Game Animal Council Bill 2011

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Although every effort has been made to ensure accuracy, it should not be taken as a complete or authoritative guide to the Bill. Other sources should be consulted to determine the subsequent official status of the Bill.

Purpose

The main aim of this Bill is to establish the Game Animal Council “to improve the management of deer, tahr, chamois, and wild pig, including the improvement of opportunities to hunt those animals”¹.

Background

Confidence and supply agreement

“The Game Animal Council Bill delivers on the Government’s confidence and supply agreement with the United Future Party to ‘proceed with the establishment of a Big Game Hunting Council as part of a national wild game management strategy with a view to it becoming a statutory authority’”².

² Ibid.
Regulatory impact statement
A regulatory impact statement is available:


Main Provisions

Purpose
The purposes of the Bill are to:

- establish the Game Animal Council (the Council) and provide for its functions;
- create powers for the Minister of Conservation (the Minister) to manage herds of special interest;
- allow the Minister to delegate his or her powers to the Council;
- provide for game trophy export levies to fund the Council and its functions (Part 1, Subpart 1, Clause 3).

Binds the Crown
The Bill binds the Crown (Part 1, Subpart 1, Clause 5).

Game Animal Council
The Bill establishes the Game Animal Council and specifies its functions of the Council. Membership consists of no fewer than nine, and no more than eleven, members appointed by the Minister for a term not exceeding three years and they may not serve as a member for more than six consecutive years. None of the members may be employees of the Department of Conservation (the Department). Subject to the provisions of the Bill, the Council may regulate its procedure in any manner it thinks fit (Part 1, Subpart 2, Clauses 6-13).

Minister and Director-General may attend and speak at meetings but not vote
The Bill provides that the Minister and the Director-General of the Department of Conservation (the Director-General) may attend the meetings of the Council and must receive no less than seven days' notice in writing of every meeting and the proposed business to be transacted at the meeting. The Minister and the Director-General (or the Minister's or Director-General's nominee) are entitled to speak at a meeting of the Council, but may not vote on any question. Members are protected from any personal liability for actions done in good faith in the exercise or purported exercise of their functions under the Bill (Part 1, Subpart 2, Clauses 14 and 15).

Herds of special interest
The Bill provides that the Minister may designate certain herds of game animals as herds of special interest. Herds of special interest are the property of the Crown until lawfully killed. The Minister's powers in relation to herds of special interest are specified and include:
• a power to issue authorisations (and to cancel or suspend when conditions are not met) for hunting, subject to any terms that the Minister thinks fit;

• a power to determine who may receive authorisations, whether by balloting or otherwise;

• a power to specify the conditions under which the animals may be hunted, including the periods and times at which they may be hunted; and

• a power to capture, convey, or liberate the animals.

The Minister is given powers to make or amend herd management plans setting out objectives and strategies for managing herds of special interest. The Minister may delegate any of his or her powers under the Bill to the Council. The Minister must notify in the Gazette any delegation of powers to the Council in relation to herds of special interest and the Council must manage the animals in accordance with the terms of the delegation and 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 the provision in the Bill and not by delegation (Part 1, Subpart 3, Clauses 16-21).

What is a “game trophy” and a “game animal”?

The Bill defines the term “game trophy” as “the whole or part of any game animal that … is inedible, or has been rendered inedible as a result of processing, taxidermy, preservation, or mounting” and “is a souvenir from a game animal hunted and killed in New Zealand in the previous 10 years … but … does not include the velvet, velvet antlers, or hide of a deer” (Part 1, Subpart 1, Clause 4(1), definition of “game trophy”). The term “game animal” is defines as “any chamois, deer or tahr: … 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 … includes the whole or any part of the carcass of the animal … but … does not include an animal kept in captivity pursuant to section 12 or 12A of the Wild Animal Control Act 1977” (Part 1, Subpart 1, Clause 4(1), definition of “game animal”).

Game trophy export levy

The Bill provides that regulations may be made by the Governor-General on the recommendation of the Minister imposing game trophy export levies which may be levied at different rates for different classes of game trophies and in respect of export to different countries (exports to certain countries may be exempted by the regulations) (Part 2, Subpart 2, Clause 32). The Bill provides that a person must not export a game trophy unless the person has first paid the prescribed game trophy export levy. The game trophy export levy is payable to the Council and any unpaid game trophy export levy may be recovered as a debt due to the Council in a court of competent jurisdiction. A Customs officer may detain any goods that the officer has reasonable grounds to suspect are game trophies that are being unlawfully exported. The clause also provides for the New Zealand Customs Service (Customs) to transfer condemned game trophies to the Council which the Council may destroy, sell, or otherwise dispose of. The Council may make a request in writing to the chief executive of Customs to provide any information that Customs holds about the suspected export of game trophies (Part 1, Subpart 4, Clauses 22-26).

Offences and penalties

The Bill provides for offences including:

• an offence of exporting, or attempting to export, game trophies without paying the prescribed game trophy export levy (carrying a penalty on summary conviction of a fine not exceeding $5000);
• an offence of hunting or killing any animal in a herd of special interest without, or without complying with the terms of an authorisation, a licence, or a permit (carrying a penalty on summary conviction of a fine not exceeding $5000);

• an offence of hunting or killing any animal in a herd of special interest without complying with the prescribed conditions for hunting (carrying a penalty on summary conviction of a fine not exceeding $2500);

• an offence of capturing, conveying, or possessing any animal in a herd of special interest without the Minister's written authority (carrying a penalty on summary conviction of a fine not exceeding $5000); and

• an offence of liberating or turning at large any animal that belongs to a herd of special interest without the Minister's written authority (carrying a penalty on summary conviction of a fine not exceeding $50,000); and

• an offence for failing to produce an authorisation, a licence, or a permit for hunting or killing an animal in a herd of special interest (carrying a penalty on summary conviction of a fine not exceeding $2,500) (Part 2, Clauses 27 and 28).