduces additional bureaucracy which may obstruct or delay the issue and implementation of WARO permits and commercial recovery.

Fourthly, there is no prohibition on “herds of special interest” being established in our most valuable protected areas, such as national parks, national reserves, scientific reserves, and ecological areas, with the damage to indigenous biodiversity this would cause.

By allowing the Minister to approve the capture and liberation of animals from a herd of special interest, the bill would enable an expansion of the feral range of animals such as deer and chamois. The natural history of Aotearoa/New Zealand is a study of the impacts of the introduction and spread of introduced predators and mammalian browsers. The effective protection of our unique and internationally significant indigenous biodiversity requires a contraction not an expansion in the range and abundance of deer, chamois, thar, and other introduced animals. The illegal release of pigs in areas where they were not previously found can help spread bovine Tb.

Appendix

Committee process

The Game Animal Council Bill was referred to the committee on 1 March 2012. The closing date for submissions was 20 April 2012. We received and considered 664 submissions from interested groups and individuals as well as four form submissions comprising 252 individuals. We heard 39 submissions, which included holding a hearing in Christchurch.

We received advice from the Department of Conservation.

Committee membership

Nicky Wagner (Chairperson)

Maggie Barry

Jacqui Dean

Paul Goldsmith

Gareth Hughes

Raymond Huo

Nikki Kaye

Hon Annette King

Moana Mackey

Eugenie Sage

Hon Dr Nick Smith

Andrew Williams

For this item of business Hon Shane Jones replaced Hon Annette King, and Hon Ruth Dyson replaced Raymond Huo.

Game Animal Council Bill

Key to symbols used in reprinted bill

As reported from a select committee

text inserted unanimously

~~text deleted unanimously~~

Hon Peter Dunne

Game Animal Council Bill

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Game Animal Council Act **2011**.

2 Commencement

- (1) This Act, ~~except **subpart 4 of Part 4**~~, comes into force on the 5 day after the date on which it receives the Royal assent.
- (2) ~~**Subpart 4 of Part 4** comes into force on 1 July 2013 unless, before that date, the Governor-General appoints a different date by Order in Council.~~

Part 1 10

Preliminary and key provisions

Subpart 1—Preliminary provisions

3 Purposes

The purposes of this Act are—

- (a) to establish the Game Animal Council and provide for 15 its functions; and
- (b) to create powers for the Minister to manage herds of special interest; and
- (c) to allow the Minister to delegate his or her powers to the Council; and 20
- (d) to provide for ~~game trophy export levies~~ fees and levies to fund the Council and its functions.

4 Interpretation

- (1) In this Act, unless the context otherwise requires,— 25
 - conservation board** means a conservation board established under section 6L of the Conservation Act 1987
 - ~~**conservation land** means land held, managed, or administered by the Department of Conservation under the Conservation Act 1987 or an enactment listed in Schedule 1 of that Act~~ 30
 - Council** means the Game Animal Council established under **section 6**

Crown entity means a Crown entity within the meaning of section 7 of the Crown Entities Act 2004

Customs means the New Zealand Customs Service referred to in section 5 of the Customs and Excise Act 1996

Customs officer means a person holding office as a Customs officer under the Customs and Excise Act 1996 5

Director-General means the Director-General of Conservation

enforcement officer means—

- (a) a constable; or 10
- (b) a person appointed under **clause 1(1) of Schedule 1**

game animal—

- (a) means—
 - (i) any chamois, deer, or tahr:
 - (ii) any pig that is living in a wild state and is not being herded or handled as a domestic animal or kept within an effective fence or enclosure for farming purposes; and 15
- (b) includes the whole or any part of the carcass of the animal; but 20
- (c) does not include any animal kept in captivity pursuant to section 12 or 12A of the Wild Animal Control Act 1977

game trophy—

- (a) means the whole or any part of a game animal that— 25
 - (i) is inedible, or has been rendered inedible as a result of processing, taxidermy, preservation, or mounting; and
 - (ii) is a souvenir from a game animal hunted and killed in New Zealand in the previous 10 years; 30
- (b) does not include the velvet, velvet antlers, or hide of a deer

game trophy—

- (a) means any part of a chamois, deer, tahr, or pig that is a hunting souvenir; but 35
- (b) does not include—
 - (i) velvet or velvet antlers:

(ii) the hide of a deer

game trophy export levy means the levy that is—

- (a) payable for the export of a game trophy; and
- (b) imposed by regulations made under **section 32**

government department means a department named in Schedule 1 of the State Sector Act 1988 5

herd means a group of animals of the same species that live and roam together

herd of special interest means a herd of a species of game animals in a specified area designated by the Minister as a herd of special interest under **section 16** 10

honorary enforcement officer means a person appointed under **clause 2(1) of Schedule 1**

