



## AGENDA

AUCKLAND/WAIKATO FISH AND GAME COUNCIL

12<sup>th</sup> October 2024



## AUCKLAND/WAIKATO FISH & GAME

**A Meeting of Council will be held at the Waikato Deer Stalkers Hall, Wairere Drive,  
Hamilton on Saturday 12 October 2024 commencing at 11.00 a.m.**

### AGENDA

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\* Denotes attachments

\*\* Denotes the need to move a motion.

**N Juby**  
**Chairman**

27/09/2024

## AUCKLAND/WAIKATO FISH & GAME



**Minutes of a Meeting of Council**  
**held at the NZ Deerstalkers Hall, Wairere Dr, Hamilton**  
**on Saturday 17<sup>th</sup> August 2024 commencing at 11:00am.**

### PRESENT:

**Chairman:** N. Juby.  
**Councillors:** E. Williamson, D. Cocks, P. Shaw, M. Barker,  
 B. Barnes, G. Annan, G. Dickey.  
**Staff:** D. Klee, D. Le Lievre, B. Jarvis-Child, A. Daniel  
**Visitors:** L. Altham, P. Hardy, G. Hall.

### 1. APOLOGIES:

C. Sherrard, T. Clark.

It was moved;

**that apologies be accepted.**

**Annan/Cocks – CARRIED**

### 2. POSSIBLE CONFLICTS OF INTEREST ARISING FROM MEETING AGENDA:

Nil.

### 3. MINUTES OF PREVIOUS MEETINGS OF 8<sup>th</sup> June 2024:

It was moved;

**That the minutes of the 8<sup>th</sup> June 2024 meeting be accepted as true and correct records:**

**Cocks /Barker – CARRIED**

### 4. MATTERS ARISING FROM PREVIOUS MINUTES:

Updates were given of ranging activities on social media and diversion policies. Northland have recently received a legal opinion which may have further implications for our current national diversion policy.

### 5. INWARDS COUNCIL CORRESPONDENCE:

### **Letters from Minister.**

It was noted that the minister requires detailed information for any regulation changes especially if they appear to limit hunter opportunity. Councillor Barker questioned why the proposed increase in non-resident designated waters had not been accepted. Councillor Barnes explained that overseas anglers already pay much higher fees than New Zealand residents and the reason the fee increase was declined was due to a lack of rationalisation on behalf of the proponents justifying it.

### **Whakapapa Access Issues**

Dr Daniel, explained that we are waiting for wording for the proposed easements to formalise access through the property. Further dialogue is occurring with Mana Whenua including discussion around signage informing the Waahi Tapu status of some of the surrounding land. The CE explained that the approach that Auckland/Waikato F&G has taken in order to create access is being viewed favourably both within the organisation and externally. There is discussion around using this as a 'model of its kind' and establishing a national access fund to replicate the process. We have also been approached by a landowner who may be interested in selling their property on the Whakapapa to us. Dr Daniel explained to council that the current mitigation fund is constrained to the Whakapapa/Wanganui catchment but we are actively seeking donations for a regional access fund.

Councillor Williamson requested an update on the issue surrounding a dwelling on public land that blocks access to the Whakapapa River. Dr Daniel explained the issue was that the District Council did not lodge the correct paperwork at the time, and the opportunity to formalise the access was lost. The dwelling is partially on DOC land and Dr Daniel is going to work with the CE to raise this issue with the Department and see whether we can gain any traction to have access instated.

The CE gave an update on access to the upper Whakapapa via Intake Road. Following intervention by the minister, DOC have taken the position that access must be restored and are working towards that goal. We are awaiting confirmation of timeframes for this to occur from DOC.

### **Hamilton Anglers Club letter**

Gavin Hall spoke to the HAC letter focusing on kids fishing areas in/around Hamilton. He also raised the potential for an area where anglers with disabilities could have access to fish and develop a project in line with Fish and Games hooked on angling programme. HAC are looking for an easy access area with signage explaining the lake, fish that are in the lake and how to catch them.

Dr Daniel outlined Hamilton City Council had tried to ban fishing in Lake Rotoroa (Hamilton Lake) and Turtle Lake. Lake Te Kouto (Cambridge) may be a good starting point to develop this project. Dr Daniel will discuss options to create signage and an easy access area for kids and people with disabilities with Waipa District Council and report back at next meeting.

The Chair discussed a HAC initiative to adopt a river and is looking to begin at a section of the Waihou River below Whites road. Anglers would do some riparian planting and enhancement of the farm and in return the landowner provides non-exclusive access. Dr Daniel suggested that there is potential to put in a walkway from SH5, right through to Whites Road which would create around 4km of great fishing access, although there may be some pushback from local landowners.

Messer Hall left the meeting.

## **6. OUTGOING COUNCIL CORRESPONDENCE**

Letter of thanks to retiring ranger Theunis Miedema.

Letter sent to Corina and Barrie providing feedback on licence fee and National Policy Statements for the public record. (previously circulated via email to councillors).

## **7. CHIEF EXECUTIVE'S BI-MONTHLY REPORT AND FINANCIAL STATEMENTS:**

### **Arapuni stocking spawning surveys**

The Chair discussed the Arapuni spawning surveys which found approximately 25% of fish spawning are hatchery derived. Dr Daniel explained that recent analysis suggests that this is likely to be having detrimental impacts on the overall population. One more survey is scheduled and Dr Daniel will prepare a report for the next meeting.

### **Karapiro stream 2**

The Chair asked if the stream was closed to fishing. Dr Daniel explained that it is not and gets fished by lots of kids at the downstream confluence with the Waikato River. One of the landowners raised issues around pollution in the stream associated with a Christian Rock festive which discolours the stream. Dr Daniel will investigate when the festival is on.

### **Opening Weekend Harvest Survey**

Councillor Williamson raised his belief that the total number of ducks harvested on opening weekend shows the need to reduce season length to two weeks. Discussion ensued around duck populations and what is controlling numbers with a wide variety of views expressed. The CE outlined that Messer Jarvis-Child has started doing further analysis and will be preparing a report on the subject.

Further discussions occurred around predator control, and it was agreed that the CE will include a question to hunter user group in an upcoming letter asking for information on predator control programmes and urging committees to be active in that space.

### **Waitomo District Plan**

Discussion around Waitomo district plan with the Chair congratulating staff on the potential of increasing access to significant fisheries in the district. The CE explained, whilst there tends to be a focus on access being lost to hunters and anglers the recent examples of Stone Jug Road and this plan should it land, does indicate that F&G regions can use various levers and develop incentivised access programmes which will remain a focus for the Auckland/Waikato Council.

### **Financial Report**

The CE raised the issue that with the LWHT winding up, that council will be receiving several assets, including 4 tractors, which will require a significant increase in our Asset Replacement Fund(ARF) budget, once the remaining dollars from the trust have been used. There was further discussion around ARF and the apparent large discrepancies around the country in how ARF budgets are being applied. The Chair raised concerns that ARF budgets are being treated as general reserves which appeared to be an incorrect tagging of a fund earmarked to replace assets.

It was moved;

**that the Chief Executive's Bimonthly Report and Financial Statements be accepted.**

**Annan/Dickey – CARRIED**

### **8. HONORARY RANGER FEEDBACK – ANDREW KERR:**

Messer Kerr addressed the meeting, tabling a letter raising some concerns with the new honorary ranger's policy.

It was moved;

**that Andrew Kerr's letter to be forwarded to NZ Council and Corina Jordan, supporting the issues raised in the letter and requesting a response.**

**Cocks/Williamson – CARRIED**

The meeting rose for lunch at 1:03pm and resumed at 1:48pm.

### **9. DRAFT FATIGUE MANAGEMENT POLICY:**

The CE explained that staff have provided feedback seeking some amendments. Dr Daniel clarified that fatigue management and drug and alcohol policies have to be adopted as part of the Maritime programme. The CE noted that the drug and alcohol policy had been adopted by council and once a final copy of fatigue management policy is provided council should adopt this to comply with Maritime NZ requirements. Councillor Barnes expressed that in many instances, adopting NZC national policy was optional for regions. As autonomous bodies, the NZC could not compel regions to adopt National policies.

The CE raised the lack of transparency on how regional feedback is considered and incorporated in final national policy. This needs to be addressed if NZ Council want national policy to be adopted universally.

**10. 2024/25 CONFIRMATION OF BUDGET AND OPERATIONAL WORK PLAN:**

Th CE noted that given the updated timeframes to finalise budgets by the middle of March 2025, the council need to have its draft OWP finalised at the February meeting. The Chair outlined his desire to treat the OWP as a living document so that new initiatives can be added as they are thought of and developed. If councillors have Governance suggestions at any time, they should forward them to the CEO and they will be discussed at future meetings.

It was moved;

**that council approves the 24/25 Operational Work Plan and budget of \$881,824.**

**Cocks/Annan – CARRIED**

**11. OSH:**

The CE updated the council on H&S updates and new protocols including monthly staff meetings, the adoption of new intentions logs and risk assessments providing an audit trail which shows how H&S policy is being implemented. The CE explained that volunteers, including councillors, working on our wetlands, as part of organised activities, need to also use these update protocols.

Mses Lelievre is drafting a letter to all wetland associations with the primary purpose of identifying maintenance activities, to be included in our annual report to WRC, and will add some information on H&S processes to be employed by volunteers working on our wetlands.

A calendar of activities and work involving staff, volunteers and contractors will be maintained by staff and become a regular council meeting agenda item.

It was moved;

**that the OSH report is accepted.**

**Barker/Shaw – CARRIED**



## 12. GENERAL BUSINESS:

### **Question for the Minister of Hunting and Fishing:**

Councillor Barnes informed the meeting that the minister would be attending the next NZ Council meeting and there may be an opportunity to ask him some questions. Councillor Williamson suggested that Councillor Barker formulates a question for the minister and forward it to Councillor Barnes.

### **Elections:**

The Chair noted that the communication from NZ Council has been excellent with non-registered licence holders all receiving an email inviting them to register.

### **Risk Management Plan:**

The Chair raised some concerns he had with the risk register that was provided as part of the NZ Council meeting agenda.

It was moved;

**That CE & Chair to provide feedback on risk register to NZ Council.**

**Barker/Williamson – CARRIED**

### **Letter of condolence:**

Councillor Annan noted the passing of long-standing Otago councillor and duck call maestro Alan Hammond. His contribution to the sport was noted and It was moved;

**that The CE send a letter of condolence for Alan Hammond to be sent to Alans family.**

**Dickey/Annan – CARRIED**

There being no further business the meeting concluded at 3pm.

The next meeting of Council is scheduled for 12th of October 2024 at 11am.

