



## ENVIRONMENT AND CONSERVATION ORGANISATIONS OF NZ INC.

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## SUBMISSION ON GAME ANIMAL COUNCIL BILL

### 1.0 INTRODUCTION

1. The Environment and Conservation Organisations of NZ (ECO) was founded in 1971 as CoEnCo to meet the needs of the conservation community, becoming ECO in 1976. We are a non-profit network of around 55 organisations with a concern for conservation and the environment. Our membership includes large international groups such as Greenpeace and Friends of the Earth, national groups including Organics Aotearoa NZ and the National Council of Women, as well as small local groups such as Friends of Golden Bay and Save the Otago Peninsula, and issue oriented groups like the Cycling Advocates Network and the Yellow-eyed Penguin Trust.
2. ECO's work is carried out largely by volunteers, supported by a small office and resource centre in Wellington. There are around 500 "Friends of ECO," individual subscribers who support our work.
3. ECO supports recreational hunting as an important part of measures to control exotic animal populations and protect indigenous biodiversity.

### 2.0 KEY POINTS

4. ECO does not support the establishing of the Game Animal Council or the passing of other elements of the Game Animal Council Bill.
5. Firstly ECO supports recreational hunting as an important part of measures to control exotic animal populations and protect indigenous biodiversity.
6. Secondly, the Game Animal Council and this Bill is just an unnecessary added bureaucracy which will be a barrier to recreational hunting and wild animal control measures by both

recreational hunters, commercial hunters, landowners, and the Department of Conservation.

7. That export levies to pay for the added bureaucracy is an added complexity which is of questionable benefit and will likely result in a charge on recreational hunters which will be an additional barrier and could lead to hunters ignoring the GAC.
8. ECO notes that in the Regulatory Impact Statement, Officials noted that:  
*“Introducing separate legislation to create a Game Animal Council would have the highest cost in regulatory time and resources.”*
9. ECO agrees with Officials that this Bill is not needed and will only result in increased unnecessary bureaucracy and fail to provide good conservation outcomes.

### **3.0 GAME ANIMAL COUNCIL**

10. ECO is greatly concerned that the new Game Animal Council (GAC) proposed in the bill will affect and adversely influence how areas of conservation land will be managed when they have “herds of special interest”. Such herds (deer, thar and pigs) have long been recognized as causing damage to indigenous species and ecosystems which are meant to be protected, in land designated as conservation land, but the work of Department of Conservation is highly likely be undermined by the conflicting interest of protecting such herds.
11. ECO notes that the Regulatory Impact Statement (March 2011) states that:  
*“There is no information clearly establishing that current institutional arrangements in the management regime for wild animals requires change to improve participation among the different groups with interests in these animals and their effects on the environment.”*
12. Further it notes:  
*“There is no evidence that current user groups and organizations (for example the Deerstalkers’ Association) are deficient in representing their members’ interests.”*
13. ECO agrees that existing groups like the NZ Deerstalkers' Association already adequately represent their members' interests and therefore, there is no practical need for a GAC. ECO agrees with the officials views based on our past experience and long interaction with the Deerstalker’s Association over 40 years.
14. ECO notes that the New Zealand Conservation Authority has repeatedly recommended against the formation of a GAC.
15. On the role of the Game Animal Council, ECO agrees with the Officials that:  
*Given the Game Animal Council’s proposed functions, the council does not need to be a body corporate and require separate legislation.*
16. ECO notes that officials recommended that *“On balance...establishing the Game Animal Council as a Ministerial advisory committee under section 5 of the Wild Animal Control Act..”*
17. ECO concurs with the views of officials in the Regulatory Impact Statement that:  
*The proposal to establish a Game Animal Council with separate legislation has the highest regulatory burden  
It is likely to have the highest costs and best the least aligned to the current wild animal control regime and legislative framework.*

18. ECO submits that the costs of running the proposed Game Animal Council represent a significant and unnecessary waste of money at a time when DOC is under tight budgetary constraints.

#### **4.0 Wild Animal Control and Biodiversity**

19. New Zealand has international obligations to protect indigenous biodiversity under the Biodiversity Convention and in some areas the World Heritage Convention as well as legislative commitments under the Wildlife Act.
20. ECO has been actively represented on the Himalayan Tahr Control Plan Implementation Group (HTCPIG) since it was established in the 1990s. From our experience with the committee, ECO considers that the Game Animal Council will be dominated by hunting enthusiasts who prioritise their interests over DOC's pest control and indigenous flora and fauna protection work. This situation arises every year when the Tahr committee (HTCPIG) considers culling reports from DOC.
21. Thar are a recognized threat to New Zealand special indigenous biodiversity. As noted by the Department of Conservation:

*Tahr graze at high altitudes, in alpine grasslands and sub-alpine shrublands where they feed most intensively on tall snow tussock and can kill entire plants. Chamois eat a similar diet to tahr, but prefer more woody plants, particularly native brooms (Carmichaelia spp.), and herbs such as the Mount Cook lily (Ranunculus lyallii). Both animals are a major threat to the sensitive ecosystems of alpine regions, as their social nature increases pressure in localised areas.*
22. ECO submits that the proposal GAC should have no statutory management functions nor decision-making powers, because such functions would undermine DOC's ability to control wild introduced animals on the conservation estate and GAC will be a special interest group and likely to favour its interests over conservation.
23. There is a very real danger that the integrity of New Zealand conservation lands and reputation will be threatened by the changes proposed.
24. ECO draws the Committee's attention to the letter from the Vice-Chair Oceania IUCN World Commission on Protected Areas (WCPA) and the Deputy Vice-Chair for New Zealand WCPA, sent to the Minister of Conservation (July 2010) (attached). The points and references throughout the letter are relevant to this issue Bill. This letter emphasises the:

*“significant deep-seated apprehension that the legal and philosophical principles that underpin New Zealand's conservation management systems would be both undermined and compromised if introduced animal management is taken over and driven by the interests of commercial game animal groups and limited number of recreational hunters”.*
25. New Zealand's indigenous biodiversity has long been affected by the introduction of alien species including deer, thar and pigs. The retraction in species range and the loss of indigenous species from areas has needed controls and measures to reduce these alien hunted species to low numbers.
26. In addition, private landowners have been affected by the management of these species for example pine forests have been affected in many areas from deer browsing eg Santoft Forest in

Manawatu.

27. Private landowners protecting biodiversity on their land are concerned at the management of pigs and other species on adjacent conservation land. The use of dogs by pig hunters and others has led to the decline in kiwi populations in many areas. These biodiversity impacts cannot be divorced from the control of wild animals.

## **5.0 PROPOSED BILL**

28. ECO strongly urges the Committee to recommend that the Bill not proceed, but if the Bill is to progress, the Bill must be amended to clearly state that the protection of indigenous biodiversity and conservation values take priority where there is any conflict between those values and the control/management of hunted species. Indeed this is a necessary step if conservation lands are to keep their designation under internationally accepted IUCN classification systems.

### ***Lack of Balanced Advice***

29. Amongst the secondary objectives for establishing the Bill is to provide "*balanced advice that reflects the views of the different groups with interests in these animals*". There is no requirement to provide that balance in the Bill's purpose (clause 3) or in the functions of the council (clause 7) or in the membership of the council (clause 8). In the functions of the council the only interests considered are the "hunting sector".
30. Further, ECO considers the GAC will not provide DOC with "balanced advice" because the GAC itself is dominated by hunting interests, and there is no requirement for members to have scientific or ecological expertise.
31. Amend clauses 3, 7 and 8 to require balanced advice.

### **Biodiversity outcomes**

32. Among the secondary objects listed for the Bill is "*identifying herds that could be specifically managed for recreational hunting outcomes without adversely affecting other users or biodiversity values*". This clear requirement is missing from the Bill.
33. The "overriding considerations" in clause 4 has no requirement for the protection of indigenous biodiversity. Further the over-riding considerations are only relevant under herd management plans (clause 19(6) and 19(7)) and clause 21 (delegations). It is not included in the other functions of the Council.
34. Further, in clause 16 there is no requirement to consider biodiversity in herd designation requirements or to consider the overriding considerations from clause 4. This is a major oversight.
35. The over-riding consideration should apply throughout the Bill to all decision-makers otherwise the Bill will fail in its objective of "*not adversely affecting other users or biodiversity*". Add a new clause to make it clear that any decision or recommendation are subject to the over-riding consideration
36. ECO considers the Bill should prohibit the release of tahr, chamois, deer and pigs and any other game animals on or conservation land or where they can migrate on to conservation lands or

adjacent private land. There is a wide body of evidence to prove that recreational hunting of deer and tahr does not reduce their numbers to a level required for biodiversity conservation.

37. Amend clause 18 to add a new sub-clause to prohibit the release of tahr, chamois, deer and pigs and any other game animals on or conservation land or where they can migrate on to conservation lands or adjacent private land.

### ***Consultation***

38. ECO notes that the consultation provisions in the Bill are limited. For example, in clause 16 and 18 there is no requirement to consult adjacent landowners or persons engaged in biodiversity recovery in the area or adjacent land including private land eg Kiwi Care groups.
39. Amend clause 16 and 18 to require consultation with adjacent landowners and persons or groups involved in biodiversity recovery in the area or adjacent land.

## **4.0 CONCLUSIONS**

40. ECO strongly urges the Committee to recommend that the Bill not proceed, but if the Bill is to progress, the Bill must be amended to clearly state that the protection of indigenous biodiversity and conservation values take priority where there is any conflict between those values and the control/management of hunted species.
41. ECO would welcome an opportunity to present oral submissions on the Bill. Could you please contact the ECO office on 385-7545 or contact me on 021-738-807.