Minister means the Minister of Conservation

New Zealand Conservation Authority means the authority established under section 6A of the Conservation Act 1987 15

overriding considerations means—

- (a) the welfare and management of public conservation land and resources generally:
- (b) any statement of general policy that is made, or has effect as if it were made, under— 20
 - (i) section 17B of the Conservation Act 1987:
 - (ii) section 44 of the National Parks Act 1980:
 - (iii) section 15A of the Reserves Act 1977:
 - (iv) section 14C of the Wildlife Act 1953: 25
- (c) any conservation management strategy made under section 17D of the Conservation Act 1987:
- (d) any conservation management plan made under—
 - (i) section 17E of the Conservation Act 1987:
 - (ii) section 40B of the Reserves Act 1977: 30
- (e) any management plan made under—
 - (i) section 47 of the National Parks Act 1980:
 - (ii) section 41 of the Reserves Act 1977:
- (f) ~~any national or regional pest management strategy made under the Biosecurity Act 1993:~~ 35
- (g) ~~any operational plan made under section 85 of the Biosecurity Act 1993.~~

- (f) any wild animal control plan made under section 5 of the Wild Animal Control Act 1977:
- (g) any pest management strategy, pest management plan, pathway management plan, or operational plan made under the Biosecurity Act 1993 5
- public conservation land** means land that is—
- (a) held, managed, or administered by the Department of Conservation under the Conservation Act 1987 or an enactment listed in Schedule 1 of that Act; and
- (b) owned by the Crown 10
- regional council**—
- (a) means a regional council within the meaning of section 5(1) of the Local Government Act 2002; and
- (b) includes a unitary authority within the meaning of section 5(1) of that Act. 15
- (2) Unless the context otherwise requires, terms used and not defined in this Act but defined in the Wild Animal Control Act 1977 have the same meaning as in that Act.
- 5 Act binds the Crown** 20
This Act binds the Crown.

Subpart 2—Game Animal Council

- 6 Establishment of Council**
- (1) The Game Animal Council is established as a body corporate with perpetual succession.
- (2) The Council is legally separate from its members, its employees, and the Crown. 25
- (3) For the purpose of performing its functions, the Council has—
- (a) full capacity to carry on or undertake any activity, do any act, or enter into any transaction; and
- (b) for the purposes of **paragraph (a)**, full rights, powers, and privileges. 30
- (4) **Subsection (3)** is subject to this Act, any other enactment, and the general law.

7 Functions of Council

- (1) The Council has the following functions in relation to game animals:
 - (a) to advise and make recommendations to the Minister:
 - (b) to provide information and education to the hunting sector: 5
 - (c) to promote safety initiatives for the hunting sector, including firearms safety:
 - (d) to raise awareness of the views of the hunting sector:
 - (e) to liaise with hunters, recreational hunting organisations, representatives of tangata whenua, local authorities, landowners, the New Zealand Conservation Authority, conservation boards, and the Department of Conservation to improve hunting opportunities: 10
 - (f) to conduct ~~game animal hunting~~ research, including research on the hunting of game animals: 15
 - (g) in respect of herds of special interest for which the Minister has delegated management powers under **section 20** to the Council,—
 - (i) to undertake management functions that are compatible with the management of public conservation land and resources generally; and 20
 - (ii) to exercise its powers for the effective management of the herd:
 - (h) to provide any other services to hunters that the Minister is satisfied are ancillary to the Council’s other functions: 25
 - (i) to perform any other functions conferred on it under this Act or any other enactment:—
 - (j) to assess the costs of managing herds of special interest and make recommendations to the Minister on ways to recover those costs. 30
- (2) In performing functions other than the functions in **subsection (1)(a)** and **(d)**, the Council must have regard to any views expressed in writing by the Minister to the Council.

8 Council membership

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- (1) The Minister must appoint no fewer than 9, and no more than 11, persons as members of the Council.

- (2) The Minister must appoint members to the Council who the Minister considers have, collectively, knowledge of, and experience in relation to, matters relevant to the functions of the Council.
- (3) Knowledge and experience that are relevant include know- 5
 ledge of, and experience relating to,—
- (a) in the case of game animals,—
 - (i) recreational hunting:
 - (ii) commercial hunting:
 - (iii) deer farming: 10
 - (iv) safari park operations:
 - (v) meat processing and exporting:
 - (vi) hunting-related tourism:
 - (vii) Māori hunting interests:
 - (viii) ~~hunting-related~~ research on hunting in New 15
Zealand:
 - (b) farming generally:
 - (c) forestry:
 - (ca) kaitiakitanga (being guardianship of natural and phys- 20
ical resources in accordance with tikanga Māori):
 - (d) nature conservation:;
 - (e) scientific disciplines.
- (4) Before appointing a member to the Council, the Minister must publish a notice—
- (a) stating the number of appointments the Minister intends 25
to make; and
 - (b) calling for nominations to be sent to the Minister; and
 - (c) stating a date after which the Minister may decline to
accept nominations, being a date not less than 28 days
after the date of first publication of the notice. 30
- (5) The notice—
- (a) must be published at least twice in a daily newspaper
circulating in each of the cities of Auckland, Hamilton,
Wellington, Christchurch, and Dunedin; and
 - (b) may be published in any other media, and on any other 35
occasions, that the Minister thinks appropriate.
- (6) An appointment of a member of the Council—
- (a) must be made by notice in the *Gazette*; and

