

Game Animal Council Bill

Government Bill

Explanatory note

General policy statement

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".

The primary purpose of establishing such a council is to improve the management of deer, tahr, chamois, and wild pig, including the improvement of opportunities to hunt those animals. Secondary objectives include—

- reducing conflict within the hunting sector:
- providing the Minister of Conservation with balanced advice that reflects the views of the different groups with interests in these animals:
- increasing the education and training of hunters in relation to reducing the risks they pose to themselves and others when hunting:
- identifying herds that could be specifically managed for recreational hunting outcomes without adversely affecting other users or biodiversity values.

Regulatory impact statement

The Department of Conservation produced a regulatory impact statement on 17 March 2011 to help inform the main policy decisions taken by the Government relating to the contents of this Bill.

A copy of this regulatory impact statement can be found at—

- <http://www.doc.govt.nz/getting-involved/consultations/results/game-animal-council-to-be-established/game-animal-council-regulatory-impact-statement/>
- <http://www.treasury.govt.nz/publications/informationreleases/ris/pdfs/ris-doc-egac-apr11.pdf>

Clause by clause analysis

Clause 1 is the Title clause.

Clause 2 provides that the Bill comes into force on the day after the date on which it receives the Royal assent, except *subpart 4 of Part 1*, which comes into force on 1 July 2013, unless it comes into force on a date appointed earlier by Order in Council.

Part 1

Preliminary and key provisions

Subpart 1—Preliminary provisions

Clause 3 states the purposes of the Bill. The purposes are to—

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

Clause 4 defines certain terms used in the Bill.

Clause 5 provides that the Bill binds the Crown.

Subpart 2—Game Animal Council

Clause 6 establishes the Game Animal Council.

Clause 7 specifies the functions of the Council.

Clause 8 provides for the membership of the Council. The Council is to consist of no fewer than 9, and no more than 11, members appointed by the Minister.

Clause 9 excludes employees of the Department of Conservation (the **Department**) from being appointed to the Council.

Clause 10 relates to Council members' terms of office and provides that a member of the Council holds office for a term not exceeding 3 years and may not serve as a member for more than 6 consecutive years.

Clause 11 relates to the remuneration of Council members and the reimbursement of the members' actual and reasonable travelling and other expenses.

Clause 12 provides for the appointment of a chairperson of the Council.

Clause 13 relates to the meetings of the Council. *Subclause (6)* provides that, subject to the provisions of the Bill, the Council may regulate its procedure in any manner it thinks fit.

Clause 14 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 7 days' notice in writing of every meeting and the proposed business to be transacted at the meeting. *Subclause (3)* provides that 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.

Clause 15 provides that members of the Council are 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.

Subpart 3—Herds of special interest

Clause 16 allows the Minister to designate certain herds of game animals as herds of special interest.

Clause 17 provides that herds of special interest are the property of the Crown until lawfully killed.

Clause 18 specifies the Minister's powers in relation to herds of special interest.

Clause 19 allows the Minister to make or amend herd management plans setting out objectives and strategies for managing herds of special interest.

Clause 20 allows the Minister to delegate any of his or her powers under the Bill to the Council.

Clause 21 requires the Minister to notify in the *Gazette* any delegation of powers to the Council in relation to herds of special interest. The clause also requires the Council to manage the animals in accordance with the terms of the delegation and other overriding considerations.

Subpart 4—Game trophy export levy

Clause 22 provides that a person must not export a game trophy unless the person has first paid the prescribed game trophy export levy.

Clause 23 provides that 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.

Clause 24 provides that 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.

Clause 25 provides that the Council may destroy, sell, or otherwise dispose of any game trophy transferred under *clause 24*.

Clause 26 provides that 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 2

Miscellaneous provisions

Subpart 1—Offences and penalties

Clause 27 specifies an offence for exporting, or attempting to export, game trophies without paying the prescribed game trophy export levy.

Clause 28 specifies an offence for 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. The clause also specifies an offence for hunting or killing any animal in a herd of special interest without complying with the prescribed conditions for hunting.

