

Reprint
as at 1 December 2020



Game Animal Council Act 2013

Public Act 2013 No 98
Date of assent 27 November 2013
Commencement see section 2

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Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.
Note 4 at the end of this reprint provides a list of the amendments incorporated.

This Act is administered by the Department of Conservation.

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Game Animal Council Act 2013.

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent.

Part 1

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 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
- (d) to provide for fees and levies to fund the Council and its functions.

4 Interpretation

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

conservation board means a conservation board established under section 6L of the Conservation Act 1987

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 has the meaning given to it in section 5(1) of the Customs and Excise Act 2018

Customs officer means a person holding office as a Customs officer under the Customs and Excise Act 2018

Director-General means the Director-General of Conservation

enforcement officer means—

- (a) a constable; or
- (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
- (b) includes the whole or any part of the carcass of the animal

game trophy—

- (a) means any part of a chamois, deer, tahr, or pig that is a hunting souvenir; but
- (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 34

government department means a public service agency as defined in section 5 of the Public Service Act 2020

herd of special interest means a species of game animals in a specified area 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

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 public conservation land and resources generally:
- (b) any statement of general policy that is made, or has effect as if it were made, under—
 - (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:
- (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—
 - (i) section 47 of the National Parks Act 1980:
 - (ii) section 41 of the Reserves Act 1977:
- (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

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

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.

- (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.

Section 4(1) **Customs**: amended, on 1 October 2018, by section 443(3) of the Customs and Excise Act 2018 (2018 No 4).

Section 4(1) **Customs officer**: amended, on 1 October 2018, by section 443(3) of the Customs and Excise Act 2018 (2018 No 4).

Section 4(1) **government department**: replaced, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

5 Act binds the Crown

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.
- (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.
- (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:
 - (c) to promote safety initiatives for the hunting sector, including firearms safety:
 - (d) to advise private landowners on hunting:
 - (e) to develop, on its own initiative or at the direction of the Minister, voluntary codes of practice for hunting:
 - (f) to raise awareness of the views of the hunting sector:
 - (g) to liaise with hunters, 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:
 - (h) to conduct research, including research on the hunting of game animals:
 - (i) 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
 - (ii) to exercise its powers for the effective management of the herd:
 - (j) to operate voluntary certification schemes for professional hunting guides and game estates:
 - (k) to promote minimum standards and codes of conduct for certified hunting guides and game estates:
 - (l) to investigate complaints and take disciplinary action in relation to certified hunting guides and game estates:
 - (m) to provide any other services to hunters that the Minister is satisfied are ancillary to the Council's other functions:
 - (n) to perform any other functions conferred on it under this Act or any other enactment:

- (o) to assess the costs of managing herds of special interest and make recommendations to the Minister on ways to recover those costs.
- (2) In performing functions other than the functions in subsection (1)(a) and (f), the Council must have regard to any views expressed in writing by the Minister to the Council.

8 Council membership

- (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:
 - (iv) safari park operations:
 - (v) meat processing and exporting:
 - (vi) hunting-related tourism:
 - (vii) Māori hunting interests:
 - (viii) research on hunting in New Zealand:
 - (b) farming generally:
 - (c) forestry:
 - (d) kaitiakitanga (being guardianship of natural and physical resources in accordance with tikanga Māori):
 - (e) nature conservation:
 - (f) 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 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.
- (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 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

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).
- (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
 - (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.
- (5) If any member of the Council dies, resigns, or is removed from office, the Minister may fill the vacancy created—
 - (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).
- (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;
- (b) reimbursement for actual and reasonable travelling and other expenses incurred in performing functions and duties as a member.

12 Chairperson of Council

- (1) The Minister must, by notice in the *Gazette*, appoint a member of the Council to be the chairperson of the Council for a term that the Minister specifies in the notice of appointment.
- (2) 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.
- (3) 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).
- (4) The chairperson must preside at all meetings of the Council at which the chairperson is present.
- (5) 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

- (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 only be held if a quorum of the members 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,—
 - (a) decisions may be made by a 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.
- (6) Part 7 of the Local Government Official Information and Meetings Act 1987 applies to the Council as if the Council were a local authority.