- (b) takes effect from the date of the notice, or a later date specified in the notice.
 - (7) The Council’s powers are not affected by any vacancy in its membership.
- 9 Restriction on membership** 5
 An employee of the Department of Conservation must not be appointed to the Council.
- 10 Terms of office of Council members**
- (1) A member of the Council holds office for a term, not exceeding 3 years, that the Minister specifies in the notice of appointment under **section 8(6)**. 10
 - (2) The Minister may remove a member from office at any time for—
 - (a) bankruptcy; or
 - (b) inability to perform the functions of the office; or 15
 - (c) neglect of duty; or
 - (d) misconduct.
 - (3) A member may, at any time, resign from office by giving written notice to the Minister.
 - (4) Except where a member dies, resigns, or is removed from office, the member continues in office after the expiry of his or her term until the member is reappointed or a successor is appointed. 20
 - (5) If any member of the Council dies, resigns, or is removed from office, the Minister may fill the vacancy created— 25
 - (a) in the manner provided in **section 8**; or
 - (b) by appointing a person, in accordance with **section 8(6)**, from among the nominations received in response to the most recent call for nominations under **section 8(4)**. 30
 - (6) A person may not serve as a member of the Council for more than 6 consecutive years and a period of 3 years must elapse following the end of that period before the person is again eligible to be a member.

- (7) A member is not entitled to any compensation or other payment or benefit relating to his or her ceasing, for any reason, to hold office as a member.

11 Remuneration and expenses

Members of the Council are entitled to receive from the Council, in accordance with the fees framework referred to in section 10 of the Crown Entities Act 2004,—

- (a) remuneration for services as a member at a rate and of a kind determined by the Minister: 5
- (b) reimbursement for actual and reasonable travelling and other expenses incurred in performing functions and duties as a member. 10

12 Chairperson of Council

- (1) The Minister must, by notice in the *Gazette*, appoint ~~one of the members~~ a member of the Council to be the chairperson of the Council ~~to be its chairperson for—~~ for a term that the Minister specifies in the notice of appointment. 15

- (a) ~~the term of that member's appointment; or~~
 (b) ~~any lesser period that the Minister thinks fit.~~

- (1A) The Minister must appoint as chairperson a member of the Council whom the Minister considers has the appropriate management and conflict resolution skills to chair the Council. 20

- (1B) If there is a vacancy in the office of chairperson, the members may elect one of their number to act as chairperson until an appointment is made under **subsection (1)**. 25

- (2) The chairperson must preside at all meetings of the Council at which the chairperson is present.

- (3) If the chairperson is absent from a meeting of the Council, the members present must appoint one of their number to chair the meeting. 30

13 Meetings of Council

- (1) Meetings of the Council may be held at the times and places that the Council or the chairperson appoints.

- (2) A special meeting must be called by the chairperson whenever 3 or more members, in writing, request a meeting. 35

- (3) A meeting of the Council may only be held ~~by~~ if a quorum of the members ~~meeting is present~~ at the time and place appointed for the meeting.
- (4) A majority of the members in office forms a quorum.
- (5) At any meeting of the Council,— 5
- (a) decisions may be made ~~only~~ by a ~~two-thirds~~ simple majority of members present and voting on the matter; and
- (b) the chairperson of that meeting has a deliberative vote and a casting vote; and
- (c) proper minutes must be kept of proceedings. 10
- (5A) Part 7 of the Local Government Official Information and Meetings Act 1987 applies to the Council as if the Council were a local authority.
- (6) Subject to the provisions of this Act, the Council may regulate its procedure in any manner it thinks fit. 15
- (7) The Council must notify the Minister of the adoption of any procedure as soon as is reasonably practicable after it is adopted.
- (8) The Council must make its procedures available for inspection free of charge to any person. 20
- 14 Minister and Director-General entitled to attend meetings of Council**
- (1) The Council or the chairperson must give no less than 7 days' notice to the Minister and the Director-General of— 25
- (a) every meeting of the Council; and
- (b) the proposed business to be transacted at that meeting.
- (2) The notice—
- (a) must be in writing, and state the time and place of the meeting; and
- (b) may be given by post, delivery, email, or other electronic communication. 30
- (3) The Minister and the Director-General (or the Minister's or Director-General's nominee) are entitled to attend and speak at any meeting of the Council, but are not entitled to vote on any question. 35
- (4) Any other Minister of the Crown may nominate a representative who is entitled to attend any meeting of the Council.

(5) This section applies despite anything to the contrary in Part 7 of the Local Government Official Information and Meetings Act 1987.

15 Members not personally liable

A member of the Council is not personally liable for any act done or omitted to be done in good faith in the performance or exercise or intended performance or exercise of the functions or powers of the Council. 5

Subpart 3—Herds of special interest

16 Minister may designate herds of special interest 10

(1) ~~The Minister may, by notice in the *Gazette*, designate any herd of game animals in a defined location on conservation land to be a herd of special interest if the Minister considers that the herd is—~~

- (a) ~~a herd of special interest to hunters; and~~ 15
- (b) ~~a herd that can be managed for recreational hunting purposes.~~

(1) The Minister may, by notice in the *Gazette*, designate any species of game animal in a specified area on public conservation land to be a herd of special interest if— 20