## CEO Report

### New Zealand Fish and Game Council Meeting 170 August 2024

Prepared by: Corina Jordan, Chief Executive, NZ Fish and Game Council

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#### Kōrero taunaki - Summary of considerations

##### *Purpose*

1. This report to the New Zealand Fish and Game Council seeks to update Council on the work undertaken by the NZC office

##### *Financial considerations*

Nil       Budgetary provision       Unbudgeted

##### *Risk*

Low       Medium       High       Extreme

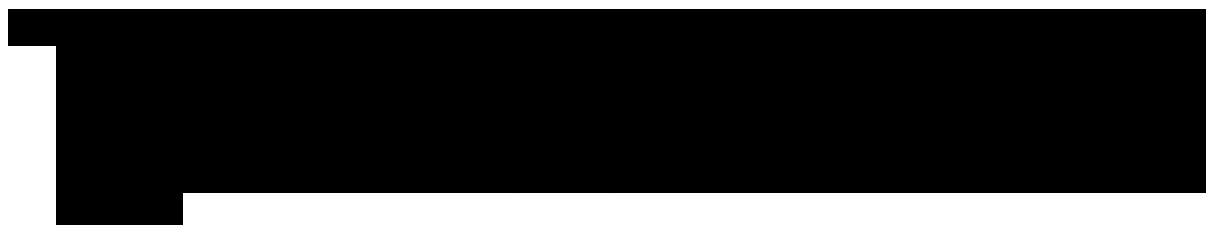
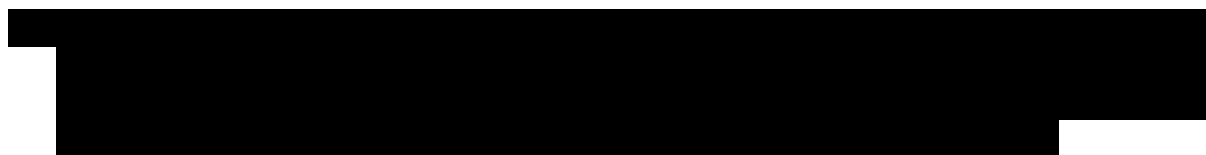
#### Ngā taunaki - CEO Recommendations

2. NZC CEO recommend that the New Zealand Fish and Game Council:
  - 2.1 Receive the information.

## Operational Snapshot

### *Licence System Update*

3. The ESL licence system is operating well, with no identified issues during the Game bird season. Fishing licences went on sale Thursday 22<sup>nd</sup> August, with over 100 sold on the first day with no advertising. The sale date for licences had been delayed by one week due to challenges with the Ministers travel itinerary. Social media posts went out Monday, Wednesday, and Thursday building anticipation for licences going on sale. Direct mailouts to licence holders are going out over the coming days (emails, social media posts, Reel life). While the ESL system is working well, ongoing work to address bugs and continued development is progressing. Kate Thompson has been working with ESL to catalogue and resolve these bugs.



6. Key functionalities to be incorporated into a modern customer centric licencing system:
  - Customer focus;
  - CRM;
  - Foundation for communications, marketing, and engagement with our licence holders;
  - Event management such as workshops etc;
  - Licencing and event bookings eg booking fishing beats, maimais etc;
  - Executive data analytics and reporting;
  - Full digitisation;
  - Integration with our website.



### *Magazine*

8. The Fish Special Edition magazine has been completed and distributed earlier than scheduled (26<sup>th</sup> August), due to the diligent work of its editor Hamish Carnachan, the NZ Hunter team Fiona Duley and Luke Care, and the regional public awareness team.



[REDACTED]

10. The Fish Special Edition is another outstanding piece of work from the team, showcasing Fish & Game in a positive light, the benefits of freshwater angling, and the diversity of our anglers. Hamish Carnachan and the NZ Hunter team should be commended.

## **Biosecurity**

11. Regular senior leadership meetings have been established between MPI, DOC, and Fish & Game New Zealand. To date a focus of these meetings have been Corbicula (Gold Clam), the establishment of the Waikato and Rotorua Lakes Controlled Area Notice (CAN) including the Lake Okataina closure challenges, High pathogenicity avian influenza (HPAI), and the suspected Diazinon waterfowl poisonings.

MPI are currently reviewing the CAN status of Lake Okataina, with the option of removing the CAN and bringing Lake Okataina under the wider Rotorua Lakes CAN. The establishment of a wash station on the Lake could be considered in negotiations with stakeholders.

[REDACTED]

13. High pathogenicity avian influenza (HPAI), commonly known as bird flu, is a contagious viral disease that primarily affects domestic and wild birds. HPAI viruses belong to the influenza A virus family and can cause severe illness and high mortality rates in infected birds. Internationally, HPAI has killed hundreds of millions of wild and domestic birds.

14. In HPAI outbreaks, infected birds may exhibit symptoms such as sudden death, respiratory distress, swollen heads, and decreased egg production. The virus can spread rapidly among bird populations through direct contact with infected birds or their droppings, as well as through contaminated feed, water, or equipment.

15. While HPAI primarily affects birds, certain strains of the virus can occasionally infect humans and other mammals, leading to serious illness or even death. Human infections typically occur through direct contact with infected birds or their secretions, such as respiratory droplets or faeces. Currently the chance of people catching HPAI from sick birds is considered low (about 900 cases have been identified worldwide). There is little evidence that it can be transmitted between humans but if the disease is contracted, the mortality rate is very high (>50%).

16. MPI currently class the risk of HPAI as low. This risk status will be reviewed once the conditions in Antarctica can be assessed. In the event that HPAI has reached the Ross Sea, MPI may elevate its risk status.

17. The CEO NZC currently considers the risk of HPAI to Fish & Game as an organisation to be moderate (3) as set out in the Risk Register, where the effects are felt but are not critical and may occur. The primary reasons are that the current

MPI risk is low, and in the event of an outbreak it is likely to be isolated i.e. not widespread. Mitigation approaches as set out below are currently underway.

18. In the event that HPAI was to reach New Zealand the CEO NZC would consider the risk to the organisation to be high (2), where the effects are likely to occur, but are not critical. That is because an outbreak of HPAI would not cause the organisation to fail. A worst-case scenario would be the loss of income from the game season at around \$3M year, for potentially a few years. However, it is highly unlikely that in the event of an outbreak the entire game season would be cancelled. A much more likely scenario would be the closure of the game season in parts of the country and reduced bag limits. Government support in the event of an outbreak is also being explored.

		Impact			
		Minor	Moderate	Major	Critical
Likelihood		Little or No Effect	Effects are Felt but Not Critical	Effects are significant	Effects are critical
Improbable	Unlikely to Occur	4	4	3	2
Possible	May Occur	4	3	2	1
Probable	Will Likely Occur	3	2	1	1
		<b>Risk Key</b>			
		4	Low		
		3	Moderate		
		2	High		
		1	Very High		

19. Experts across Fish & Game have worked together to draft a Fish & Game HPAI Action Plan. The draft plan provides a sound starting document for wider discussions across the partner agencies, in formulated a coordinated response to HPAI, with the identification of roles and responsibilities across statutory functions and aligned communications. As such the draft plan has been shared by the CEO NZC across the senior leadership of DOC, MPI, and Ministry for Health. A workshop to consider and incorporate feedback and ensure HPAI Action Plans across the agencies are coordinated and consistent has been scheduled for a fortnights time. The NZC CEO considers that if the HPAI plan was adopted by Fish & Game Regions in the absence of interorganisational support for the Plan, this would pose a significant risk Fish & Game’s HPAI response and the effective management of this disease.

20. The CEO NZC has identified the draft plan requires further work across the following key areas at a minimum before it is fit for purpose:

- Alignment with MPI, DOC, and Ministry for Health (MH) HPAI Plans;
- Identification of key accountabilities including how we are working together across MPI, DOC, and MH;

- Comms and engagement plan including key messages and timeframes;
- Pull out forms including health and safety requirements, gear check sheets, field sheets etc.

### **Advocacy**

21. The communications update is provided in paper 4.3.
22. The CEO NZC has been working across New Zealand to connect with hunting and fishing communities and continues to invest in the establishment and strengthening of relationships with hunting and freshwater fishing leaders.
23. Meetings with Angling communities has been positive. Consistent messaging from these groups in relation to the following key areas has been recorded:
  - Recognise and support Fish & Games ReWild campaign, messaging around the benefits of hunting and fishing, and inclusivity;
  - Perceived improvements to the professionalism and cohesiveness of Fish & Game as an organisation;
  - Seeking a closer working relationship with Fish & Game;
  - Seeking increased transparency around Fish & Game activities and value for anglers;
  - Seeking a continued and increased focus on addressing issues with access;
  - Development of extension programmes and resources to support clubs to act as ambassadors for Fish & Game ie key messages, factsheets on common questions and challenges, development of delivery ready workshops and field events, support for engaging women in angling.
24. CEO NZC has a strong working relationship with eNGO's including sharing resources, and information, and attending joint meetings where appropriate. The CEO NZC presented at the EDS 'The Future is now: Biodiversity, Climate, and us' Conference, chairing a panel discussion on Freshwater Reforms [link](#)
25. CEO NZC meets with DOC senior leadership every 2 months, and a tier three operational team monthly on a deep dive topic area. Topic areas include:
  - Freshwater fisheries management;
  - Resource Management under the Act;
  - Conservation Law Reform;
  - Taupo fisheries management, licencing systems, and compliance;
  - Te Tiriti o Waitangi;

- Biosecurity;
- Recreational hunting/ fishing and access (recreational hunters forum);
- Concessions/ permits;

26. CEO NZC met with Minister Penk and the Commissioner for LINZ to discuss collaborative opportunities for wetland restoration and enhancement. There is Ministerial interest in the work of Fish & Game and the Game Bird Habitat Trust in restoring and enhancing wetland habitats. The next steps will be to design a pilot project in the High Country and with a catchment community to showcase the work of F&G and the GBHT in leveraging wider funding, and increasing government recognition and support. CEO NZC is pitching changes to the NESFW wetland provisions to make it easier to restore, maintain, and enhance wetland habitats, with streamlined consenting or permitted activity pathways. Next steps are to meet with Minister Bishop, Minister McClay, and Minister Hoggard.

27. CEO NZC met with Walking Access Commission (WAC) and Game Animal Council (GAC) to discuss collaborative opportunities to improve access for recreational hunting and angling. Next steps include a workshop with WAC, GAC, and Mountain Safety to design a project focussed on improving hunting and freshwater fishing access. DOC, and LINZ will also be key partners. The project is intended to include research into where access has been lost, why it has been lost, and where it should be re-established, along with a public facing campaign. CEO NZC is currently working on drafting two research proposals to the Research Sub-committee for consideration.

28. Greg Duley very kindly hosted a parliamentary game bird hunt from the 5<sup>th</sup> – 7<sup>th</sup> July at Lake Ellesmere in the North Canterbury Fish & Game region.

29. Minister of Justice Nicole McKee attended; for a long-time firearms user who has represented New Zealand at competition shooting, this was her first ever duck hunt.

30. Rangitata MP James Meagher also attended his first-ever duck hunt. James is the MP with whom we are liaising for the Parliamentary Fish in November.

31. It was a very successful weekend, and extra special thanks must go to Greg Duley, who ably hosted the event and provided expert guidance to the attendees.



Figure 1. Hon Minister McKee, Minister for Courts and the Associate Minister of Justice (Firearms)

32. The NZC team have been developing a Parliamentary Fishing trip. We know that these sorts of initiatives provide a powerful vehicle for building political awareness and support for hunting and fishing. The event is being modelled off the Game Animal Council's Parliamentary Hunt, which has been hugely successful.
33. It took some time to lock down a date and location with MP's for the event. This has now been finalised with Lake Hawea locked in for the 22<sup>nd</sup> November to the 24<sup>th</sup> November 2024. Richard Burdon of Glen Dene Station has provided excellent support with significantly discounted accommodation.
34. A parliamentary Fishing competition is also being organised in the Eastern Region on the request of the Minister for Hunting and Fishing. The Eastern Fish & Game Council is supporting the event, with their CEO forming part of the organising team. Anticipated attendees include Minister McClay, Minister McKee, and senior leadership across the Bay of Plenty Regional Council and the Rotorua District Council.