Clause 29 specifies an offence for capturing, conveying, or possessing any animal in a herd of special interest without the Minister's written authority.

Clause 30 specifies an offence for liberating or turning at large any animal that belongs to a herd of special interest without the Minister's written authority.

Clause 31 specifies 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.

Subpart 2—Other matters

Clause 32 empowers regulations to be made, on the recommendation of the Minister, imposing game trophy export levies that are payable to the Council.

Clause 33 provides for other regulations.

Clause 34 provides that the provisions in *Schedule 1* (relating to enforcement officers and honorary enforcement officers) apply.

Clause 35 requires the Minister to review the operation of the Act within 3 years of its commencement.

Clause 36 makes consequential amendments to other enactments. *Schedule 2* amends the Public Finance Act 1989. *Schedule 3* amends other Acts.

Hon Kate Wilkinson

Game Animal Council Bill

Government Bill

Contents

		Page
1	Title	2
2	Commencement	3
Part 1		
Preliminary and key provisions		
Subpart 1—Preliminary provisions		
3	Purposes	3
4	Interpretation	3
5	Act binds the Crown	5
Subpart 2—Game Animal Council		
6	Establishment of Council	5
7	Functions of Council	6
8	Council membership	6
9	Restriction on membership	8
10	Terms of office of Council members	8
11	Remuneration and expenses	9
12	Chairperson of Council	9
13	Meetings of Council	9
14	Minister and Director-General entitled to attend meetings of Council	10
15	Members not personally liable	10
Subpart 3—Herds of special interest		
16	Minister may designate herds of special interest	10
17	Ownership of herds of special interest	11
18	Minister's powers	11

19	Herd management plans	12
20	Delegation of Minister's powers to Council	13
21	Notification and exercise of delegated powers	13
	Subpart 4—Game trophy export levy	
22	Person must pay game trophy export levy	14
23	Export levies payable to Council	14
24	Customs officer may detain game trophies	14
25	Disposal of condemned game trophies	15
26	Customs to provide information about game trophies	15
	Part 2	
	Miscellaneous provisions	
	Subpart 1—Offences and penalties	
27	Export of game trophies	16
28	Hunting or killing animals in herd of special interest	16
29	Capturing, conveying, or possessing game animal that is part of herd of special interest	17
30	Restrictions on liberation of game animal that is part of herd of special interest	17
31	Failing to produce authorisation, licence, or permit	17
	Subpart 2—Other matters	
32	Regulations for game trophy export levies	18
33	Other regulations	18
34	Enforcement officers and honorary enforcement officers	18
35	Review of operation of Act	19
36	Consequential amendments	19
	Schedule 1	20
	Enforcement officers and honorary enforcement officers	
	Schedule 2	24
	Consequential amendment to Public Finance Act 1989	
	Schedule 3	25
	Consequential amendments to other enactments	

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

Part 1**Preliminary and key provisions**

Subpart 1—Preliminary provisions

3 Purposes 10

The purposes of this Act are—

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

4 Interpretation 20

- (1) In this Act, unless the context otherwise requires,—

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 25

Council means the Game Animal Council established under **section 6**

Customs means the New Zealand Customs Service referred to in section 5 of the Customs and Excise Act 1996 30

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

Director-General means the Director-General of Conservation 35

enforcement officer means—

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

game animal—

- (a) means— 5
 - (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 10
- (b) includes the whole or any part of the carcass of the animal; but
- (c) does not include any animal kept in captivity pursuant to section 12 or 12A of the Wild Animal Control Act 1977 15

game trophy—

- (a) means the whole or any part of a game animal that—
 - (i) is inedible, or has been rendered inedible as a result of processing, taxidermy, preservation, or mounting; and 20
 - (ii) is a souvenir from a game animal hunted and killed in New Zealand in the previous 10 years; but
- (b) does not include the velvet, velvet antlers, or hide of a deer 25