- (a) the Minister considers that—
 - (i) the animals are of special interest to hunters; and
 - (ii) the animals can be managed for recreational hunting purposes; and
 - (iii) management of the animals for recreational hunting purposes is consistent with the overriding considerations; and 25
- (b) the Minister has regard to—
 - (i) the purposes of the Wild Animal Control Act 1977; and 30
 - (ii) the status of the land, particularly the designation of the land as a conservation area, national park, or reserve; and
 - (iii) the overriding considerations; and
- (c) a herd management plan has been made for the herd under **section 19**. 35

- (2) In determining whether a herd of ~~game animals~~ a species of game animal is a herd of special interest is of special interest to hunters and can be managed for recreational hunting purposes, the Minister must have regard to the advice, if any, of—
- (aa) the Minister for Primary Industries; and 5
 - (a) the Council; and
 - (b) the Department of Conservation; and
 - (ba) any relevant regional council; and
 - (bb) the New Zealand Conservation Authority; and
 - (bc) any relevant conservation board; and 10
 - (c) any representative organisations that the Minister considers appropriate.
- (3) The notice under **subsection (1)** must specify—
- (a) the species of game animal that constitutes the herd; and
 - (b) the specified area of public conservation land where the animals are located; and 15
 - (c) the date from which the designation takes effect; and
 - (d) the reasons why the Minister considers the animals to be of special interest to hunters; and
 - (e) the expected benefits to be gained by managing the animals for recreational hunting purposes. 20

17 Ownership of herds of special interest

- (1) A game animal that is part of a herd of special interest—
- (a) is the property of the Crown; but
 - (b) if it is lawfully killed pursuant to this Act, ceases to be 25
the property of the Crown and becomes the property of the person who has lawfully killed it.
- (2) This section does not impose any obligation or liability on the Crown for any damage done by any game animal that is part of a herd of special interest. 30

18 Minister's powers

- (1) The Minister may do any or all of the following ~~in relation to~~ for the purpose of managing herds of special interest₂ and game animals that are part of a herd of special interest:
- (a) issue authorisations for hunting, subject to any terms 35
that the Minister thinks fit:

- (b) determine who may receive authorisations, whether by balloting or otherwise:
- (c) cancel or suspend authorisations (for breaches of the terms or conditions of hunting, or otherwise):
- (d) specify the conditions under which the animals may be hunted, including the periods and times at which they may be hunted: 5
- (e) capture, convey, or liberate the animals:
- (f) carry out surveys and other assessments regarding the animals and the means of managing them: 10
- (g) prepare publications relating to the animals and their management:
- (h) collect and disseminate information relating to the animals and their management:
- (i) promote standards (including ~~behaviour~~ behavioural and industry standards) for ~~hunters and game animal managers~~ game animal hunting and game animal management: 15
- (j) authorise or carry out operations for managing and controlling the size of the population, including the payment of bounties, grants, or subsidies. 20
- (2) The Minister must not specify a condition under **subsection (1)(d)** without first consulting with the Director-General and any persons or representative organisations that the Minister considers appropriate. 25
- (3) A condition specified under **subsection (1)(d)**—
- (a) must be notified in the *Gazette*; and
- (b) takes effect 28 days after the date of the notice or on a later date (if any) specified in the notice. 30
- Compare: 1977 No 111 s 5

19 Herd management plans

- (1) The Minister ~~may, in consultation with the Director-General,~~ must make or amend a herd management plan for any herd of special interest (**herd management plan**).
- (1A) The Minister may make a herd management plan for any game animals that the Minister proposes to designate as a herd of special interest. 35

- (2) The purpose of a herd management plan is to set out objectives and strategies for the management of a herd of special interest to achieve the expected benefits provided for under **section 16(3)(e)**.
- (2A) Herd management plans must be consistent with the overriding considerations. 5
- (3) Before making or amending a herd management plan, the Minister must—
- (a) publish a notice of his or her intention ~~to make the plan—~~ 10
- (i) in the *Gazette*; and
- (ii) in each of the daily newspapers published in Auckland, Wellington, Christchurch, and Dunedin; and
- (ab) make a copy of the draft plan available to any person on request; and 15
- (b) give interested persons a reasonable time to make submissions on the draft plan; and
- (c) ~~consult with any persons, including the Game Animal Council, as the Minister considers appropriate;—~~ 20
- (i) the Minister for Primary Industries; and
- (ii) the Council; and
- (iii) the Director-General; and
- (iv) any relevant regional council; and
- (v) the New Zealand Conservation Authority; and 25
- (vi) any relevant conservation board; and
- (vii) any other person that the Minister considers appropriate.
- (4) Herd management plans must be reviewed at intervals of not less ~~more~~ than ~~12 months~~ 5 years. 30
- (5) A herd management plan ~~does not restrict or affect the exercise of any legal right or power by any person other than the Minister or binds~~ the Council.
- (6) A herd management plan ~~can~~ does not restrict or affect the exercise of a legal right or power ~~of the Director-General—~~ 35
- by any person unless that person agrees to be bound.
- (a) ~~if the Director-General agrees; and~~
- (b) ~~the plan is consistent with the overriding considerations.~~

- (7) To avoid doubt, **subsection (6)** does not affect any power to make or ~~amend~~ any statement, strategy, or plan in **paragraphs (b) to (e)** of the overriding considerations.