- (7) Subject to the provisions of this Act, the Council may regulate its procedure in any manner it thinks fit.
- (8) The Council must notify the Minister of the adoption of any procedure as soon as is reasonably practicable after it is adopted.
- (9) The Council must make its procedures available for inspection free of charge to any person.

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
 - (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.
- (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.
- (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.

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 species of game animal in a specified area on public conservation land to be a herd of special interest if—
 - (a) the Minister considers that—
 - (i) the animals are of special interest to hunters; and
 - (ii) the animals can be managed for hunting purposes; and
 - (iii) management of the animals for hunting purposes is consistent with the overriding considerations; and

- (b) the Minister has regard to—
 - (i) the purposes of the Wild Animal Control Act 1977; and
 - (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.
- (2) In determining whether a species of game animal is of special interest to hunters and can be managed for hunting purposes, the Minister must have regard to the advice, if any, of—
- (a) the Minister for Primary Industries; and
 - (b) the Council; and
 - (c) the Department of Conservation; and
 - (d) any relevant regional council; and
 - (e) the New Zealand Conservation Authority; and
 - (f) any relevant conservation board; and
 - (g) 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
 - (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 hunting purposes.

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 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.

18 Minister's powers

- (1) The Minister may do any or all of the following for the purpose of managing herds of special interest, and game animals that are part of a herd of special interest:
 - (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;
 - (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;
 - (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;
 - (h) collect and disseminate information relating to the animals and their management;
 - (i) promote standards (including behavioural and industry standards) for game animal hunting and game animal management;
 - (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.
- (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

19 Herd management plans

- (1) The Minister must make a herd management plan for any herd of special interest (**herd management plan**).
- (2) The Minister may make a herd management plan for any game animals that the Minister proposes to designate as a herd of special interest.

- (3) 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).
- (4) Herd management plans must be consistent with the overriding considerations.
- (5) Before making or amending a herd management plan, the Minister must—
 - (a) publish a notice of his or her intention—
 - (i) in the *Gazette*; and
 - (ii) in each of the daily newspapers published in Auckland, Wellington, Christchurch, and Dunedin; and
 - (b) make a copy of the draft plan available to any person on request; and
 - (c) give interested persons a reasonable time to make submissions on the draft plan; and
 - (d) consult—
 - (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
 - (vi) any relevant conservation board; and
 - (vii) any other person that the Minister considers appropriate.
- (6) Herd management plans must be reviewed at intervals of not more than 5 years.
- (7) A herd management plan binds the Council.
- (8) A herd management plan does not restrict or affect the exercise of a legal right or power by any person unless that person agrees to be bound.
- (9) To avoid doubt, subsection (8) does not affect any power to make 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 section 18 except 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 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 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.
- (6) The Minister must not delegate any power under this section to the Council unless the Minister—
 - (a) first consults—
 - (i) the Director-General; and
 - (ii) the New Zealand Conservation Authority; and
 - (iii) any conservation board having jurisdiction over land affected by the delegation; and
 - (b) is satisfied that management by the Council (of the herd to which the delegation relates)—
 - (i) is consistent with the overriding considerations; 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 which the delegation relates, together with the powers delegated and any conditions of the delegation; and
- (b) the Council must 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 game trophy export levy prescribed (if any) in respect of 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 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.
- (4) Payment of a debt under this section is not admissible as evidence in a prosecution for an offence under section 29.

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.
- (3) A game trophy detained under subsection (1) cannot be seized or forfeited under subpart 9 of Part 3 of the Customs and Excise Act 2018 until the close of the 20th working day after the detention.
- (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 189(2) of the Customs and Excise Act 2018 does not apply to game trophies.

Section 24(3): amended, on 1 October 2018, by section 443(3) of the Customs and Excise Act 2018 (2018 No 4).

Section 24(6): amended, on 1 October 2018, by section 443(3) of the Customs and Excise Act 2018 (2018 No 4).