### **Resource Management Amendment Bill: Freshwater and other matters**

35. New Zealand Fish & Game submitted on the Resource Management Amendment Bill: Freshwater and other matters on 27 June. Copy of submission [here](#). The NZC CEO presented to the Select Committee on Fish & Game submission on the 17<sup>th</sup> of July.
36. Three of the key areas are highlighted below:



- Hierarchy of Obligations – oppose removal of this as it states that the ecology has the priority over all other needs for water. This is important to ensure the sustainability of the resource and the species we manage.
- National Direction proposals do not accord with Part 2 or provide for public participation. National direction needs to be set via a robust, inclusive process that provides for amendment based on new ideas, evidence and part 2 matters. We are concerned that a national direction that is set with only the economy in mind will result in further environmental degradation.
- Removal of NES-F Intensive Winter Grazing rules. There will be regional councils that do not have IWG permitted activity rules, and in these regions, the removal of this rule will mean that farmers will need a resource consent as a discretionary activity to do IWG, which is far more onerous than the permitted and restricted discretionary rules.

### **Appointment to High Country Advisory Forum**

37. CEO NZC was appointed to the Toitū Te Whenua High Country Advisory Group, directly by the LINZ CEO, and confirmed by the Minister. Announcements were made on the 21 June 2024.

<https://www.linz.govt.nz/news/2024-06/high-country-advisory-group-members-appointed>

38. The members of the Group are appointed by the Chief Executive of LINZ, and include: The Director, Office of the Chief Executive LINZ, Head of Crown Property, the Commissioner of Crown Lands, and a representative of the Department of Conservation. In addition, at least five and no more than ten members can be appointed.

39. When appointing members, the Chief Executive of LINZ must consider the need for the Group to have available to it, from its members, knowledge, skills, and experience relating to:

- Crown pastoral lease management.
- Land Act and Crown Pastoral Land Reform Act 2022.
- High country farming.
- Biosecurity.
- Other industry, in the high country.
- Biodiversity or environmental sustainability.
- Tikanga Māori
- Local government.

- Public use of Crown land.

40. The LINZ High Country Advisory Group is comprised of farmers, and technical experts, including senior leaders across LINZ, Forest and Bird, EDS, and Te Kāiika. LINZ established the group in 2018 to receive advice directly from a range of farming, environmental, iwi and other experts on its management of 1.2 million hectares of Crown pastoral land in the South Island high country. The function of the Group is to provide constructive, practical advice and perspectives on the management of Crown land in the South Island high country by LINZ and the Commissioner.

41. The CEO NZC was appointed due to her extensive experience across the fields of Freshwater Ecology, High Country Farming, Farm Planning, Biodiversity, Environmental Policy and Law. In the appointment LINZ recognises the CEO NZC “*extensive background in resource management and creating frameworks for the sustainable management of land and water resources within environmental limits*”.

42. The CEO NZC previous National appointments include:

- Landcare Trust Board
- Recreation Forum Department of Conservation
- Fish Futures Forum – Future of freshwater and fisheries management in New Zealand
- He Waka Eke Noa Partnership including Co lead for the GHG Pricing Workstream (2020-2021), and Extension (2021 – 2022)
- National Farm Planning Advisory Forum to MfE
- Freshwater Leaders Group (FLG) Essential Freshwater Program
- Land Use Capability Classification System (LUCCS) Governance Group
- Land and Water Forum (Plenary and small group)
- National Planning Standards Rural Advisory Group
- National Objectives Framework Technical Reference Group
- National Environmental Standards Advisory Group for Plantation Forestry
- National Science Challenge Governance group on Land Use Suitability
- National Science Challenge Advisory Group on Biodiversity
- National Science Challenge Advisory Group Land Use Intensity Indicators

- Red Meat Profit Partnership Sustainable and Ethical New Zealand Farm Assurance Program (SENZFAP), now New Zealand Farm Assurance Program Plus
- Red Meat Sector Environmental Advisory Forum

43. LINZ is not required to have a representative from F&G on the group.

44. The induction meeting of the HCAF was Thursday 4 July in Christchurch. The CEO NZC recommended the HCAF undertake work across the following key areas:

- Management of valued introduced species
- Access to the high country for recreational hunting and angling
- River Management including providing for freshwater ecological health
- Management approaches for high country farming including intensive winter grazing and use of freshwater
- Catchment community groups and grass roots initiatives for delivering on community and environmental outcomes
- Role of wetlands, restoration, and enhancement

ENDS



29 August 2024

## **NZC CEO Update to Regional Managers**

### **Summary of Fish & Game National Council Meeting #170 (23 & 24 August 2024)**

Tēnā koutou,

Below, you'll find a summary of the topics and decisions from our latest NZC meeting. Hot button issues to note were around future contestable funding rounds, development of a National Sportsfish and Gamebird Monitoring Program, and the NZC risk register. I encourage you to review the summary closely.

#### **Executive Overview:**

##### **August hui**

The August meeting of the NZC was the last before the upcoming elections and we farewelled two councillors who have decided not to stand again, Dean Phibbs and Dave Harris. They have both contributed significantly and we will wish them well.

The meeting, held in Wellington, had a typically full agenda and I highlight a few areas of focus below.

#### **Annual Meeting and Budget Timetable, and Contestable Funding Process:**

The Annual Meeting and Budget Timetable was approved. It was explained the timetable was based around meeting the production schedule for licence setting and other regulatory work. In considering the NZC meetings the Council shared views on how challenging it was to meet online or just for a single day.

The timetable is attached for formal consultation. It has been amended in line with the Council's decisions.

#### **Please provide feedback by November 29 2024.**

It was also agreed in-person managers' meeting/s are at the discretion of the CE within the budget provided. However, the Council also directed that they did not



require an in-person managers' meeting to be held to advise NZC ahead of its budget meeting/s.

In considering the annual meeting and budget timetable the Council discussed the process for the budgeting meeting. The report highlighted the involvement of managers in contestable funding applications in the past. The Council considered that advice and modified the report and the motion in the agenda.

The update to the report was that the following note be added after para 21 on pg47: *“Managers have no statutory role to advise NZC on the process. The process that has been established, to workshop, and then advise NZC on budgets has no foundation in legislation.”*

The NZC resolved that there will no longer be a Contestable Fund budget round. Instead NZC, on an annual basis, will be taking a zero-based budget approach, whereby the entire budget of a region, will be reviewed annually, and in setting both Licence Fees recommendations, and organisational budgets moving forward.

The NZC also discussed levies and resolved that using regional reserves is lawful and NZC will consider levying regional reserves as part of this process. The legal advice behind this decision was considered in another item of the agenda and is attached for your information.

We appreciate this is a significant change in the process. The NZC staff will be engaging with appropriate experts to formulate a paper for the NZC December meeting considering how to implement this new process and how to support the regions through this change.

### **National budget approval**

The Council approved the Total National Budget for 2024-25 of \$13,255,721 across all Regions and the NZC/National Budget. The Forecast Deficit for the year is \$532,417. We have attached separately the 2024-25 budget confirmation paper 26 August 2024.



## Budget and workplan approval NZC/National

The Council received the information and approved the rollover and reallocation of \$207,500 unused 2023-24 budget to the 2024-25 financial year. It also approved the Financial NZC/National Budget Deficit of \$257,431 for 2024-25.

NZC delegated to the Chief Executive the authority to spend within the Budget approved for the 2024-25 year.

The Council adopted the NZC workplan with an amendment to be clear about which Ministerial Review recommendations we are implementing and which recommendations are outside of our control.

## Risk Register

I presented a risk register and discussion document to the NZC covering risks to the entire organisation and NZC office.

The discussion highlighted the importance of the risk register and what mitigations are in place.

Issues raised included potentially impactful external risks such as High Pathogenic Avian Influenza and challenges with culture and internal cohesion. The structure of the organisation, lack of cohesion and issues with lack of clarity of roles and responsibilities were highlighted.

A clarification was offered after some commentary that the full-time equivalent staff for NZC was the same as at 2018, with 7.6 staff. In 2019 there was an overlap with new staffer Jack Kos commencing and Robert Sowman staying on so numbers were 8.4 for a year.

The NZC adopted the risk register with amendments, with an action that this be sent to regions with the suggestion that the regions supply their risk register back to NZC. The updated risk register is attached.



## Rationale of HS System

The Council agreed for a continued review of Health & Safety and Wellbeing policies and delegated to the Chief Executive the authority to review and provide proposals for recommended changes.

The information was discussed with the Health and Safety committee who provided input prior to the hui.

The Council also resolved that all new councillors are inducted into health and safety requirements.

This will require the development of a health and safety induction programme.

The accountability matrix is attached.

## RMA Fund Update

There were no new applications to consider. The current allocated funds in the RMA budget are \$722,276 on 21 July 2024.

The remaining budget is \$72,772. This does not include contestable funds for next year of \$200,000 which was confirmed in the budgets in July.

NZC confirmed RMA fund decisions:

- a) Fund 50% of \$35,000 for the joint North Canterbury / Central South Island and Southland Fish and Game High Court Case (as noted in minutes from meeting 169).
- b) Fund 50% of the \$75,000 costs for joint Otago / CSI Fish and Game application for funding (as discussed in 4 June NZC workshop).



## Sports Fish and Game Management Plan Policies and Guidance

The Council agreed to adopt the SFGMP consultation guidelines, draft elements SFGMPs and guide to drafting SFGMPs as NZC policy, which is binding on the regions (26C(1)(a),(j) and 26Q (1)(e)(v)). It adopted the mana whenua engagement SFGMP work as guidance.

The SFGMP supporting documents have been through a comprehensive development process including engagement with the Department of Conservation. Fish & Game managers/CEs are Fish & Game's RMA experts.

The draft SFGMP documents were discussed with managers at the 21 September 2023 Managers' Meeting. Managers generally wanted the SFGMP to be briefer and adhere to the minimum requirements of the Conservation Act.

Managers were also concerned about incorporating spawning sites as part of the SFGMP as this was seen not to have the flexibility needed to update records and mapping. It was suggested that holding this information in a national database would be better than in a plan that required public consultation and that only got updated once every 10 years.

At the 28 March 2024 managers' meeting, it was recommended that this body of work go to the RMA team for further comments. The documents went to the RMA team for review in June 2024 and feedback mainly recommended that the mana whenua engagement work be adopted as guidance only.

At the 1 August 2024 Managers meeting, the following was discussed:

- Amendments to the consultation guidance so that NZC and other regions are consulted in the first steps of the process rather than before public notification. Removal of internal consultation step preceding public notification. These amendments have been incorporated into the attached version.
- Support for the four items to be adopted as guidance only, as per recommendation in the ministerial review.