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**

herd means a group of animals of the same species that live and roam together 30

herd of special interest means a herd of game animals designated by the Minister as a herd of special interest under **section 16**

honorary enforcement officer means a person appointed under **clause 2(1) of Schedule 1** 35

Minister means the Minister of Conservation

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

overriding considerations means—

- (a) the welfare and management of conservation land generally:
 - (b) any statement of general policy that is made, or has effect as if it were made, under— 5
 - (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:
 - (c) any conservation management strategy made under section 17D of the Conservation Act 1987: 10
 - (d) any conservation management plan made under—
 - (i) section 17E of the Conservation Act 1987:
 - (ii) section 40B of the Reserves Act 1977:
 - (e) any management plan made under— 15
 - (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:
 - (g) any operational plan made under section 85 of the Biosecurity Act 1993. 20
- (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 25
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. 30
 - (2) The Council is legally separate from its members, its employees, and the Crown.
 - (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 35

- (b) for the purposes of **paragraph (a)**, full rights, powers, and privileges.
- (4) **Subsection (3)** is subject to this Act, any other enactment, and the general law.
- 7 Functions of Council** 5
- (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: 10
- (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: 15
- (f) to conduct game animal hunting research:
- (g) in respect of herds of special interest for which the Minister has delegated management powers under **section 20** to the Council,— 20
- (i) to undertake management functions that are compatible with the management of conservation land; and 25
- (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:
- (i) to perform any other functions conferred on it under this Act or any other enactment. 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** 35
- (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 knowledge 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: 15
 - (b) farming generally:
 - (c) forestry:
 - (d) nature conservation.
- (4) Before appointing a member to the Council, the Minister must publish a notice— 20
- (a) stating the number of appointments the Minister intends 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 25 after the date of first publication of the notice.
- (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 30
 - (b) may be published in any other media, and on any other 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 35 specified in the notice.
- (7) The Council's powers are not affected by any vacancy in its membership.

9 Restriction on membership

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)**. 5
- (2) The Minister may remove a member from office at any time for— 10
- (a) bankruptcy; or
 - (b) inability to perform the functions of the office; or
 - (c) neglect of duty; or
 - (d) misconduct.
- (3) A member may, at any time, resign from office by giving written notice to the Minister. 15
- (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.
- (5) If any member of the Council dies, resigns, or is removed from office, the Minister may fill the vacancy created— 20
- (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)**. 25
- (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. 30
- (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.
- 12 Chairperson of Council** 10
- (1) The Minister must, by notice in the *Gazette*, appoint one of the members of the Council to be its chairperson for—
 - (a) the term of that member’s appointment; or
 - (b) any lesser period that the Minister thinks fit.
 - (2) The chairperson must preside at all meetings of the Council at which the chairperson is present. 15
 - (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.
- 13 Meetings of Council** 20
- (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.
 - (3) A meeting of the Council may be held by a quorum of the members meeting at the time and place appointed for the meeting. 25
 - (4) A majority of the members in office forms a quorum.
 - (5) At any meeting of the Council,—
 - (a) decisions may be made only by a two-thirds majority of members present and voting on the matter; and 30
 - (b) the chairperson of that meeting has a deliberative vote and a casting vote; and
 - (c) proper minutes must be kept of proceedings.
 - (6) Subject to the provisions of this Act, the Council may regulate its procedure in any manner it thinks fit. 35

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—
- (a) every meeting of the Council; and 5
 - (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. 10
- (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. 15
- (4) Any other Minister of the Crown may nominate a representative who is entitled to attend any meeting of the Council.

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. 20

Subpart 3—Herds of special interest

16 Minister may designate herds of special interest

- (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
 - (b) a herd that can be managed for recreational hunting purposes. 30
- (2) In determining whether a herd of game animals is a herd of special interest, the Minister must have regard to the advice, if any, of—
- (a) the Council; and 35
 - (b) the Department of Conservation; and

- (c) any representative organisations that the Minister considers appropriate.

