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Modernising the Biosecurity Act

This is a submission by the New Zealand Game Animal Council on the proposed amendments to the Biosecurity Act 1993.

About the New Zealand Game Animal Council

The New Zealand Game Animal Council (GAC), established under the Game Animal Council Act 2013, is a statutory entity with responsibilities for, among other things:

- Advising and making recommendations (in relation to game animals) to the Minister for Hunting and Fishing (previously Minister of Conservation).
- Raising awareness of the views of the hunting sector.
- Liaising on and managing aspects of game animal hunting and management.
- The Game Animal Council Act 2013 defines game animals as deer, tahr, chamois and wild pigs.¹

Relevance of the Biosecurity Act to game animals

1. Game animals (deer, tahr, chamois and wild pigs) are valued introduced species as recognised within Te Mana o te Taiao – the Aotearoa New Zealand Biodiversity Strategy 2020 (ANZBS) (page 9):

‘Valued introduced species are introduced species, including sports fish, game animals and species introduced for biocontrol, which provide recreational, economic, environmental or cultural benefits to society’

2. The management of game animals is provided for under the Wild Animal Control Act 1977 (WAC Act) across all land tenures in accordance with proper land use, and under the Game Animal Council Act 2013 (GAC Act), where ‘herds of special

¹ Wild goats are subject to the Wild Animal Control Act 1977 only and are not part of the Game Animal Council’s statutory responsibilities.

interest' in specified areas of public conservation land are designated by the Minister for Hunting and Fishing.

3. The agency responsible for the administration of both the WAC Act and the GAC Act is the Department of Conservation (DOC).
4. The Biosecurity Act is administered by the Ministry for Primary industries (MPI) and provides powers for regional councils regarding biosecurity management, including pest management plans, pathways and policies.
5. Currently, any species can be declared as a pest under the Biosecurity Act by chief technical officers from twelve regional councils, providing for regional inconsistencies.
6. For game animals, these inconsistencies extend beyond regional settings, into legislative settings regarding their status and management across New Zealand.
7. Inclusion of game animals within pest management plans under the Biosecurity Act for biodiversity purposes essentially creates administrative duplication where there are two agencies, DOC and MPI, undertaking administrative functions for the same purposes under two different pieces of legislation.
8. Importantly, this situation leads to 'double dipping,' where centralised taxes are used to fund the Department of Conservation's management of game animals under the WAC Act, while regional councils also collect rates to manage game animals under the Biosecurity Act.
9. The GAC submits that game animals and other valued introduced species are not pests, i.e. they provide significant recreational, economic, environmental or cultural benefits to society.
10. To establish legislative consistency, game animals should be precluded from being declared as pests within Biosecurity Act national and regional pest management plans and pathways, as there is already legislation in place that enables the management of these species for any harmful effects.
11. Game animals should only be referenced within national and regional pest management plans if they are a vector for a notifiable organism and their management is required to control, eradicate or manage the transmission of that notifiable organism.
12. The GAC submits that decisions to establish and enforce game animal management activities, including exclusion zones, for biodiversity purposes should be retained by the DOC as the administrator the WAC Act and the GAC Act, and in accordance with ANZBS goals.
13. ANZBS 2030 goal for valued introduced browsers, e.g. game animals:

'11.1.2 Introduced browsers, including valued introduced species, are actively managed to reduce pressures on indigenous biodiversity and maintain cultural and recreational values'

14. Effective management of valued introduced species across New Zealand requires consideration of species impacts and value across land of all tenures at both a national and local scale.
15. This can only be achieved through national level administration of game animal management, that includes effective engagement with relevant local bodies and stakeholders and efficient administration processes.
16. Regional councils desire to hold powers for undertaking control of game animals for reasons other than vector management, indicates that improvements to the DOC administration processes may be required and / or additional resources applied in this area.
17. The GAC supports a collective and collaborative approach for the management of game animals across New Zealand.
18. If there are no mechanisms that enable regional councils to contribute towards game animal management other than through pest management plans under the Biosecurity Act, the following options are available:
 - a. Change 'Pest Management Plans' to 'Species Management Plans' with separate classifications and management provisions for pests and valued introduced species.
 - b. Establish and incorporate a valued introduced species management mechanism separate from pest management plans.
19. Under either option, the management of game animals should be administered in accordance with the WAC Act and GAC Act, and national level strategy, i.e. management for both value and impacts, and statutory policy and planning.

Surveillance and interfaces with Department of Conservation - administered legislation

Proposal 70 – Clarify that regional councils can enter private land to control wild animals

20. The GAC submits that the current requirement for regional councils to seek authorisation to undertake game animal management activities for biodiversity purposes on private land and public conservation land under the WAC Act is appropriate.
21. The decision to manage vectors for notifiable diseases across all land tenures under the Biosecurity Act is appropriate.
22. For emergency biosecurity purposes, e.g. where game animals are vectors of a notifiable organism and must be controlled to control transmission of that

organism, it is important that entry to private land and public conservation land is immediately actionable.