- Managers have suggested utilising cross region staff resources for writing management plans.
- Managers have noted that the consultation processes can end up being the time-consuming and costly part of the process rather than the drafting of the management plan.
- Managers note that the guidance cannot be adopted as NZC policy as some of the work relates to best practice, which is more onerous than what the Conservation Act 1987 requires.
- Managers suggested asking the Minister for advice from iwi advisory forums on what they want to see in these plans to provide cost savings to licence holders.
- Managers recommended that the mana whenua engagement work was to remain as guidance at this stage rather than being adopted as a policy. Other minor wording changes have also been considered.

DOC has been consulted regarding the draft guidelines and key elements. NZC staff were initially intending to develop SFGMP containing only the mandatory elements listed in the Conservation Act. However, external experts including the team at DOC advised additional information was necessary including policies, outcomes and monitoring of species.

I also attached a letter from the Minister outlining his expectations about future SFGMPs.

[Ap 5 Letter from Minister WC SFGMP.pdf](#)

The papers' links are provided below. **Please consult with your regional councils and provide feedback by 29 November.**

[Ap 1 SFGMP Consultation Policy.docx](#)

[Ap 2 Key Elements SFGMP Policy.docx](#)

[Ap 3 SFGMP Policy.docx](#)

[Ap 4 Mana Whenua Engagement guideline.docx](#)



## Standing Orders Review

I also attach the revised standing orders for your information. The key point highlighted at the hui was that the change meant decisions made at online meetings are able to stand and don't need to be ratified at subsequent in person hui.

Staff received feedback that while some papers can be provided electronically agendas needed to be sent in paper. Councillors requested better organised papers grouped in thematic order.

## Correspondence Received

NZC discussed a letter from Hawke's Bay entitled: Development of a National Game Bird Population Monitoring Programme and Standard Operating Procedures.

The Hawke's Bay Fish & Game Council is seeking that NZC urgently develop a National Game Bird Population Monitoring Programme and Standard Operating Procedures.

Population Monitoring is a key function of councils under the Conservation Act, and as it constitutes a significant portion of regional budgets, it is vital that the organisation's approach to monitoring game bird populations is scientifically robust and defensible.

Once the future direction of this programme is established, the Hawke's Bay Fish & Game Council is fully committed to implementing this programme.

NZC directed me to fast-track development of a National Game Bird Population Monitoring Programme and Standard Operating Procedures for the February NZC meeting. I will be engaging with regional teams and relevant external experts on this.

We also received correspondence from Nigel Juby, chair Auckland/Waikato with regards to the Risk Register.



## Public Excluded resolutions

These are the resolutions brought out of public excluded:

### Maritime

NZC received a report.

The NZC CEO is now working to put in place a contract for the maritime coordinator position.

### Rakaia

An update on Rakaia WCO from North Canterbury was received.

### Levies

A legal opinion on levies was received and Councillors agreed to circulate it to the regions. This is attached.

### Diversions

NZC has considered our diversion process. We note that we are fast tracking an infringement process.

NZC directs regions to meet the making amends component of the Solicitor General's guidelines [Solicitor-General's Guidelines For Payments Connected To Plea Arrangements Or Diversion, dated 6 August 2021 paragraph 1.2](#)". The purpose of these Guidelines is to reinforce the need to ensure that payment of reparation is not the principal reason for entering plea arrangements or offering diversion."

The NZC advises regions to carefully also consider paragraph 3.8 "*Enforcement agencies should avoid the appearance of any private bargain with defendants and be cautious before incorporating payment of fines and costs into diversion conditions,*" and consider diversion fines be made to an external charity.



## CEO report

The Council made several resolutions based on the report:

- The NZC commends Hamish Carnachan and the NZ Hunter team for their outstanding work. The fish special edition is another outstanding piece of work from the team, showcasing Fish & Game in a positive light, the benefits of freshwater angling, and the diversity of our anglers
- Publish the CE report with commercially sensitive material redacted.
- Raised concerns about biosecurity and recommended a higher level of risk due to the potential impact of new invasive species in the future.

The redacted report is attached.

## Southland – Otago Chairs' letter

The Council discussed a joint letter from the Southland and Otago Regional Fish & Game Councils sent to the Minister dated 16 August 2024.

NZC endorsed the chairs to work on a letter to the Minister to rectify the Southland-Otago Chairs' letter.

Yours Sincerely

A handwritten signature in blue ink, appearing to read 'Corina Jordan', enclosed in a thin black rectangular border.

Corina Jordan  
CEO New Zealand Fish & Game Council

Table 8 : Contestable Fund Applications Detail 2024-25 - 173,043														
Summary of Decisions from NZC meeting														
App No	Region Base Funding 2024/25	Project Code	Description	L R	B O C	Additional \$ Sought	\$ amount \$ Adjusted	Staff Recommendation	NZC Recommendation	APPROVED Ongoing Licence Fee	APPROVED One Off Licence Fee	APPROVED Restore Reserves	APPROVED Capital EX	APPROVED from Reserves
<b>Northland</b>														
	\$ 581,107									0	0	0	0	0
NTH 001		1910	Salaries	L	B	10,974	10,974	4	4	10,974	0	0	0	0
NTH 002		1984	Insurance	L	B	2,000	2,000	1	1	0	0	0	0	0
<b>TOTAL Northland</b>						<b>12,974</b>	<b>12,974</b>			<b>10,974</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Auckland/Waikato</b>														
	\$ 881,824		No CF bids			0	0			0	0	0	0	0
<b>TOTAL Auckland/Waikato</b>						<b>0</b>	<b>0</b>			<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Eastern</b>														
	\$ 1,278,944					0	0			0	0	0	0	0
EAST 001		1910	Salaries	L	B	26,600	26,600	4	4	26,600	0	0	0	0
EAST 002		1114	Lake Tarawera	R	O	15,000	15,000	4	4	0	0	0	0	15,000
<b>TOTAL Eastern</b>						<b>41,600</b>	<b>41,600</b>			<b>26,600</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>15,000</b>
<b>Hawke's Bay</b>														
	\$ 380,624						0			0	0	0	0	0
HBAY 001		1910	Salaries	L	B	54,000	54,000	4	4	54,000	0	0	0	0
HBAY 002		1454	Eduction Centre Development	R	O	100,000	100,000	4	4	0	0	0	0	100,000
<b>TOTAL Hawke's Bay</b>						<b>154,000</b>	<b>154,000</b>			<b>54,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>100,000</b>
<b>Taranaki</b>														
	\$ 419,692						0			0	0	0	0	0
TARA 001		1912	Continuation of Management C	L	O	21,209	21,209	4	4	0	21,209	0	0	0
TARA 002		1911	Salaries	L	B	8,124	8,124	4	4	8,124	0	0	0	0
<b>TOTAL Taranaki</b>						<b>29,333</b>	<b>29,333</b>			<b>8,124</b>	<b>21,209</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Wellington</b>														
	\$ 830,600						0			0	0	0	0	0
WELL 001		1911	Salaries	L	B	17,788	17,788	4	4	17,788	0	0	0	0
<b>TOTAL Wellington</b>						<b>17,788</b>	<b>17,788</b>			<b>17,788</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Nelson/Marlborough</b>														
	\$ 564,125		No CF Bids	L	B	0	0			0	0	0	0	0
N/A						0	0			0	0	0	0	0
<b>TOTAL Nelson/Marlborough</b>						<b>0</b>	<b>0</b>			<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>North Canterbury</b>														
	\$ 973,187						0			0	0	0	0	0
NC 001		1911	Salaries	L	B	31,748	31,748	4	4	31,748	0	0	0	0
NC 002		1161	Put & Take Fishery	L	B	23,000	5,000	4	4	5,000	0	0	0	0
NC 003		1232	Te Waihora Maimai Agt	L	O	9,000	9,000	4	4	0	9,000	0	0	0
NC 004		ARF	Asset Replacement Fund	L	O	40,000	20,000	4	4	0	20,000	0	0	0

**Table 8 : Contestable Fund Applications Detail 2024-25**

- 173,043

**Summary of Decisions from NZC meeting**

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NC 005		1112	Trout Fishery/Designated Water	R	O	30,000	30,000	4	4	0	0	0	0	30,000
<b>TOTAL North Cant</b>						<b>133,748</b>	<b>95,748</b>			<b>36,748</b>	<b>29,000</b>	<b>0</b>	<b>0</b>	<b>30,000</b>
<b>West Coast</b>														
<b>\$ 341,601</b>										<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
WC 001		1910	Salaries	L	B	34,350	34,350	4	4	34,350	0	0	0	0
WC 002		1910	Salaries	R	O	25,000	25,000	4	4	0	0	0	0	25,000
<b>TOTAL West Coast</b>						<b>59,350</b>	<b>59,350</b>			<b>34,350</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>25,000</b>
<b>Central South Island</b>														
<b>\$ 850,235</b>						<b>0</b>	<b>0</b>			<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
CSI 001		CAP	Electric Fishing Machine	R	C	29,601	29,601	4	4	0	0	0	0	29,601
CSI 002		1910	Salaries	L	B	190,000	95,000	4	4	95,000	0	0	0	0
CSI 002		1912	Staff Expenses	L	O	47,500	23,750	4	4	0	23,750	0	0	0
<b>TOTAL Central South Island</b>						<b>267,101</b>	<b>148,351</b>			<b>95,000</b>	<b>23,750</b>	<b>0</b>	<b>0</b>	<b>29,601</b>
<b>Otago</b>														
<b>\$ 1,240,967</b>						<b>0</b>	<b>0</b>			<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
OTG 001		1700	Council Elections & Meetings	L	O	5,000	5,000	1	1	0	0	0	0	0
OTG 002		1911	Advocacy/PR/Strategic Relations	L	B	115,000	115,000	4	3	0	0	0	0	0
OTG 003		1321	Designated Waters Implementation	R	O	23,000	23,000	4	4	0	0	0	0	23,000
<b>TOTAL Otago</b>						<b>143,000</b>	<b>143,000</b>			<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>23,000</b>
<b>Southland</b>														
<b>\$ 803,632</b>						<b>0</b>	<b>0</b>			<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
STH 001		1900	Salaries	L	B	10,427	10,427	4	4	10,427	0	0	0	0
STH 002		1115	Maintain Te Anau House	R	O	61,500	61,500	4	4	0	0	0	0	61,500
STH 003		1115	Maintain Angler Access Brighton	R	O	10,000	10,000	4	4	0	0	0	0	10,000
STH 004		1115	Parrie and swan counts	L	B	9,000	9,000	4	4	9,000	0	0	0	0
STH 005		1710	Salaries from DW Reserve	R	O	65,275	65,275	4	4	0	0	0	0	65,275
<b>TOTAL Southland</b>						<b>156,202</b>	<b>156,202</b>			<b>19,427</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>136,775</b>
										<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
Region Base	Project	Description	L R	B O	Additional \$	Additional \$	Staff Recommendation	Recommendation for	APPROVED Ongoing	APPROVED One Off	APPROVED Restore	APPROVED Capital	APPROVED from	
<b>NZC</b>					<b>0</b>	<b>0</b>			<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	
<b>\$ 1,203,086</b>									<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	
NZC 001	1700	Governance Forum Chairs/NZC	L	B	3,000	3,000	2	1	0	0	0	0	0	
NZC 002	1700	NZC Chair Travel	L	B	7,000	7,000	4	4	7,000	0	0	0	0	
NZC 003	1700	NZC Meetings	L	B	20,000	10,000	2	2	0	0	0	0	0	
NZC 004	1820	Financial Audit Fee	L	B	3,000	3,000	4	4	3,000	0	0	0	0	