17 Ownership of herds of special interest

A game animal that is part of a herd of special interest—

- (a) is the property of the Crown; but 5
- (b) if it is lawfully killed pursuant to this Act, ceases to be the property of the Crown and becomes the property of the person who has lawfully killed it.

18 Minister's powers

- (1) The Minister may do any or all of the following in relation to herds of special interest and game animals that are part of a herd of special interest: 10
 - (a) issue authorisations for hunting, subject to any terms that the Minister thinks fit:
 - (b) determine who may receive authorisations, whether by balloting or otherwise: 15
 - (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: 20
 - (e) capture, convey, or liberate the animals:
 - (f) carry out surveys and other assessments regarding the animals and the means of managing them:
 - (g) prepare publications relating to the animals and their management: 25
 - (h) collect and disseminate information relating to the animals and their management:
 - (i) promote standards (including behaviour and industry standards) for hunters and game animal managers: 30
 - (j) authorise or carry out operations for managing and controlling the size of the population, including the payment of bounties, grants, or subsidies.
- (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. 35

- (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.

Compare: 1977 No 111 s 5

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19 Herd management plans

- (1) The Minister may, in consultation with the Director-General, make or amend a herd management plan for any herd of special interest.
- (2) The purpose of a herd management plan is to set out objectives and strategies for the management of a herd of special interest. 10
- (3) Before making a herd management plan, the Minister must—
- (a) publish a notice of his or her intention to make the plan—
 - (i) in the *Gazette*; and 15
 - (ii) in each of the daily newspapers published in Auckland, Wellington, Christchurch, and Dunedin; and
 - (b) give interested persons a reasonable time to make submissions on the draft plan; and 20
 - (c) consult with any persons, including the Game Animal Council, as the Minister considers appropriate.
- (4) Herd management plans must be reviewed at intervals of not less than 12 months.
- (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 the Council. 25
- (6) A herd management plan can restrict or affect the exercise of a legal right or power of the Director-General—
- (a) if the Director-General agrees; and 30
 - (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 of his or her powers under this Act 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. 5
- (2) The Council may exercise any powers delegated under this 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. 10
- (3) Every delegation made under this section is revocable in writing 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 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. 15
- (6) The Minister must not delegate any power to the Council unless the Minister— 20
- (a) first consults—
- (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 25
- (b) is satisfied that management of the herd or herds of special interest by the Council is consistent with the overriding considerations.

Compare: 1977 No 111 s 6

21 Notification and exercise of delegated powers 30

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, together with the powers delegated under this section and any conditions of the delegation; and 35

- (b) the Council must manage the animals in the herd—
 - (i) consistently with the overriding considerations; and
 - (ii) in accordance with the terms of the delegation.

Subpart 4—Game trophy export levy 5

22 Person must pay game trophy export levy

A person must not export a game trophy from New Zealand unless the person pays to the Council the prescribed game trophy export levy in respect of the trophy.

23 Export levies payable to Council 10

- (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 **subsection (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. 15
- (4) Payment of a debt under this section is not admissible as evidence in a prosecution for an offence under **section 27**. 20

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. 25
- (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. 30
- (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**.
- (6) Section 237(2) of the Customs and Excise Act 1996 does not apply to game trophies.

25 Disposal of condemned game trophies 5

- (1) The Council may destroy, sell, or otherwise dispose of any game trophy transferred under **section 24(5)**.
- (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. 10
- (3) Any funds from any sale or other disposition of any game trophy form part of the Council's funds.