25 Disposal of condemned game trophies

- (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.
- (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—
 - (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—

- (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).
- (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).
- (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—
- (a) relates to the provision, storage, and destruction of information in a manner that is consistent with the Privacy Act 2020; 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.

Section 26(6)(a): amended, on 1 December 2020, by section 217 of the Privacy Act 2020 (2020 No 31).

Subpart 5—Codes of practice for hunting

27 Compliance with codes of practice condition of concession, permit, or authorisation

Compliance with codes of practice made by regulations under this Act is a condition of every existing or new—

- (a) concession granted under section 22 of the Wild Animal Control Act 1977:
- (b) hunting permit issued under section 38 of the Conservation Act 1987:
- (c) authorisation to hunt given under—
 - (i) this Act:
 - (ii) section 50 of the Reserves Act 1977:
 - (iii) section 8 of the Wild Animal Control Act 1977.

28 Code of practice for aerial hunting

- (1) The Council must, by 15 December 2014,—
 - (a) develop an initial code of practice for aerially assisted trophy hunting that addresses the following:
 - (i) hunting and shooting from helicopters; and
 - (ii) hazing of animals during aerially assisted trophy hunting; and
 - (iii) herding of animals for the purpose of aerially assisted trophy hunting; and
 - (iv) any other matter the Council considers appropriate; and
 - (b) present a copy of the code to the Minister.
- (2) In this section, **hazing**, in relation to an animal, includes persecuting, harassing, molesting, or mistreating that animal.

Part 2

Miscellaneous provisions

Subpart 1—Offences and penalties

29 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.
- (2) A person who commits an offence against this section is liable on conviction to a fine not exceeding \$5,000.

Section 29(2): amended, on 1 July 2015, by regulation 3(1) of the Criminal Procedure (Consequential Amendments) Regulations 2015 (LI 2015/104).

30 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
 - (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).
- (3) A person who commits an offence against subsection (1) is liable on conviction to a fine not exceeding \$5,000.
- (4) A person who commits an offence against subsection (2) is liable on conviction to a fine not exceeding \$2,500.

Section 30(3): amended, on 1 July 2015, by regulation 3(1) of the Criminal Procedure (Consequential Amendments) Regulations 2015 (LI 2015/104).

Section 30(4): amended, on 1 July 2015, by regulation 3(1) of the Criminal Procedure (Consequential Amendments) Regulations 2015 (LI 2015/104).

31 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.
- (2) A person who commits an offence against this section is liable on conviction to a fine not exceeding \$5,000.

Section 31(2): amended, on 1 July 2015, by regulation 3(1) of the Criminal Procedure (Consequential Amendments) Regulations 2015 (LI 2015/104).

32 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 is part of a herd of special interest or allows any game animal that is part of a herd of special interest to escape.
- (2) A person who commits an offence against this section is liable on conviction to a fine not exceeding \$50,000.

Section 32(2): amended, on 1 July 2015, by regulation 3(1) of the Criminal Procedure (Consequential Amendments) Regulations 2015 (LI 2015/104).

33 Failing to produce authorisation, licence, or permit

- (1) A person commits an offence who—
 - (a) 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
 - (b) fails, within 5 working days, to produce 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.
- (2) A person who commits an offence against this section is liable on conviction to a fine not exceeding \$2,500.

Section 33(2): amended, on 1 July 2015, by regulation 3(1) of the Criminal Procedure (Consequential Amendments) Regulations 2015 (LI 2015/104).

Subpart 2—Other matters

34 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:

- (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)—
- (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.

35 Minister's recommendation

Before making a recommendation under section 34, 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—
 - (i) the Council's financial statements; and
 - (ii) the Council's forecast budget or budgets; and
 - (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—
 - (i) in the *Gazette*; and
 - (ii) in each of the daily newspapers published in Auckland, Wellington, Christchurch, and Dunedin; and
- (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, government departments, and Crown entities that the Minister in each case considers appropriate.