20 Delegation of Minister's powers to Council

- (1) The Minister may delegate in writing to the Council all or any 5
of his or her powers under ~~this Act~~ **section 18** except ~~this power of delegation and~~ the power under **section 18(1)(e)** to capture, convey, or liberate animals that are part of a herd of special interest.
- (2) The Council may exercise any powers delegated under this 10
section, subject to any general or special directions given or conditions attached by the Minister, in the same manner and with the same effect as if the powers had been conferred directly by this section and not by delegation.
- (3) Every delegation made under this section is revocable in writ- 15
ing at will.
- (4) No delegation made under this section prevents the exercise of any power by the Minister.
- (5) Every delegation made under this section continues in force 20
until it is revoked, despite the fact that the Minister who made it has ceased to hold office, and the delegation continues to have effect as if made by his or her successor in office.
- (6) The Minister must not delegate any power under this section to the Council unless the Minister—
- (a) first consults— 25
- (i) the Director-General; and
 - (ii) the New Zealand Conservation Authority; and
 - (iii) any conservation board having jurisdiction over ~~any~~ land affected by the delegation; and
- (b) ~~is satisfied that management of the herd or herds of special interest by the Council is consistent with the overriding considerations.~~ 30
- (b) is satisfied that management by the Council (of the herd to which the delegation relates)—
- (i) is consistent with the overriding considerations; 35
 - and

(ii) will improve the management of the herd.

Compare: 1977 No 111 s 6

21 Notification and exercise of delegated powers

If the Minister delegates any powers specified in **section 18** to the Council,—

- (a) the Minister must publish a notice in the *Gazette* specifying the herd or herds of special interest ~~to be managed by the Council,~~ to which the delegation relates, together with the powers delegated ~~under this section~~ and any conditions of the delegation; and
- (b) the Council must ~~manage the animals in the herd~~ exercise the powers that have been delegated—
 - (i) consistently with the overriding considerations; and
 - (ii) in accordance with the terms of the delegation.

Subpart 4—Game trophy export levy

22 Person must pay game trophy export levy

A person must not export a game trophy from New Zealand that is a souvenir of an animal hunted and killed in New Zealand on or after the day this Act comes into force unless the person pays to the Council the ~~prescribed~~ game trophy export levy prescribed (if any) in respect of ~~the~~ that trophy.

23 Export levies payable to Council

- (1) Game trophy export levies are payable to the Council and the funds received form part of the Council's funds.
- (2) Any unpaid game trophy export levy is recoverable as a debt owed to the Council in a court of competent jurisdiction.
- (3) Before bringing any proceedings to recover a debt under **sub-section (2)**, the Council must write to the exporter at his or her last known address and give the exporter not less than 10 working days to pay the amount in full.
- (4) Payment of a debt under this section is not admissible as evidence in a prosecution for an offence under **section 27**.

24 Customs officer may detain game trophies

- (1) A Customs officer may detain any goods that he or she has reasonable grounds to suspect is a game trophy whose exportation is prohibited by **section 22**.
- (2) The Customs officer may, in detaining the goods, use any reasonably necessary force. 5
- (3) A game trophy detained under **subsection (1)** cannot be seized or forfeited under Part 14 of the Customs and Excise Act 1996 until the close of the 20th working day after the detention. 10
- (4) The chief executive of Customs may, at any time before the goods are forfeited, deliver the goods to the owner or other person from whom they were seized on production of proof of payment of prescribed game trophy levy.
- (5) Customs must transfer any condemned game trophy to the Council to be dealt with under **section 25**. 15
- (6) Section 237(2) of the Customs and Excise Act 1996 does not apply to game trophies.

25 Disposal of condemned game trophies

- (1) The Council may destroy, sell, or otherwise dispose of any game trophy transferred under **section 24(5)**. 20
- (2) The Council must not sell or dispose of any game trophy to any member or employee of the Council or any of his or her immediate family members.
- (3) Any funds from any sale or other disposition of any game trophy form part of the Council's funds. 25

26 Customs to provide information about game trophies

- (1) The Council may make a request in writing to the chief executive of Customs to provide information Customs holds about the export of suspected game trophies in order to enable the Council to— 30
 - (a) determine compliance with the requirement in **section 22**;
 - (b) recover unpaid game trophy export levies.
- (2) The information that Customs may provide under **subsection (1)** is— 35

- (a) the full name and contact details of the exporter:
 - (b) a description of the goods exported:
 - (c) the stated value of the goods:
 - (d) the date the goods were exported:
 - (e) any other information that is reasonably necessary for the purposes specified in **subsection (1)**. 5
- (3) The chief executive of Customs may, but need not, provide the information to the Council.
- (4) The Council may use the information obtained only for the purposes specified in **subsection (1)**. 10
- (5) The Council must, within 20 working days after receiving it, destroy any information that it has obtained under this section that is not necessary for the purpose of recovering any game trophy export levy.
- (6) No request may be made to, or information provided by, Customs under this section unless there is a current memorandum of understanding between the Council and Customs that— 15
- (a) relates to the provision, storage, and destruction of information in a manner that is consistent with the Privacy Act 1993; and 20
 - (b) contains requirements for reviewing the effectiveness of the information sharing.
- (7) The Council must provide details in its annual reports on the operation of information sharing under this section.