23. However, where control or management of game animals is not required to urgently prevent the spread of notifiable organisms, i.e. for biodiversity purposes, the WAC Act s16 is the appropriate legislative mechanism.
24. Section 8(2) of the WAC Act currently enables regional councils to provide the authority to hunt or kill or possess game animals and discharge a firearm into or over regional council managed land.
25. Therefore, the proposed amendment only affects privately owned land and public conservation land.
26. Except in emergency circumstances, no government body should hold powers to enter private or public conservation land to control species that are valued without following appropriate due process, including engagement with national level managers.
27. An amendment to the WAC Act to enable regional councils to hold such powers runs contra to statutory designation and management requirements stipulated in the most recent legislation relevant to the management of game animals, the GAC Act.
28. The Wild Animal Control Act 1977, s16, outlines a process that must be followed before entry onto private land for the purposes of this Act is legally enforced.
29. This process affords the landowner a notice period of 28 days and an opportunity to appeal the Ministers decision.
30. The GAC submits that the proposed amendment to section 8(2) of the Wild Animal Control Act 1977 is only made if there is no provision for game animals to be declared as pests in regional pest management plans.
31. In the case of eradicating or managing an unwanted organism, a regional council has authority to hunt or kill or possess game animals and discharge a firearm on private land and public conservation land.
32. Entry onto private land to control or manage game animals for biodiversity purposes should only be granted in accordance with s16 of the WAC Act.

Proposal 71 - Make a technical amendment to section 7(5) of the Biosecurity Act to correct a reference to conservation land

33. The GAC supports this technical amendment.

Other proposed amendments to the Biosecurity Act

System-wide issues

Proposal 4 - Local Knowledge

34. Where there are statutory entities that hold community connection functions, and biosecurity decisions relevant to their mandate arise, consideration of expert advice received from these statutory entities be required as part of chief technical officer decision making.

Biosecurity Act amendment example, or something to this effect:

“The chief technical officer must engage and have regard to the advice, if any, of any statutory entity that holds functions that connect communities to relevant biosecurity considerations, as part of decision making.”

The benefits of this amendment are:

- Enhanced partnership and promotion of participatory biosecurity practices across government and community sectors.
- Alignment of local and national knowledge, direction and communications.
- Certainty that government entities with relevant experts / expertise are utilised to support improved regional decision making and regional considerations are made during national level planning and promotions.

Example of application relevant to the NZ Game Animal Council.

The NZ Game Animal Council has hunting community connection mandated functions. When biosecurity considerations arise that are relevant to hunting and game animals, the proposed amendment to the Act would require the chief technical officer to notify the NZ Game Animal Council, with an opportunity to provide advice.

The NZ Game Animal Council holds expertise in the relevant field, thus can provide support to the chief technical officer regarding any differences between local and scientific knowledge. Also, to identify and promote opportunities that increase hunting community participation in biosecurity.

Where chief technical officer decisions affect the hunting community, the rationale behind decisions can be communicated directly to the hunting community by the GAC and concerns from the hunting community can be condensed into clear and concise communications to the chief technical officer to support efficient decision making.

Long-term management

Proposal 44 – Simplify the process to create national or regional pest and pathway management plans

35. While the GAC understands that the proposed change is intended to make the process more efficient, the lack of early Ministerial oversight is not advisable.
36. Government agencies act on behalf of Ministers, and significant resources may be used to create national and regional plans and undertake consultation.
37. If these resources are used and consultation occurs before a Ministerial decision point, there is significant risk of wasted resources, deteriorating social license and political risks.
38. Regarding the 19 key considerations to be met within the second step, the GAC notes that any species could meet the key considerations summarised as:

“the subject being capable of causing adverse effects on the economy, native plants or animals, the environment, social and cultural wellbeing, human health, recreation, animal welfare, and the relationship of Māori with the environment;”
39. The GAC submits that game animals and other valued introduced species are not pests, i.e. they provide significant recreational, economic, environmental or cultural benefits to society.
40. The reverse order of the third and fourth steps proposed is not accurate.
41. The fourth step in the current process is approval of the plan, while the third step in the proposed process is creation of the plan.
42. Approval must come after consultation has been undertaken.

Additional recommended amendment to the Biosecurity Act

43. The GAC submits that game animals should be excluded from s84(4) -

‘Must not provide for the payment of compensation for loss suffered because a person’s income derived from feral or wild organisms is adversely affected by the implementation of the plan.’
44. Game animals can make up a significant component of landowner’s income, and in some cases completely replace income derived from agricultural species.
45. Compensation for the commercial value of these species in such cases where removal of these species from private property is legally enforced within a national pathway management plan should apply.

If you have any queries relating to this feedback or require additional information, please contact me on 021 688 531 or at tim.gale@nzgac.org.nz.

Yours sincerely

Tim Gale

A handwritten signature in blue ink that reads "timgale". The signature is written in a cursive style with a large initial 't'.

General Manager

New Zealand Game Animal Council