**Table 8 : Contestable Fund Applications Detail 2024-25** - 173,043

Summary of Decisions from NZC meeting

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NZC 005		1920	Staff Expenses	L	B	20,000	10,000	4	4	10,000	0	0	0	0
NZC 007		1430	Advocacy for Fish & Game	L	B	37,400	37,400	4	4	37,400	0	0	0	0
NZC 009		1700	Governance Advisor	L	B	20,000	20,000	3	4	20,000	0	0	0	0
	<b>TOTAL NZC</b>					<b>110,400</b>	<b>90,400</b>			<b>77,400</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
	<b>National</b>					<b>0</b>	<b>0</b>			<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
	<b>\$1,325,600</b>					<b>0</b>	<b>0</b>			<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
NAT 001		1614	Licence Audit Fee	L	B	2,500	2,500	4	4	2,500	0	0	0	0
NAT 002		1822	Maritime Compliance	L	B	10,000	10,000	4	4	10,000	0	0	0	0
NAT 003		1422	Information Technology - Natio	L	B	18,000	18,000	4	4	18,000	0	0	0	0
NAT 004		1240	RMA Fund	L	O	200,000	200,000	4	4	0	200,000	0	0	0
NAT 005		1711	Election Costs	L	O	15,000	15,000	4	4	0	15,000	0	0	0
NAT 005		1711	Election Costs	L	B	7,500	7,500	4	4	7,500	0	0	0	0
NAT 006		1332	Fish and Game Magazine	L	O	235,000	235,000	4	4	0	235,000	0	0	0
NAT 007		1170	Reg Guides	L	B	4,100	4,100	4	1	0	0	0	0	0
NAT 008		1630	Licence Production	L	B	40,000	40,000	4	4	40,000	0	0	0	0
NAT 009		1810	Managers meetings	L	B	33,000	8,000	3	4	8,000	0	0	0	0
NAT 010		1820	Health & Safety - Risk Mngt Sy	L	B	5,000	5,000	3	4	5,000	0	0	0	0
NAT 010		1820	Health & Safety - Risk Mngt Sy	L	O	3,000	3,000	3	4	0	3,000	0	0	0
NAT 011		1423	Website and Social Media	L	B	30,000	30,000	4	4	30,000	0	0	0	0
NAT 012		1430	National Liaison - Advocacy	L	B	40,000	10,000	4	4	10,000	0	0	0	0
NAT 013		1442	Marketing and Social Licence	L	B	80,000	20,000	4	4	20,000	0	0	0	0
NAT 014		1460	Research	L	B	41,000	41,000	4	4	41,000	0	0	0	0
NAT 015		1815	Co-ordination HR - travel	L	B	5,000	5,000	3	3	0	0	0	0	0
NAT 016		1820	Strategic Pay reports	L	B	6,000	3,000	4	4	3,000	0	0	0	0
			Reduction of Baseline - Regula	L	B	0	(50,000)	4	4	(50,000)	0	0	0	0
NAT 017		1620	Scoping of Digital Licence - Us	L	O	50,000	50,000	4	4	0	50,000	0	0	0
NAT 018		1830	Consultant Amalgamation - Re	L	O	10,000	10,000	4	1	0	0	0	0	0
NAT 019		1835	Cost optimisation follow up	L	O	20,000	20,000	4	4	0	20,000	0	0	0
NAT 020		1840	Culture and PD for all F & G	L	B	20,000	20,000	3	3	0	0	0	0	0
NAT 021		1850	National H & Safety training an	L	B	5,000	5,000	3	3	0	0	0	0	0
NAT 022		1100	Sports Fish & Game bird state	L	B	5,000	5,000	4	4	5,000	0	0	0	0
NZC 006 NAT 023		1910	Salaries - HR/HS Advisor	L	B	85,000	63,750	4	4	63,750	0	0	0	0
NZC 008 NAT 024		1700	Governor Training and inductio	L	B	30,000	30,000	4	4	30,000	0	0	0	0
NZC 010 NAT 025		1910	Salaries - Research	L	B	75,000	75,000	3	3	0	0	0	0	0
				L	B	0	0	4	4	0	0	0	0	0
	<b>TOTAL National</b>					<b>1,075,100</b>	<b>885,850</b>			<b>243,750</b>	<b>523,000</b>	<b>0</b>	<b>0</b>	<b>0</b>
	<b>TOTAL</b>					<b>\$ 2,200,596</b>	<b>\$ 1,834,596</b>			<b>\$ 624,161</b>	<b>\$ 596,959</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 359,376</b>

### **Feedback on Draft Annual Budget and Meeting Schedule**

**Comment:** NZC has requested feedback on the draft Annual Budget and Meeting Schedule. The meeting schedule largely aligns with established considerations, a significant concern arises due to the absence of information regarding the preparation and submission of regional budgets to NZC and major shift in budgeting process. NZC passed a motion at its latest meeting (170) to move regions to a 'zero based budget'. I agree that there is a need to re-evaluate our budgeting system, this latest resolution came out of the blue and in my opinion, there is still a lack of clarity of how zero-based budgets will work at NZC level. Our region already follows the principle of zero-sum budgets which requires a forensic examination of each budget item. For the previous budget round our Chair, outgoing CEO, and I spent half a day considering each line to achieve our 3% budget saving and alleviate the need for a contestable funding bid. It meant we had to delay non-urgent projects and make some sacrifices. We have subsequently had to consider how we might be able to augment licence income from external funding to bridge the shortfall for some projects and fixed overheads.

#### **Key Concerns with the proposal:**

1. There remains significant uncertainty how zero-sum budgets will be implemented by NZC. The NZC chair has provided his interpretation how the process may work, but this is not NZC policy. There does appear to be an active existing NZC policy in line with existing budgeting process. To truly conduct a zero-sum budget approach across all regions will be highly complex and will require well developed policy to underpin how the process will function in practice.
2. It remains ambiguous how governors will determine the operational needs of individual regions at a NZC meeting. There have been several reports considering the future finance of the organisation by financial experts, none of which have advocated for a zero-sum budget approach. If the budgeting system is to be reviewed it should consider the relevant reports, legal opinions and lead to the development of policy done in full consultation with regions.
3. The legal opinion accompanying the latest NZC documents makes several recommendations on the need to develop sound financial policy including very clear advice related to NZCs role in the budgeting process. e.g. [38. *"That does not mean that the NZC needs to be forensically reviewing the FGCs assessment of their management costs. There is no duty on the New Zealand Council to review baseline budgets as a matter of course. The statutory obligation to develop estimates sits with the regional Fish and Game Councils, as does responsibility for their accuracy. The New Zealand Council need not intervene with that process. It would be overly burdensome to do so and is not necessary where the balance in autonomy and oversight between regional Councils and the New Zealand Council is functioning well."*]

#### **Recommendation:**

1. **Respond to NZC that a review of budgeting process and funding allocation for Regions and National Office is appropriate, but any proposed changes to national budget policy should adhere to national policy for setting policy, all relevant legal opinions, and**



**include the full suite of options from financial experts with comprehensive regional collaboration and consultation.**

- 2. In the absence of (1) NZC should adhere to the status quo for the coming years budgeting process whilst policy is developed.**

### **2025 AWFG Meeting Dates**

AWFG meeting dates are generally set to take account of the timelines for NZC meetings and processes. Up until this year we have not had a meeting in April or May due to the roar and duck hunting season. Advice from NZC states that *“Regional Councils need to set meeting dates for the 2024 25 year at times that ensure a Region can meet and respond to Consultation. The Regions must hold a meeting between 16th April and 29th May 2025 to give feedback to the NZC by 30 May on the licence fee proposals”*

Council need to consider whether it wishes to have a meeting in May given the last two weekends in April encompass Easter and ANZAC wknd. Consideration should be given to having an afternoon weekday meeting if weekends are ruled out due to the duck shooting season. Not having a meeting during this period is not advised due to the significant uncertainties that exist around the budget and licence fee process. Similarly, it would also be beneficial to have a meeting at the end of January, however public holidays and duck banding make it problematic to have Saturday meetings during this time.

**Recommendation: That the AW council adopt the draft proposed meeting schedule including an afternoon meeting in May to ensure it can adequately consider budget and licence fee implications.**

# AUCKLAND/WAIKATO FISH & GAME 2025 DRAFT MEETING SCHEDULE

## SATURDAY MEETING SCHEDULE

**11.00am - 1.00pm Council meeting**

**1.00pm - 2.00am Lunch**

**2.00pm - 3.00pm Council meeting**

## **15 FEBRUARY COUNCIL MEETING**

- Waitangi Day 6<sup>th</sup>
- NZ Council Meeting 26<sup>th</sup> & 28<sup>th</sup>
- Draft Operational Work Plan set for 2025/26

## **15 MARCH**

- Governors Forum 1<sup>st</sup>
- 28<sup>th</sup> draft budgets circulated to regions.

## **APRIL**

- NZ Council Meeting 11<sup>th</sup> – 12<sup>th</sup> to set licence fee and consider fund applications and budget summaries.
- 16<sup>th</sup> Licence fee consultation doc distributed to Regions.

## **MAY (MID-WEEK MEETING TBD)**

- 3<sup>rd</sup> Opening Day
- Regional responses to licence fees by 30 May.

## **JUNE**

- Nz Council Meeting 17<sup>th</sup> -18<sup>th</sup>

## **26 JULY COUNCIL MEETING**

- NZ Council Meeting 18<sup>th</sup> & 19<sup>th</sup>

## **AUGUST**

- NZ Council meeting 27-29

## **27 SEPTEMBER COUNCIL MEETING**

- Following NZF&GC review of 2023/24 Budget and OWP
  - if necessary, Council reconsiders Budget/OWP approved at March meeting.
  - Governance/Policy Review
  - OSH Review

## OCTOBER

Labour Day 27<sup>th</sup>

## 29 NOVEMBER COUNCIL MEETING & AGM

- NZ Council Meeting 28<sup>th</sup> – 29<sup>th</sup>,
- Governance/Policy Review
- OSH Review
- Tri-annual Game Regulation review.

Council meeting to incorporate Public Annual General Meeting

- **11.00am - 11.30am Annual General Meeting**
- **11.30am - 1.00pm Council Meeting**
- **1.00pm - 2.00pm Lunch**
- **2.00pm - 3.00pm Council Meeting**

## DECEMBER

### Budgeting

### Procedure

- Council sets draft 2025/26 Operational Work Plan at its February meeting.
- Information sent to National Office immediately after Council meeting.
- NZF&GC considers budgets in April and advises Regional Councils of outcome.
- At its September meeting following NZF&GC review of OWP's Council reconsiders its OWP if necessary – dependent upon Minister of Conservation approving licence fees.