Yours sincerely,

Barry Weeber,  
Co-Chairperson.



**Kate Wilkinson**  
**Minister of Conservation**  
**Parliament Building**  
**Wellington**

Saturday, July 10, 2010

Dear Minister,

**Recommendations for establishing the New Zealand Game Animal Council (NZGAC)**

This letter refers to the release of the above report. While submissions have not been sought on these recommendations the IUCN's World Commission on Protected Areas (WCPA) felt compelled to write to you to express its concerns.

In the first instance WCPA wishes to reiterate the central themes and areas of concern that were raised in the February 2009 New Zealand IUCN Committee's letter. This centres on some significant deep-seated apprehension that the legal and philosophical principles that underpin New Zealand's conservation management systems would be both undermined and compromised if introduced animal management is taken over and driven by the interests of commercial game animal groups and a limited number of recreational hunters.

We wish, therefore, to express our profound concerns at both the recommendations and significant implications that are contained in the report. Of immediate concern is the so called consultation process that the proponents for a NZGAC suggest was part of the public input process. This process was fundamentally flawed in that the discussion document, and follow-up meetings, as far as we can ascertain and judging from the results that are documented in the recommendations report, primarily attracted responses from commercial and some limited recreational hunting interest groups. As a result, the recommendations predictably mirror the foregone conclusions that were an integral part of the 2009 discussion document.

WCPA offer the following suggestions.

That you:

- note the surreptitious and "non-public" way that processes associated with consultation and submission analysis was handled by NZGAC proponents<sup>1</sup>

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<sup>1</sup> Examples of this include two briefings by WCPA Deputy Vice Chair to (i) Aoraki Conservation Board on 2 July 2010 –members of this board, whose area of responsibility encompasses major sites that are currently managed by DOC and include significant hunting opportunities on public conservation land, were only vaguely aware of the discussion document and report; (ii) presentation to the Environment and Conservation Organizations of NZ Annual conference on 3<sup>rd</sup> July 2010. ECO is a network of 70 organisations with a concern for conservation and the environment – few participants were aware of the report and recommendations; as well several normally well informed individuals including: Guy Salmon, Craig Potton, and Dave Bamford (member Sir Edmund Hillary Recreation Council) all affirmed that they had limited knowledge of the process, report and final recommendations.

- require an independent apolitical and scientifically qualified figure or figures to undertake an independent and transparent analysis of all submissions
- direct that these be collated and documented in a publicly available report.

We request that you also take into account and note the following:

- the NZ Conservation Authority’s expression of concern,
- a strong resolution from the Wild9 congress which represents a significant international conservation concern <http://www.wild.org/blog/resolution-28-proposed-establishment-of-a-new-zealand-game-animal-council/>];
- IUCN’s significant reservations as expressed in its previous letter (also refer to Para I above)

If in the event you decide to proceed WCPA urge that you consider putting in place a transparent public process before any of the recommendations are considered and changes are commenced on (i) National Parks and Conservation Acts, (ii) General Policies for National Parks and Conservation Areas (iii) DOC Conservation Management Strategies (CMS).(iv) each National Park Management Plan etc. All of these statutory documents are the result of significant public consultation. They therefore constitute a New Zealand and international consensus on sound conservation and national park management principles.

If the fundamental variations being promoted by the NZGAC proponent’s are to have any legitimacy they would need to involve and reflect the views of a full constituency of interested parties - not only those of commercial and some recreational hunters’ that are for the most part reflected in the process to date.

We also take this opportunity to bring to your attention the high levels of dissatisfaction that have been expressed in New South Wales where a Game Council, with significant similarities to the proposal that is currently before you, has been established. This model was promoted in the report as having relevance in that it states “No exact models could be found, but the closest were to be seen in the Game Council of New South Wales and the New Zealand Fish and Game Councils”. This link provides examples of the significant problems this model has faced <http://leerhiannon.org.au/abolish-the-game-council> and provides a range of relevant points.

Also of concern is that recommendations provide for majority membership of the proposed council to be made-up of representatives who hold significant commercial interests while only one member (DOC) is expected to represent wider public conservation interests. The potential for commercial and recreational hunters to out-vote the perspectives advocated by conservation organisations on what are likely to be contentious issues add to our apprehension. We request, therefore, that you require a high level of scientifically informed risk analysis be applied as once the significant changes and costs that will be necessary to establish this council are committed, it will be a costly and resource intensive process to reverse.

Finally, we request that you provide an opportunity for WCPA representatives to meet with you and look forward to your confirmation when this can be arranged.

Yours faithfully,



Penelope Figgis AO

Vice Chair, Oceania IUCN World Commission on Protected Areas



Bruce Jefferies

Deputy Vice Chair for New Zealand, IUCN World Commission on Protected Areas