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— 15
- (a) determine compliance with the requirement in **section 22**;
- (b) recover unpaid game trophy export levies. 20
- (2) The information that Customs may provide under **subsection (1)** is—
- (a) the full name and contact details of the exporter;
- (b) a description of the goods exported;
- (c) the stated value of the goods: 25
- (d) the date the goods were exported;
- (e) any other information that is reasonably necessary for the purposes specified in **subsection (1)**.
- (3) The chief executive of Customs may, but need not, provide the information to the Council. 30
- (4) The Council may use the information obtained only for the purposes specified in **subsection (1)**.
- (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. 35

- (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—
- (a) relates to the provision, storage, and destruction of information in a manner that is consistent with the Privacy Act 1993; and
 - (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

Miscellaneous provisions

Subpart 1—Offences and penalties

- 27 Export of game trophies** 15
- (1) A person commits an offence if the person exports, or attempts to export, a game trophy without paying the prescribed game trophy levy.
- (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** 20
- (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
 - (b) complying with the terms of any such authorisation, licence, or permit. 25
- (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)**.
- (3) A person who commits an offence against **subsection (1)** is liable on summary conviction to a fine not exceeding \$5,000. 30
- (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**
- (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. 5
- (2) A person who commits an offence against this section is liable on summary conviction to a fine not exceeding \$5,000.
- 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 a herd of special interest or allows any game animal that belongs to a herd of special interest to escape. 10
- (2) A person who commits an offence against this section is liable on summary conviction to a fine not exceeding \$50,000. 15
- 31 Failing to produce authorisation, licence, or permit**
- (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— 20
- (i) observes the person hunting or killing animals in the herd; or
- (ii) has reasonable grounds to believe that the person is hunting or killing animals in the herd; and 25
- (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.
- (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. 30 35

- (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. 5
- (2) The regulations may—
- (a) impose different rates of levies—
 - (i) for different classes of game trophies: 10
 - (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. 15

33 Other regulations

- (1) The Governor-General may, by Order in Council, also make regulations for any or all of the following purposes: 20
- (a) prescribing forms for the purposes of this Act:
 - (b) prescribing fees and charges for the purposes of this Act:
 - (c) providing for any matter that is reasonably contemplated by this Act as necessary— 25
 - (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. 30
- (3) Any fee or charge payable to the Council 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. 35

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— 15
- (i) that the officer may exercise the powers generally throughout New Zealand; or
- (ii) the defined location or locations in relation to which the officer may exercise the powers.
- (3) Every constable is also an enforcement officer for the purpose of this Act.
- 2 Appointment and removal of honorary enforcement officers** 20
- (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.
- (2) An honorary enforcement officer— 25
- (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—
 - (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.
- (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.

Powers

4 Exercise of powers 30

- (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,—
 - (a) identify himself or herself; and
 - (b) produce evidence that he or she is an officer appointed under or described in this Act; and 35

- (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**
- An enforcement officer or honorary enforcement officer may— 15
- (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:
- (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. 20
- 6 Power to require personal details or production of lawful authority** 25
- (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—
- (a) give his or her full name, residential address, and date of birth; and 30
- (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.

7 Power to stop

In exercising a power under **clause 5, 6, 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 5
- (b) require any person to stop, and remain stopped, for a period that is reasonable in the circumstances.

8 Power of seizure

- (1) An enforcement officer or honorary enforcement officer may seize— 10
 - (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:
 - (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: 15
 - (c) any thing with which any animal, animal product, or other thing referred to in **paragraph (a) or (b)** is inter-mixed. 20
- (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)**.
- (3) 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. 25
- (4) Unless otherwise disposed of under **subsection (3)**, a seized item (or the proceeds from its sale) must be released to the owner or other person from whom it was seized if— 30
 - (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.

Schedule 2
Consequential amendment to Public Finance Act 1989

s 36(1)

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
	139	150	153	161	162	163	164	165
Game Animal Council		✓	✓	✓	✓	✓	✓	✓

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

Conservation Act 1987 (1987 No 65)

Schedule 1: insert in its appropriate alphabetical order “Game Animal Council Act **2011**”. 5

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”. 10

Official Information Act 1982 (1982 No 156)

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

Ombudsmen Act 1975 (1975 No 9)

Part 2 of Schedule 1: insert in its appropriate alphabetical order “Game Animal Council”. 15

Public Audit Act 2001 (2001 No 10)

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

Wild Animal Control Act 1977 (1977 No 111) 20

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**”.