## 2024-25 Annual Budget & Meeting Schedule - For Regional Consultation

Month	Date	Meeting/Activity	Location
Sep-2024	Sunday 1 Sep	Fish & Game New Financial Year	
	Wednesday 11 Sep	Election Roll Closes	
	Thursday 19 Sept	Fish & Game Election Papers Out	
Oct-2024	Tuesday 1 Oct	Sports Fishing Opening	
	Tuesday 15 Oct	Election Postal dates Close	
	Monday 28 Oct	<b>Labour Day</b>	
	Wednesday 30 Oct	Elected members take Office	
Nov-2024	Friday 1 Nov	High Country Sports Fishing Opening	Otago/Sthland
	Saturday 2 Nov	High Country Sport Fishing Opening	Nth Cant/CSI
	Thursday 7 Nov	<b>Regional Managers/CEs Meeting</b> <i>(Feed into 13 &amp; 14 Dec NZC Meeting)</i>	Online
	Wednesday 20 Nov	New Regional Councils Last Day to hold Inaugural Meeting <i>(3 weeks after taking office)</i>	
Dec-2024	Friday 13 & Saturday 14 Dec	<b>NZ Council Meeting (Held over 2 days)</b> <i>(2025/26 Strategy)</i>	Wellington
	Friday 20 Dec	Variance Reports & Reserves Schedules sent to CFO	
	Wednesday 25 Dec	<b>Christmas Day</b>	
	Thursday 26 Dec	<b>Boxing Day</b>	
	Tuesday 31 Dec	All Regional Council 2024 Meetings to be complete/held	
Jan-2025	Wednesday 1 Jan	<b>New Year's Day</b>	
	Thursday 2 Jan	<b>New Year's Day Observed</b>	
	Friday 24 Jan	Variance Reports & Reserves Updates Distributed	
	Friday 31 Jan	Licence Working Party Licence Sales Forecast	
	Friday 31 Jan	Regulation Details Due for Game Notice <i>(From all Regional Councils)</i>	
Feb-2025	Sunday 2 Feb	World Wetland Day/Release of 2025 Habitat Stamp	
	Monday 3 Feb	Draft Game Notice Submission to DOC for comment	
	Wednesday 5 Feb	Variance reports Final Circulation back to Managers	
	Thursday 6 Feb	<b>Waitangi Day</b>	
	Friday 7 Feb	Game Regulation Guide Content Due to NZC Office	
	Feb/March	<b>Regional Managers/CEs Meeting</b> <i>(held over 2 days)</i>	Wellington
	Monday 17 Feb	Game Notice & Submission to MOC & Gazette Office	
	Friday 21 Feb/or the following week	Publish Game Notice in NZ Gazette	
	Wednesday 26th Feb	<b>NZ Council Meeting (Part 1 of 2)</b>	Online 6-8pm
Friday 28 Feb	<b>NZ Council Meeting - (Part 2 of 2)</b>	Wellington	
Mar-2025	Saturday 1 Mar	<b>Governors Forum - Regional Chairs &amp; NZC (Planning)</b>	Wellington
	Thursday 13 Mar	Game Bird Hunting Licences on Sale <i>(2<sup>nd</sup> Thursday)</i>	
	Friday 14 Mar	<b>Draft Game Notice Submission to DOC for comment</b>	
	Monday 17 Mar	<b>Staff Development Grant Applications Close</b>	
	Monday 17 Mar	Game Magazine Released	
Thursday 20 Mar	<b>Regional Managers/CEs Meeting (feed into NZC 11/4)</b>	Online	

Month	Date	Meeting/Activity	Location
Mar-2025	Friday 28 March	Budgets, Budget Summaries Circulated back to Regions	
Apr-2025	Sunday 6 Apr	Mark-up/Pegging Day (4 weekends before opening)	
	Friday 11 Apr	<b>NZ Council Budget meeting</b>	Wellington
	Saturday 12 Apr	<b>NZ Council Meeting</b>	Wellington
	Wednesday 16 April	Licence Fee Consultaion doc distributed to Regions (3 working days after NZC meeting)	
	Friday 18 April	<b>Good Friday</b>	
	Monday 21 Apr	<b>Easter Monday</b>	
	Friday 25 Apr	<b>Anzac Day</b>	
May-2025	Saturday 3 May	Game Bird Season Opening	
	Thursday 22 May	<b>Regional Managers/CEs Meeting (feed into NZC 17/6)</b>	Online
	Friday 30 May	Regional responses to Licence Fee proposals, Anglers Notice & SFLFFN DW/sea run salmon Due to NZC Office	
Jun-2025	Monday 2 June	<b>King's Birthday</b>	
	Tue 17 June & Wed 18 June	<b>NZ Council Meeting (6pm -8pm)</b> <i>(Consider Licence Fee, Anglers Notice &amp; SFLFFN)</i>	Online 6pm-8pm
	Friday 20 June	<b>Matariki</b>	
	Monday 23 June	Licence fee, Anglers Notice & SFLFFN submission to MOC	
	Thursday 26 June	<b>GBHT Grant Applications Close</b>	
Jul-2025	Wednesday 9 July	<b>GBHT Grant Applications Distributed to Board</b>	
	Thursday 17 July	Anglers Notice Published in NZ Gazette	
Aug-2025	Monday 28 July	<b>GBHT Board Meeting (11am)</b>	Online
	Friday 22 Aug	<b>GBHT Field Trip</b>	Hamilton
	Saturday 23 Aug	<b>GBHT Board Meeting</b>	Hamilton
	Monday 25 Aug	Fishing Magazine published	
	Wednesday 27 Aug	<b>NZ Council Meeting (Part 1 of 2)</b>	Online 6-8pm
	Friday 29 Aug	<b>NZ Council Meeting - (Part 2 of 2)</b>	Wellington
	Sunday 31 Aug	Fish & Game End of Financial Year	
	Thursday 1 Sept	Sports Fishing Licences on Sale	
	Wednesday 1 Oct	Sports Fishing Opening	
Oct-2025	Wed/Thu 16/17th Oct	<b>Regional Managers/CEs Meeting in Person</b>	TBC
	Monday 27 Oct	<b>Labour Day</b>	
	Saturday 1 Nov	High Country Sports Fishing Opening (CSI & NC 1st Sat Nov)	
Nov-2025	Thursday 6 Nov	<b>Reg Managers/CEs Meeting(feed into NZC 27/11)</b>	Online
	Friday 28 Nov & Saturday 29 Nov	<b>NZ Council Meeting (Held over 2 days)</b> <i>(2026/27 Strategy)</i>	Wellington
	Friday 19 Dec	All Variance & Reserves Schedules to CFO	
Dec-2025	Wednesday 31 Dec	All Regional Council 2025 Meetings to be complete/held	

<b>KEY</b>	Public Holiday
	NZ Council Meeting
	Regional Managers/CEs Meeting
	GBHT Board Meeting
	Governors Forum (Regional Chairs & NZC)

25 August 2024

Dear Corina and Barrie

## Fish & Game Levy System

1. You seek advice on issues raised during the current budget and levy process with particular focus on approach to regional reserves.<sup>1</sup> Some of these matters require in depth consideration as part of a review of your levying and budgeting processes beyond this advice however the following specific queries are addressed:
  - 1.1. whether unlevied income due to underestimated licence sales (LEQ's) accrued in reserves is still licence fee income?
  - 1.2. whether NZC is able to revisit, at least back four years, and unlevied income, due to under estimating LEQ's?
  - 1.3. how and whether to review baseline budgets for the regions in recommended licence fees given previous legal advice "*Consistent with this, the New Zealand Council must take close account of the regional Fish and Game Councils' assessed management costs when reaching its recommendation as to an "appropriate" licence fee*".<sup>2</sup>

## Summary of advice

2. Any income from licence fees remains *licence sales* in terms of the Conservation Act 1987. Earlier legal advice that reserves cannot be levied is thus refined as follows:<sup>3</sup>

The portion of reserves accrued from licence sales revenue remains *licence sales* for the purposes of s 26C(f) and can be levied subject to lawful purposes and process. Any portion of the reserves not accrued through licence sales cannot be levied.<sup>4</sup>
3. The legislation does not specify any time period regarding levies or the functions of regional Fish and Game Councils or the New Zealand Council, other than the requirement that operational work plans be developed and approved annually. It is therefore lawful to revisit income from licence sales whenever they were received. Caution is warranted in doing so:

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<sup>1</sup> Issues include:

- the principles guiding budgeting and the use of reserves to service budget deficits (as opposed to raising fees);
- the lawfulness of levying reserves (and/or demanding through other means that Councils use reserves to fund national shortfalls);
- the changes to the NZC process for considering Contestable Fund applications; and
- other matters as may be pertinent.

<sup>2</sup> NZC fee setting power Geddis to Jordan 29.5.23.

<sup>3</sup> Ms Geddis concurs with this refinement of the earlier advice (which was provided in a different context and thus didn't consider this particular issue in detail).

<sup>4</sup> Conservation Act 1987 s26C (f) to determine, in consultation with Fish and Game Councils, the amount of the levy payable by Fish and Game Councils to the New Zealand Fish and Game Council, **from licence sales**, for— [emphasis added]. The levy power is limited to levying revenue from licence fees, there is no power to levy revenue from other sources.

- 3.1. all levy recommendations must come within the statutory purposes (administration, redistribution, advocacy and research). It would not be lawful to revisit these solely on the basis of earlier underestimations without considerable process.<sup>5</sup>
- 3.2. Constraints on the exercise of the levy power are set out below and are particularly relevant when considering retrospective levying.<sup>6</sup>
4. The New Zealand Council has lawful discretion to review baseline budgets of Councils but need not do so as a matter of course. To do so (without good reason) would be unnecessary and overly burdensome. The regional Fish and Game Councils have responsibility for performing their statutory functions (including assessing costs and recommending appropriate fees to recover them). The New Zealand Council has an oversight function at systems level, alongside its own legal and statutory obligations. Exercising discretion to review baseline budgets more closely may be warranted to discharge those, for example: to ensure recommendations to the Minister are premised on accurate information; to investigate specific concerns; or to monitor and improve overall system efficacy (including audits of Council activities).
5. The issues raised highlight the necessity of a broader review of the budgeting and levying practices. The future processes can draw on existing good governance guidance from Treasury and the Auditor General<sup>7</sup> to address:
  - 5.1. principles guiding forecasting for licence sales;
  - 5.2. principles guiding budgeting (both national and regional);
  - 5.3. criteria and review of baseline budgets for regions whilst respecting the relative statutory roles involved;
  - 5.4. a process to reconcile budgeted against actual revenue from licence sales (ensuring equity and fairness over time to system users and amongst regions);
  - 5.5. dispute resolution processes; and
  - 5.6. compliance or enforcement powers. Where current powers are insufficient to enable effective implementation of the future process, minor statutory amendments may be required.
6. Such a review should be led by an expert in statutory levy functions and systems. It requires considerable policy analysis and will need to be supported with suitable financial and legal expertise also. OAG guidance specifies that equity, efficiency, justifiability, and transparency & engagement are the principles that should guide review of existing levies or setting new ones.

#### **Background and factual context<sup>8</sup>**

7. This advice proceeds on the following factual understanding of the current levy system. Please advise if anything material is incorrect.

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<sup>5</sup> Potential exceptions to this are discussed in the body of this advice.

<sup>6</sup> These broad guidelines were provided in previous legal advice.

<sup>7</sup> **Attached** for ease of reference.

<sup>8</sup> This advice is *informed* by the context and background contained in your email dated 28 May 2024 which included a helpful precis of the Chairperson's view of the issue. I have also considered the 2024-25 licence fee recommendation 29.04.2024, an Otago Council letter dated 26 May 2024, and previous legal advice provided.