Part 2

25

Miscellaneous provisions

Subpart 1—Offences and penalties

27 Export of game trophies

- (1) A person commits an offence if the person exports, or attempts to export, a game trophy without paying the prescribed game trophy levy. 30
- (2) A person who commits an offence against this section is liable on summary conviction to a fine not exceeding \$5,000.

- 28 Hunting or killing animals in herd of special interest**
- (1) A person commits an offence who hunts or kills any game animal that is part of a herd of special interest without—
- (a) an authorisation, a licence, or a permit issued for the purpose under this Act or any other Act; or 5
- (b) complying with the terms of any such authorisation, licence, or permit.
- (2) A person commits an offence who hunts or kills any game animal that is part of a herd of special interest without complying with a condition specified under **section 18(1)(d)**. 10
- (3) A person who commits an offence against **subsection (1)** is liable on summary conviction to a fine not exceeding \$5,000.
- (4) A person who commits an offence against **subsection (2)** is liable on summary conviction to a fine not exceeding \$2,500.
- 29 Capturing, conveying, or possessing game animal that is part of herd of special interest** 15
- (1) A person commits an offence who, without the Minister's written authority, captures, conveys, or has in his or her possession any live game animal that is part of a herd of special interest.
- (2) A person who commits an offence against this section is liable on summary conviction to a fine not exceeding \$5,000. 20
- 30 Restrictions on liberation of game animal that is part of herd of special interest**
- (1) A person commits an offence who, without the Minister's written authority, liberates any game animal that ~~belongs to~~ is part of a herd of special interest or allows any game animal that ~~belongs to~~ is part of a herd of special interest to escape. 25
- (2) A person who commits an offence against this section is liable on summary conviction to a fine not exceeding \$50,000.
- 31 Failing to produce authorisation, licence, or permit** 30
- (1) A person commits an offence who—
- (a) ~~is in any area where a herd of special interest is usually present; and~~

- (b) is stopped by an enforcement officer or honorary enforcement officer who— observes the person hunting or killing animals in a herd of special interest; and
 - (i) ~~observes the person hunting or killing animals in the herd; or~~ 5
 - (ii) ~~has reasonable grounds to believe that the person is hunting or killing animals in the herd; and~~
- (c) ~~on request, fails, within 5 working days, to produce to the enforcement officer or honorary enforcement officer an authorisation, a licence, or a permit issued for the purpose under this Act or any other Act after being requested to do so by an enforcement officer or honorary enforcement officer.~~ 10
- (2) ~~Without limiting **subsection (1)(b)(ii)**, an enforcement officer or honorary enforcement officer has reasonable grounds to believe that a person is hunting or killing animals in the herd if the person has, or has under his or her control, any poison, snare, net, trap, weapon, firearm, vessel, vehicle, or aircraft adapted or equipped so as to be capable of being used for hunting or killing.~~ 15 20
- (3) A person who commits an offence against this section is liable on summary conviction to a fine not exceeding \$2,500.

Subpart 2—Other matters

32 Regulations for game trophy export levies

- (1) ~~The Governor-General may, by Order in Council, on the recommendation of the Minister, make regulations imposing game trophy export levies that are payable to the Council.~~ 25
- (2) ~~The regulations may—~~
 - (a) ~~impose different rates of levies—~~
 - (i) ~~for different classes of game trophies:~~ 30
 - (ii) ~~in respect of export to different countries:~~
 - (b) ~~exempt the payment of levies in respect of export to any country or countries.~~
- (3) ~~Before making a recommendation to the Governor-General under **subsection (1)**, the Minister must consider any recommendation that the Council makes regarding the setting or variation of game trophy export levies.~~ 35

32 **Funding regulations**

- (1) The Governor-General may, by Order in Council, on the recommendation of the Minister, for the purposes of funding services provided, powers exercised, or functions performed by the Council under this Act, make regulations prescribing any or all of the following fees or levies payable to the Council: 5
- (a) fees for hunting any animal that is part of a herd of special interest:
- (b) game trophy export levies.
- (2) Regulations made under **subsection (1)(b)**— 10
- (a) may impose different rates of levies for different classes of game trophies; and
- (b) may exempt the payment of levies in respect of export to any country or countries; but
- (c) must be consistent with New Zealand's international obligations. 15

32B **Minister's recommendation**

Before making a recommendation under **section 32**, the Minister must—

- (a) determine, in consultation with the Minister of Finance, the amount that the Minister considers reasonable to raise by hunting fees, or game trophy levies (as the case may be), having regard to— 20
- (i) the Council's financial statements; and
- (ii) the Council's forecast budget or budgets; and 25
- (iii) any income the Council is likely to receive from sources other than levies; and
- (iv) the likely impact of the fees or levies on the affected persons, goods, and industries; and
- (b) publish a notice of his or her intention to recommend a levy— 30
- (i) in the *Gazette*; and
- (ii) in each of the daily newspapers published in Auckland, Wellington, Christchurch, and Dunedin; and 35
- (c) make details of the proposed fee or levy available to any person on request; and

- (d) give interested parties a reasonable time, which must be specified in the notice, to make submissions on the proposal; and
- (e) consult the Council; and
- (f) consult any other persons, representative groups, gov- 5
ernment departments, and Crown entities that the Min-
ister in each case considers appropriate.