36 Other regulations

- (1) The Governor-General may, by Order in Council, also make regulations for any or all of the following purposes:
- (a) prescribing forms for the purposes of this Act:

- (b) prescribing administrative fees and charges for the purposes of this Act:
 - (c) prescribing codes of practice for hunting game animals for the purpose of section 27:
 - (d) prescribing requirements for voluntary certification schemes for professional hunting guides and game estates:
 - (e) providing for any matter that is reasonably contemplated by this Act as necessary—
 - (i) for giving it full effect; or
 - (ii) for its administration.
- (2) Regulations under subsection (1)(b) may prescribe that fees are to be payable to the Council.
- (3) Regulations may be made under subsection (1)(c) only on the recommendation of the Minister, given after—
- (a) the Minister is satisfied that the code will be consistent with—
 - (i) the purposes of the Wild Animal Control Act 1977; and
 - (ii) the overriding considerations; and
 - (b) the Minister has had regard to—
 - (i) the likely effects of the code on hunting generally or on any group of hunters or any hunting sector specifically; and
 - (ii) New Zealand’s reputation as a hunting destination for international tourists.
- (4) Regulations under subsection (1)(d) may, in relation to certified persons, prescribe—
- (a) minimum standards:
 - (b) codes of conduct:
 - (c) complaints and disciplinary processes.

37 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
- (b) any unpaid fee or levy is recoverable as a debt owed to the Council in a court of competent jurisdiction.

38 Enforcement officers and honorary enforcement officers

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

39 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.

40 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.
- (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.

41 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.

Schedule 1

Enforcement officers and honorary enforcement officers

s 38

Appointment, removal, and warrants

1 Enforcement officers

- (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—
 - (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
 - (ii) the defined 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.

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.
- (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:
 - (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—
 - (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 Public Service Act 2020, or for any other purpose, just because he or she is an honorary enforcement officer.

- (5) The Director-General must issue to an honorary enforcement officer a written warrant—
- (a) stating the powers that the officer may exercise under this Act; and
 - (b) stating either that—
 - (i) the officer may exercise the powers generally throughout New Zealand; or
 - (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.

Schedule 1 clause 2(4): amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

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—

- (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

- (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
 - (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).
- (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.

5 Power to intervene to prevent or stop offending

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;
- (b) require a person whom 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.

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—
 - (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.

7 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
- (b) the officer has reasonable grounds to believe—
 - (i) the person is committing or has committed the offence; and
 - (ii) that there is evidential material relating to the offence in that place or thing to be searched.

8 Power to stop

In exercising a power under clause 5, 6, 7, or 9, 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.

9 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;
 - (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;
 - (c) any thing with which any animal, animal product, or other thing referred to in paragraph (a) or (b) is intermixed.
- (2) The Director-General must retain any item that is seized under this clause pending proceedings against the person concerned.
- (3) 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.
- (4) A seized item (or the proceeds from its sale) must be released to the owner or other person from whom it was seized if—
- (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 41(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
Game Animal Council	139	150 ✓	153 ✓	161 ✓	162 ✓	163 ✓	164 ✓	165 ✓

Schedule 3

Consequential amendments to other enactments

s 41(2)

Animal Welfare Act 1999 (1999 No 142)

Section 175: insert after paragraph (c):

- (ca) any game animal in accordance with the provisions of the Game Animal Council Act 2013; or

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 the Game Animal Council Act 2013 do not apply”.

Section 7(5): replace “Wild Animal Control Act 1977 applies” with “Wild Animal Control Act 1977 or Game Animal Council Act 2013 applies”.

Conservation Act 1987 (1987 No 65)

Schedule 1: insert in its appropriate alphabetical order “Game Animal Council Act 2013”.

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”.

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”.

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)

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 2013

Reprints notes

1 *General*

This is a reprint of the Game Animal Council Act 2013 that incorporates all the amendments to that Act as at the date of the last amendment to it.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

Public Service Act 2020 (2020 No 40): section 135

Privacy Act 2020 (2020 No 31): section 217

Customs and Excise Act 2018 (2018 No 4): section 443(3)

Criminal Procedure (Consequential Amendments) Regulations 2015 (LI 2015/104): regulation 3(1)