8. The Fish and Game system is funded primarily through revenue from licence fees. Fees are largely set on a cost-recovery basis.<sup>9</sup> Fish & Game's current budget process relies on forecasting licence sales for the year ahead and setting budgets and recommendations for licence fees based on these forecasts. Levy amounts are currently determined annually on forecast budgets.
9. Levies are currently paid on the estimated revenue, not actual licence revenue. The current absence of a process to reconcile between forecast licence sales and actual licence sales received results in the following implications (if I have understood the facts as you've presented them accurately):
  - 9.1. positive variances accrue to regions without further reconciliation ie the portion of licence sales that exceed forecast is unlevied and is treated simply as revenue for regions -where regions sell more licences than forecast the surplus goes into the region's reserves without having been levied;
  - 9.2. regional reserves may be drawn on to service negative variance between forecast and actual ie regions where fewer licences are sold than forecast pay their levy to the NZC on licence money not received, from their reserves (with this often evening out across the years);
  - 9.3. equity issues may arise between those regions where levies are paid on all or most licence revenue, and those where it is not (in effect some regions subsidise others);
  - 9.4. a portion of licence sales received are not levied;
  - 9.5. under estimating licence revenue may be incentivised (a council who does so accrues unlevied revenue);
  - 9.6. receiving significant income beyond that budgeted for may be in tension with, or otherwise distort, the statutory requirement for Councils to budget on a cost recovery basis (which is the lawful premise for exercising the power to collect licence fees);<sup>10</sup>
  - 9.7. potential for unnecessary conflict arises in relation to control and management of revenue raised through licence sales that has not been levied;
  - 9.8. the overall budgeting process for levies charged in any year is not premised on accurate information – this potentially distorts: budget processes, effective implementation of statutory purposes, levy levels and licence fee recommendations (this distortion compounds over time where no reconciliation occurs).
10. Fish & Game has around \$11M currently within reserves across all regions. It is not clear what portion of those reserves consist of revenue accrued from previous licence sales that were not levied, Councils have other sources of income.<sup>11</sup> Where Council income has been placed in reserves without ringfencing, forensic accounting would be required to assess which portion of any particular reserve consists of previously unlevied licence sales. A table setting out variances between estimated licence revenue and actual revenue over the previous 11 years is informative however and is **appended**. It shows:

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<sup>9</sup> Regions are required to budget on a cost recovery basis, the purposes for which levies can be imposed are arguably somewhat broader than pure cost recovery.

<sup>10</sup> S 26Q(1)(d).

<sup>11</sup> Licence revenue is the primary source of a regional Council's funding contemplated by the Act. It may be supplemented by other funds received in accordance with the Act – e.g. from the sale of land or provision of services (s26S(6)). But regional Councils may not "engage in any activity that has as its predominant purpose the making of a commercial gain" (s26R(2)).



- 10.1. Accumulated reserves vary markedly between Councils. Two regions have reserves in excess of \$500,000; two in excess of \$300,000; the majority have reserves between \$20,000 - \$70,000; one is in minor arrears of less than \$10,000; one is in significant arrears of over \$250,000.<sup>12</sup>
- 10.2. There is little consistency in the efficacy of estimations compared with actual revenue across the regions. Some appear to habitually underestimate, two outliers appear to have overestimated significantly.
- 10.3. Significant revenue has been received from licence fees without levies being paid on that revenue, close to \$2 million dollars in the 11 year period recorded in the table.
11. The 2024/25 levy process recommended regional reserves be drawn on to meet budgeted expenditure including research and advocacy costs, partly to minimise any increase in licence fee levels. Previous legal advice stated that reserves cannot be levied. A Council has queried the lawfulness of NZC now proposing to do so.
12. The facts set out above raise strong grounds for reviewing the current budgeting, licencing and levy systems. There are other models that could be employed (for example: proportional percentage of the licence fee; or a contingent basis that also provides for systemic reconciliation of overs and unders between forecast and actual). Any such work should be led by an expert in statutory levy and licencing policies and systems, supported as necessary with legal and financial expertise. The remainder of this advice addresses legal issues as requested.

### Statutory authority and legal constraints

13. You are well acquainted with your functions and powers under the Conservation Act 1987 including section 26C(1)(f)(ii) “to determine, in consultation with Fish and Game Councils, the amount of the levy payable by Fish and Game Councils to the New Zealand Fish and Game Council, **from licence sales**” – there is no basis to levy any other funds.
14. Councils are required to “formulate and adopt an **annual** operational workplan” (s26Q(1)e(ii) – emphasis added) for the Minister’s approval under (26A(1)(e)). This could infer all planning and management, including levying, is to be undertaken on an annual cycle. However this inference is not absolute as assessed below.
15. The Act sets out a clear relationship between management costs and licence fees at regional level (s26Q(1)(d)). Section 26C(1)(e) directs the New Zealand Council to recommend an “appropriate” fee to the Minister “after having regard to the views and recommendations” of the Councils.
16. As previously advised, any levy decision made by the New Zealand Council is a statutory decision and is susceptible to judicial review. As a general principle, all statutory decisions must be made “fairly, reasonably and according to law”.
17. As previously advised are three main constraints on the exercise of the levy power under s26C(1)(f)(ii):
  - 17.1. First, the New Zealand Council must determine the levy “in consultation with Fish and Game Councils”. “Consultation” requires the New Zealand Council to: provide the regional Fish and Game Councils with enough information and time to comment on any proposed levy; and consider any comments they provide with an open mind. But it does not require the regional Fish and Game Councils to agree to the proposed levy, as confirmed by the Court of Appeal in the leading case of *Wellington International*

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<sup>12</sup> The <sup>Otago</sup> Fish & Game Council which raised the current concerns has accumulated \$488,000 in reserves over the last decade from licence fee income from licence fee sales forecast being under their actual sales revenue. Otago has around \$1.2M in reserves including dedicated reserves.

*Airport Ltd v Air NZ* [1991] 1 NZLR 671. The Act is similarly clear that regional Councils represent the regions' interests in the determination of the levy, but do not determine it (s26Q(1)(d)(iii)).

- 17.2. Second, the provision is clear that the levy is "payable by Fish and Game Councils to the [New Zealand Council], from licence sales" (emphasis added). The New Zealand Council may not impose a levy on a regional Council's reserves or any other income it receives in accordance with the Act – however – as above, it may do on any portion of reserves consisting of "licence sales".
- 17.3. Third, the common law requires that any levy decision made by the New Zealand Council must be "reasonable". That is, the decision must be reasonable in light of the Act, the factual circumstances, and the information available to the New Zealand Council. There may be more than one "reasonable" decision open to the New Zealand Council in any given situation. What is important is that:
  - 17.3.1. the purposes of levy are clearly articulated and consistent with the Act; and
  - 17.3.2. the design and implementation of the levy is reasonable in relation to those stated objectives.
18. Levies can be paid to the New Zealand Council by regional Councils for the purposes of:
  - 18.1. The administration of the New Zealand Council (s 26C(1)(f)(i));
  - 18.2. Redistribution between regional Councils (s 26C(1)(f)(ii)); or
  - 18.3. Advocacy and research (s 26C(1)(f)(iii)).

#### **What can be levied (and why)?**

19. As above, levies apply only "from licence sales". There is no statutory authority to determine levies from any source other than licence sales or for any purpose outside s26C(1)(f)(iii) at paragraph 13 above.<sup>13</sup>
20. There are some nuances. It is lawful to levy Councils to fund advocacy and research, but for example, less clear if the purpose of a levy was:
  - 20.1. purely to keep licence fees lower;<sup>14</sup> and/or
  - 20.2. service accumulated or forecast budget deficits; and/or
  - 20.3. remedy historical reserves accrued by regions through habitual underestimation of licence sales over time (other than perhaps to redistribute amongst regional Councils ie not the NZ Council).
21. Each of the above matters may form lawful context to levying and fee recommendations to the extent they are relevant to the s26C(1)(f)(iii) statutory purposes however they cannot be the primary or determinative considerations.<sup>15</sup> The statutory process links licence fee levels, licence sales, and the levy – it is relevant to

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<sup>13</sup> Conservation Act 1987 s26C (f) to determine, in consultation with Fish and Game Councils, the amount of the levy payable by Fish and Game Councils to the New Zealand Fish and Game Council, **from licence sales**, for— [emphasis added]

<sup>14</sup> As previously advised that keeping fees affordable may be a relevant, but not determinative, consideration 29.5.2023.

<sup>15</sup> I note commentary in the 2024/25 levy recommendation paper that suggests Ministerial expectations to keep licence fees low seems to have been relevant to the NZC recommendation that levy levels be set beyond the level serviceable purely from forecast licence sales for that year (ie resulting in Councils having to draw from reserves). The 2024-25 licence fee recommendation states: The New Zealand Fish & Game Council proposed no licence fee increase, due to indications from the Minister that licence fee increases would not be viewed favourably, and that all government agencies are being asked to demonstrate fiscal prudence. Due to the tight budget NZC proposed two contestable fund projects to be funded from the organisation's reserves. These are the Magazine and the Resource Management fund, both of which are seen as high value by licence holders."

consider them together. However, as these reasons do not sit directly within the purposes within s26C(1)(f)(iii), legal exposure may arise if those were determinative reasons for your levy recommendation.<sup>16</sup>

22. It is useful to keep in mind that a levy is not a tax – put simply, a levy is a targeted cost-recovery tool. Setting a levy that recovers more than the cost of providing the services/functions authorised could be viewed as a tax. New Zealand Fish and Game does not have lawful authority to tax. It is also useful to consider that some levies are specifically designed to create funds to be drawn on for future unspecified costs.<sup>17</sup> That is not the objective of F&G levy powers which are instead directed towards enabling the national and regional bodies to fulfil their statutory duties. As noted in previous advice, creating reserves beyond the level necessary for general fiscal prudence is not such a duty.

**Revenue from licence sales remains “licence sales” for the purposes of the levy power regardless of when it was collected or how it is held by Councils (eg in a reserve)**

23. An argument that revenue from licence sales ceases to be “licence sales” outside of the year it was collected is not tenable – the source of that revenue remains licence sales.
24. Revenue from licence fees does not cease to be “licence sales” for the purposes of the levy function by virtue of being accrued into reserves. Reserves are not creatures of statute and have no bearing on the legal status of income from “licence sales”. Unless there have been exemptions, waivers, clear policy or practice to the contrary, it is reasonable and lawful that all licence fees are/were subject to levy.
25. The Act does not specifically permit or require regional Councils to maintain reserves, nor provide any specific guidance or constraints on their management or use. The maintenance of reasonable reserves is however consistent with prudent financial management, ie it is a lawful and reasonable practice.
26. Current National Policy adopted under s26C(1)(a) requires expenditure of reserves to have the approval of the New Zealand Council.<sup>18</sup> This is of direct relevance to the current issues. The Minister has explicitly provided for transparency and accountability regarding reserves and their expenditure. This Policy does not enable levying of reserves outside the s26(c)(1)(f) process but does confirm regional reserves are not wholly autonomous - expenditure from them is subject to national oversight.