33 Other regulations

- (1) The Governor-General may, by Order in Council, also make regulations for any or all of the following purposes: 10
 - (a) prescribing forms for the purposes of this Act:
 - (b) prescribing administrative fees and charges for the purposes of this Act:
 - (c) providing for any matter that is reasonably contemplated by this Act as necessary— 15
 - (i) for giving it full effect; or
 - (ii) for its administration.
- (2) Regulations under **subsection (1)(b)** may, ~~in respect of a service or services performed by the Council;~~ prescribe that fees or charges are to be payable to the Council. 20
- (3) ~~Any fee or charge payable to the Council is recoverable as a debt owed to the Council in a court of competent jurisdiction.~~

33A Fees and levies payable to Council

- If fees or levies are payable to the Council,—
- (a) the funds received form part of the Council’s funds; and 25
 - (b) any unpaid fee or levy is recoverable as a debt owed to the Council in a court of competent jurisdiction.

34 Enforcement officers and honorary enforcement officers

The provisions of **Schedule 1** apply to enforcement officers and honorary enforcement officers. 30

34A Relationship of this Act with other enactments

This Act does not affect the exercise of the Minister’s, or the Director-General’s, powers under any other Act.

35 Review of operation of Act

- (1) The Minister must, not later than 3 years after the commencement of this section,—
- (a) review the operation of this Act; and
 - (b) prepare a report on the review. 5
- (2) The report must include recommendations on whether any amendments to the Act are necessary or desirable.
- (3) As soon as practicable after receiving the report, the Minister must present a copy of that report to the House of Representatives. 10

36 Consequential amendments

- (1) The Public Finance Act 1989 is amended in the manner set out in **Schedule 2**.
- (2) The enactments specified in **Schedule 3** are amended in the manner set out in that schedule. 15
-

Schedule 1**s 34****Enforcement officers and honorary
enforcement officers**

Appointment, removal, and warrants

- 1 Enforcement officers** 5
- (1) The Director-General may appoint any warranted officer, within the meaning of section 2(1) of the Conservation Act 1987, as an enforcement officer for the purposes of this Act.
- (2) The Director-General must issue to an enforcement officer appointed under **subclause (1)** a written warrant— 10
- (a) stating the powers that the officer may exercise under this Act; and
- (b) stating either—
- (i) that the officer may exercise the powers generally throughout New Zealand; or 15
- (ii) the defined ~~location or locations~~ area or areas in relation to which the officer may exercise the powers.
- (3) Every constable is also an enforcement officer for the purpose of this Act. 20
- 2 Appointment and removal of honorary enforcement officers**
- (1) The Director-General may appoint any fit and proper person who is suitably qualified and trained as an honorary enforcement officer for the purpose of this Act. 25
- (2) An honorary enforcement officer—
- (a) may be appointed for a term not exceeding 3 years, but may be reappointed:
- (b) may be removed from office by the Director-General, by written notice, if the Director-General considers for any reason that the person is no longer a fit and proper person to be an honorary enforcement officer: 30
- (c) may at any time resign office by written notice to the Director-General.
- (3) The Minister may reimburse an honorary enforcement officer for reasonable expenses incurred while performing his or her duties under this Act if the Minister— 35

- (a) has authorised the officer to incur expenses up to a specified amount; and
- (b) subsequently approves those expenses.
- (4) An honorary enforcement officer is not to be treated as employed in the service of the Crown for the purposes of the Government Superannuation Fund Act 1956 or the State Sector Act 1988, or for any other purpose, just because he or she is an honorary enforcement officer. 5
- (5) The Director-General must issue to an honorary enforcement officer a written warrant— 10
- (a) stating the powers that the officer may exercise under this Act; and
- (b) stating either that—
- (i) ~~that~~ the officer may exercise the powers generally throughout New Zealand; or 15
- (ii) ~~the defined location or locations in relation to which the officer may exercise the powers.~~
- (ii) the officer may exercise the powers in relation to a defined area or defined areas.
- (6) The Council may recommend to the Director-General persons to be appointed as honorary enforcement officers in respect of herds for which the Minister has delegated powers to the Council under **section 20**. 20
- 3 Surrender of warrant**
- On the termination of his or her appointment, an officer who holds a warrant issued under **clause 1(2) or 2(5)** must surrender to the Director-General— 25
- (a) his or her warrant; and
- (b) any article of uniform, badge of office, or equipment issued to him or her. 30

Powers

- 4 Exercise of powers**
- (1) Before an enforcement officer or honorary enforcement officer exercises a power under this Act, the officer must, unless it would be impractical to do so,— 35
- (a) identify himself or herself; and

