

Short-Form Departmental Disclosure Statement

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| Game Animal Council Bill |
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| Supplementary Order Paper No 395 |
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A short form disclosure statement for proposed government amendments to a Bill seeks to bring together in one place some selected information to support and enhance the Parliamentary and public scrutiny of those proposed amendments.

It highlights certain significant powers or features in the proposed amendments that might be of particular Parliamentary or public interest and warrant an explanation.

There was no original disclosure statement for this Bill.

This disclosure statement was prepared by Paula Warren of the Department of Conservation.

The Department of Conservation certifies that, to the best of its knowledge and understanding, the information provided is complete and accurate at the date of finalisation below.

14 November 2013.

Significant Legislative Features

Offences, penalties and court jurisdictions

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| 1. Do the proposed amendments create, amend, or remove: | |
| (a) offences or penalties (including infringement offences or penalties and civil pecuniary penalties)? | NO |
| (b) the jurisdiction of a court or tribunal (including rights to judicial review or rights of appeal)? | NO |
| http://www.treasury.govt.nz/publications/guidance/regulatory/disclosurestatements/16.htm | |

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| 1.1. Was the Ministry of Justice consulted about these provisions? | NO |
| http://www.treasury.govt.nz/publications/guidance/regulatory/disclosurestatements/16.htm | |

Privacy issues

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| 2. Do the proposed amendments create, amend, or remove any provisions relating to the collection storage, access to, correction of, use or disclosure of personal information? | NO |
| http://www.treasury.govt.nz/publications/guidance/regulatory/disclosurestatements/17.htm | |

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| 2.1. Was the Privacy Commissioner consulted about these provisions? | NO |
| http://www.treasury.govt.nz/publications/guidance/regulatory/disclosurestatements/17.htm | |

Compulsory acquisition of private property

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| 3. Do the proposed amendments contain any provisions that could result in the compulsory acquisition of private property? | NO |
| http://www.treasury.govt.nz/publications/guidance/regulatory/disclosurestatements/21.htm | |

Charges in the nature of a tax

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| 4. Do the proposed amendments create or amend a power to impose a fee, levy or charge in the nature of a tax? | NO |
| http://www.treasury.govt.nz/publications/guidance/regulatory/disclosurestatements/22.htm | |

Retrospective effect

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| 5. Do the proposed amendments affect rights, freedoms, or impose obligations, retrospectively? | YES |
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Clause 26A would provide for codes of practice to be complied with, whether made before, on or after the date the concession, permit or authorisation comes into force. The provision is necessary to enable smooth administration of concessions and to comply with the confidence and supply agreement with United Future Party. It will make it easier for the Minister to authorise concessions and permits with long time frames, while retaining the ability to adjust conditions to reflect new circumstances. The Game Animal Council would liaise with hunting organisations before developing any code of practice, ensuring that any implications for industries or hunters were clearly identified. The Council would include members with recreational and commercial hunting experience. The Minister would only adopt the codes if he considered they were appropriate. The codes would be given effect through regulations.

<http://www.treasury.govt.nz/publications/guidance/regulatory/disclosurestatements/23.htm>

Strict liability or reversal of the burden of proof for offences

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| 6. Do the proposed amendments: | |
| (a) create or amend a strict or absolute liability offence? | NO |
| (b) reverse or modify the usual burden of proof for any offence or civil pecuniary penalty proceeding? | NO |
| http://www.treasury.govt.nz/publications/guidance/regulatory/disclosurestatements/23a.htm | |

Civil or criminal immunity

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| 7. Do the proposed amendments create or amend a civil or criminal immunity for any person? | NO |
| http://www.treasury.govt.nz/publications/guidance/regulatory/disclosurestatements/24.htm | |

Significant decision-making powers

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| 8. Do the proposed amendments create or amend a decision-making power to make a determination about a person's rights, obligations, or interests protected or recognised by law, and that could have a significant impact on those rights, obligations, or interests? | YES |
| <p>Clause 26A would provide for codes of practice to be complied with, whether made before, on or after the date the concession, permit or authorisation comes into force. The provision is necessary to enable smooth administration of concessions and to comply with the confidence and supply agreement with United Future Party. It will make it easier for the Minister to authorise concessions and permits with long time frames, while retaining the ability to adjust conditions to reflect new circumstances. The Game Animal Council would liaise with hunting organisations before developing any code of practice, ensuring that any implications for industries or hunters were clearly identified. The Council would include members with recreational and commercial hunting experience. The Minister would only adopt the codes if he considered they were appropriate. The codes would be given effect through regulations.</p> <p>http://www.treasury.govt.nz/publications/guidance/regulatory/disclosurestatements/24a.htm</p> | |

Powers to make delegated legislation

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| 9. Do the proposed amendments create or amend a power to make delegated legislation that could amend an Act, define the meaning of a term in an Act, or grant an exemption from an Act or delegated legislation? | YES |
| <p>Clause 4(1) would amend the definition of “game animal” so that it would include game animals kept on deer farms and safari parks. This is to provide comprehensive coverage of the provisions of the Bill to commercial hunting of game animals. This is not a “power”.</p> <p>http://www.treasury.govt.nz/publications/guidance/regulatory/disclosurestatements/25.htm</p> | |

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| 10. Do the proposed amendments create or amend any other powers to make delegated legislation? | YES |
| <p>Clause 33(1)(ba) and (bb) would allow the development of codes of practice for hunting and requirements for voluntary certification schemes for professional hunting guides and game estates. These would only have a direct effect on any party if they agreed to comply or be certified. The power is necessary to comply with the confidence and supply agreement with United Future Party. The codes of practice would be prescribed by Order in Council.</p> <p>Clause 33(3) would amend the regulation-making power by removing the provision for the Minister of Conservation to “have regard to” certain criteria before recommending the making of regulations and replacing it with a requirement for regulations to be in accordance with those criteria. This is consistent with the need for the regulation –making power to be consistent with the thrust of the Bill to ensure the “overriding considerations” relating to conservation are met. This strengthens Ministerial accountability and removes discretion over applying those criteria.</p> <p>The regulation-making power in clause 33(4) would enable, in relation to certified hunting guides the prescribing of:</p> <ul style="list-style-type: none">(a) minimum standards;(b) codes of conduct;(c) complaints and disciplinary processes. <p>The power is necessary to comply with the confidence and supply agreement with United Future Party. Certification would be voluntary.</p> <p>http://www.treasury.govt.nz/publications/guidance/regulatory/disclosurestatements/25.htm</p> | |

Any other unusual provisions or features

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| 11. Do the proposed amendments contain any provisions (other than those noted above) that are unusual or call for special comment? | NO |
| <p>http://www.treasury.govt.nz/publications/guidance/regulatory/disclosurestatements/26.htm</p> | |