- (b) produce evidence that he or she is an officer appointed under or described in this Act; and
 - (c) inform the person that the power is being exercised under this Act.
- (2) It is sufficient evidence that a person is appointed as an officer under this Act if the person produces his or her warrant issued under **clause 1(2) or 2(5)**. 5
- (3) It is sufficient evidence that a person is a constable if he or she produces evidence that he or she is a constable.
- (4) An enforcement officer or honorary enforcement officer exercising a power under this Act may call on any person for assistance, and the person called on is authorised to assist the officer if the person acts under the direction and supervision of the officer. 10
- 5 Power to intervene to prevent or stop offending** 15
- An enforcement officer or honorary enforcement officer may—
- (a) act in a way that is reasonable in the circumstances to prevent an offence that he or she believes on reasonable grounds is being or is about to be committed: 20
 - (b) require a person who he or she believes on reasonable grounds is committing an offence, or is about to do an act that if continued would result in an offence being committed, to stop committing the offence or doing the act. 25
- 6 Power to require personal details or production of lawful authority**
- (1) An enforcement officer or honorary enforcement officer may require a person who the officer believes on reasonable grounds has committed or is committing an offence to— 30
- (a) give his or her full name, residential address, and date of birth; and
 - (b) produce evidence of these personal details.
- (2) An officer may require a person doing an act for which lawful authority is required to produce the lawful authority within a reasonable time. 35

6A Power to search

An enforcement officer or honorary enforcement officer may, without a warrant, search any building, vehicle, vessel, aircraft, animal, or other thing on public conservation land if—

- (a) it is owned, occupied, or used by, or is in the possession or under the control of, a person whom the officer suspects of committing or having committed an offence under this Act; and 5
- (b) the officer has reasonable grounds to believe—
 - (i) the person is committing or has committed the offence; and 10
 - (ii) that there is evidential material relating to the offence in that place or thing to be searched.

7 Power to stop

In exercising a power under **clause 5, 6, 6A, or 8**, an enforcement officer or honorary enforcement officer may—

- (a) stop, and keep stopped for a period that is reasonable in the circumstances, any animal, vehicle, aircraft, vessel, or other thing; and
- (b) require any person to stop, and remain stopped, for a period that is reasonable in the circumstances. 20

8 Power of seizure

(1) An enforcement officer or honorary enforcement officer may seize—

- (a) any animal or animal product upon or in respect of which the officer believes on reasonable grounds an offence has been or is being committed under this Act: 25
- (b) any animal or other thing that the officer believes on reasonable grounds is evidence as to the commission of an offence under this Act: 30
- (c) any thing with which any animal, animal product, or other thing referred to in **paragraph (a) or (b)** is inter-mixed.

(2) ~~The Director-General must, pending the trial of the person concerned, retain any item that is seized by an officer whose warrant is issued under **clause 1(2) or 2(5)**.~~ 35

-
- (2) The Director-General must retain any item that is seized under this clause pending proceedings against the person concerned.
- (3) ~~The~~ Despite **subclause (2)**, the Director-General may sell or otherwise dispose of a seized item if he or she is satisfied that the item will perish, rot, or spoil. 5
- (4) ~~Unless otherwise disposed of under **subsection (3)**,~~ a A seized item (or the proceeds from its sale) must be released to the owner or other person from whom it was seized if— 10
- (a) no proceedings are taken in respect of the offence within 12 months of the seizure; or
 - (b) proceedings are withdrawn; or
 - (c) the defendant is acquitted.
-

s 36(1)

**Schedule 2
Consequential amendment to Public Finance Act 1989**

Schedule 4: insert the following item in its appropriate alphabetical order:

Name or description of organisation	SOI	Annual report	SSP	Securities	Borrowing	Guarantees	Derivatives	Surplus
Game Animal Council	139	150 ✓	153 ✓	161 ✓	162 ✓	163 ✓	164 ✓	165 ✓

Schedule 3 **s 36(2)**
Consequential amendments to other enactments

Animal Welfare Act 1999 (1999 No 142)

Section 175: insert after paragraph (c): 5
“(ca) any game animal in accordance with the provisions of the Game Animal Council Act **2011**”.

Biosecurity Act 1993 (1993 No 95)

Section 7(5): replace “Wild Animal Control Act 1977 do not apply” with “Wild Animal Control Act 1977 and Game Animal Council Act **2011** do not apply”. 10

Section 7(5): replace “Wild Animal Control Act 1977 applies” with “Wild Animal Control Act 1977 or Game Animal Council Act **2011** applies”.

Conservation Act 1987 (1987 No 65) 15

Schedule 1: insert in its appropriate alphabetical order “Game Animal Council Act **2011**”.

Local Government Official Information and Meetings Act 1987 (1987 No 174)

Part 2 of Schedule 2: insert in its appropriate alphabetical order “Game Animal Council”. 20

Official Information Act 1982 (1982 No 156)

Schedule 1: insert in its appropriate alphabetical order “Game Animal Council”.

Ombudsmen Act 1975 (1975 No 9) 25

Part 2 of Schedule 1: insert in its appropriate alphabetical order “Game Animal Council”.

Public Audit Act 2001 (2001 No 10)

Schedule 2: insert in its appropriate alphabetical order “Game Animal Council”. 30

Game Animal Council Bill

Wild Animal Control Act 1977 (1977 No 111)

Definition of **wild animal** in section 2(1): add:

“(d) does not include an animal that is part of a herd designated to be a herd of special interest under **section 16** of the Game Animal Council Act **2011**”.

5

Legislative history

18 October 2011
1 March 2012

Introduction (Bill 347–1)
First reading and referral to Local Government and Environment Committee