**NZC is able to levy funds accrued from previous licence sales however care is required in doing so**

27. Section 26C(1)(f)(iii) is silent on timing for levying. Whereas the Act requires operational work plans to be developed annually, there is no such direction regarding the levy function. Timing is therefore at your discretion.
28. It is arguable the annual cycle required of operational work planning should also apply to the levy process, with the implication that that any licence sales not levied within the year they were collected cannot be levied at a later date. However, on balance the better view is that the levy function is not timebound given:

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<sup>16</sup> That is not the case here however as the 2024/25 levying recommendation itself does come within the statutory purposes – ie the NZ Council levy recommendation is to fund advocacy and research (as well as administration and an element of redistribution). The 2024-25 licence fee recommendation states:

“The funding **required to cover base funds and approved contestable funding** is assessed against the expected licence sales for the year ahead (established from analysis of the last two-year sales trends, considering the implications of COVID-19 and border restrictions) to determine the licence fees. The recommended licence fee is effectively set by dividing the sum of the proposed budgets of the 13 Councils by the number of the adult whole season licence equivalents that Fish and Game NZ expects to sell during the year (LEQ targets).

<sup>17</sup> For example, road user charges, ACC levies, EQC levies.

<sup>18</sup> Geddis 16 April 2020 at [5].

- 28.1. S26C(1)(f) does not specify any time limitation. Parliament has clearly turned its mind to timing of annual planning processes, had it wished levying to be timebound it can be assumed it would have done so. The Act's silence on timing for the levy process means that matter is discretionary;
- 28.2. Whilst operational work plans are subject to annual cycles, it is the sole matter within the licence/levy statutory scheme that is. Both Councils and the New Zealand Council have functions and purposes that involve longer time horizons (eg redistribution amongst councils, advocacy and research).
- 28.3. Any statutory power to require members of the public to pay a fee, levy or tax is a serious exercise of public power. The statutory ability to collect licence fees is provided for the purposes provided in the Act – this includes the operation of the fish and game system regionally and as a whole, not the betterment of any one region.
- 28.4. Accrual of substantial unlevied licence sales located within regional reserves appears to indicate either underestimates of licence sales and/or pitching licence fees too high over time. This represents a flaw or failure in the current forecasting and budgeting process;
- 28.5. Accrual of substantial reserves from licence sales appears to be in tension with the applicable statutory requirements on Regional Councils to forecast on a cost recovery basis – where substantial reserves are being accrued from licence sales, does it indicate that more than cost recovery has/is occurring?;
- 28.6. The New Zealand Council levy and licence fee recommendations to the Minister are not as directly bound to cost recovery (as is the case for regions) but to the s26C(1)(f) purposes – aspects of which involve multi-year considerations;<sup>19</sup>
- 28.7. Certainty and finality are necessary for effective financial management. Both the NZ Council and the regional Councils are provided with discretion to regulate their procedure as they see fit,<sup>20</sup> including expending monies received from any sources for the purposes of carrying out their functions and subject to public finance and good governance responsibilities.
- 28.8. Councils (including the New Zealand Council) benefit from clarity regarding their financial position. Having no time limit to when licence sales remain able to be levied involves unwelcome uncertainty. This issue should be clarified through policy and management (it is not unusual in accounting practices to ringfence particular funds that remain subject to some level of contingency);
- 28.9. Avoiding unintended consequences to expend funds. Councils have statutory power to “expend money received by it from any source arising under this Act for the purposes of carrying out its functions under this Act”. Arguably money is “received by it” when licence fees are paid at which point, the Council is lawfully able to expend those funds (subject to legal constraints and the income already committed to through the forecast levy process). Levying previously unlevied licence sales may perversely incentivise expenditure, however it may also incentivise more accurate, current and equitable forecasting, budgeting and expenditure in future (see also discussion above on relevance and effect of the National Policy requiring NZC approval for expenditure of reserves);
- 28.10. Whilst it may be arguable that legitimate expectations have arisen from Fish and Game longstanding budgeting and levying practices that prevent changes in practices now (eg recommending levies that require regions to draw on reserves) even if that were the case, careful management of future process can mitigate or avoid any such risks.

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<sup>19</sup> As per paragraph [xx] these matters require review.

<sup>20</sup> 26F(c) New Zealand Council power; 26S (6) for regional Councils.

29. On balance “licence sales”, and their ability to be levied, is not timebound in law, and thus remain subject to being levied.
30. A further consideration is for the same reasons as above, funds that have been levied also remain “licence sales” for the purposes of the Act and thus remain subject to potential further levying. This involves more complex considerations and is not considered further in this advice as that has not been the focus of your queries.<sup>21</sup>

**If it exists, can “historical underpayment” be recovered?**

31. Although all licence sales can be lawfully levied, whether there has been historical underpayment such that funds are already owed and recovery action can be taken depends on the terms of the levy decision each of those years:
- 31.1. On the facts as you’ve explained them, it seems unlikely that there has been historical underpayment in the sense of creating a recoverable debt. If the annual levy documentation references all licence revenue as being subject to the levy (eg as a proportion of licence sales) there may be grounds to seek recovery of levies on previously unlevied income. That has not been the case.
- 31.2. If – as appears to be the case here - the levy decision was premised purely on specified quantum and that amount was paid, no further funds are owed. (Although as income from licence sales it may remain subject to being levied).
32. Put simply, it is more straightforward to recover historical unearned revenue or underpayment than it is to retrospectively attempt to recover funds from licence fees that that could have been, but were not, levied.<sup>22</sup>
33. The existing situation has come about through longstanding practice implemented by the regions and the New Zealand Council whereby budgets and fees are set on estimates without a subsequent reconciliation process being built in for actual income. Where the under-recovery has been a consistent pattern with no expectation of corrections being made and no reviews having previously raised the issue (eg compared to where unexpected significant events have intervened), there is joint responsibility for substantial unearned reserves having been allowed to accumulate without clarity as to the status of unlevied fee income or expectations regarding its future control. There is and collective interest in how the next steps are taken. The New Zealand Council would lead this work, and, it will be more straightforward if support can be generated across the Councils as it involves significant corrections to longstanding practices. New Zealand Council has limited enforcement or compulsion powers.
34. OAG stresses that, if recovering historical deficits is likely to result in you charging current fee and levy payers more than the costs of the goods or services they receive, the current recipients of those services could be

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<sup>21</sup> Without having looked into this in depth legally, relative implications of ongoing uncertainty preventing Councils from expending funds necessary to undertake their statutory roles and/or ‘double dipping’ are likely to be relevant – as is the ongoing reality of licence sales being necessary to fund Fish and Game regionally and nationally. Particular caution would be warranted before going down this track further. It is a matter that should be addressed in a review of policy (eg it may be that levying such income may only be considered in emergency or unforeseen contexts that have serious implications).

<sup>22</sup> The New Zealand Council has implemented the existing system and cannot retrospectively amend it, it can improve the process for the future however. Exceptions that may warrant direct retrospective remedies however may be:

- under a separate policy process authorised by the Minister to remedy historical errors – this would be a substantive undertaking and may require legislative amendments;
- under the redistribution power where equity issues have been identified; or where it is concluded the accumulation of excess licence sales over that forecasted over time constitutes an unlawful Act in that it is inconsistent with the cost-recovery basis on which Councils are enabled to seek licence fees.

subsidising the costs of previous recipients. Careful accounting would be required to identify the patterns and quantum involved in historical revenue accrued through underestimating licence sales. Having such information transparently collated and made available can assist in identifying equity issues and generating both the future process; and what (if anything) is to be done regarding remedying historical under-estimation. Options involve refund, waiver or exemptions.

35. It is even more straightforward to approach the matter through normal levying processes rather than recovery of historical unearned income – this is therefore the recommended path.

#### **How and whether to review baseline budgets for the regions in recommended licence fees**

36. You have queried the implications of earlier advice: *“the New Zealand Council must take close account of the regional Fish and Game Councils’ assessed management costs when reaching its recommendation as to an “appropriate” licence fee”*.<sup>23</sup>

37. I do not understand this passage to be directing you towards an active role.<sup>24</sup> The advice reiterates the New Zealand Council does not have completely free rein when it decides on an “appropriate” fee. It needs to “have regard to” the FGC recommendations and its decision must be “appropriate” in the context of the legislation. It is clear from s26Q(1)(d) that licence fees are intended to recover FGCs management costs; and from s 26C(1)(f) that they will also cover NZC administration costs, and costs of advocacy and research. So NZC needs to be considering the costs of the F&G system, including the assessed management costs of each region, when it decides what is “appropriate”. Recommending a licence fee significantly above the figure required to recover the F&G system’s costs, for example, would be problematic. Recommending one that is so artificially low that FGCs are unable to properly discharge their management functions could potentially be too. The advice also emphasises Parliament considers costs at regional levels to be a critical matter and be given due weight, evidenced by the specific statutory direction and constraint on regional Fish and Game Councils to assess based on cost recovery (without discretion for other matters at regional level). As the advice sets out, regional views and recommendations are to be accorded “close account” but are not the sole or determinative considerations at national level.

38. That does not mean that the NZC needs to be forensically reviewing the FGCs assessment of their management costs. There is no duty on the New Zealand Council to review baseline budgets as a matter of course. The statutory obligation to develop estimates sits with the regional Fish and Game Councils, as does responsibility for their accuracy. The New Zealand Council need not intervene with that process. It would be overly burdensome to do so and is not necessary where the balance in autonomy and oversight between regional Councils and the New Zealand Council is functioning well.

39. That said, the New Zealand Council has discretion to review estimates and may consider it useful to do so:<sup>25</sup>

- 39.1. Where there are concerns or grounds to consider the accuracy of the recommendations is in some way unreliable (in which case the Council would be warranted in taking measures necessary to assure itself it is discharging its own duty of recommending an “appropriate” fee based on reasonable and accurate information and/or to initiate other lawful action where serious concerns are identified);
- 39.2. To discharge its functions under 26C(1)(j) to audit “the activities of Fish and Game Councils”;
- 39.3. As part of overall system quality monitoring agreed (eg potentially part of a future system – reviews on random basis, or every five years, or on a cycle etc);

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<sup>23</sup> Geddis to Jordan 29.5.23. Not duplicated here.

<sup>24</sup> Ms Geddis reviewed a draft of this advice and confirms this to be the case.

<sup>25</sup> Powers sourced: 26F(1) and (2)(a) – conduct its affairs; 26C(1)(e) – recommend to Minister; 26C(1)(j) - audit.

- 39.4. To inform decision making under the national policy in place that requires the New Zealand Council to approve expenditure from reserves.

**Comments in conclusion**

40. The summary at the start of this advice sets out the conclusions and I do not duplicate them here. The specific concerns raised by Otago are not straightforward. There is no lawful authority to levy that portion of the reserves that is derived from sources other than licence fees (eg property dealings, consultancy services, bequests etc). I consider there is lawful authority to levy the portion of reserves derived from licence fees, however that depends on the terms of the previous levy decisions; policy or practice established over time and commonly applied; and future decisions being within the scope of s26C(1)(f) levy powers.
41. Remedying the situation for future years is necessary. Remedying historical under-recovery requires a careful and transparent process also. Whilst there are mechanisms to carry on as you are, there is a clear need to improve systems for the future in line with Treasury and OAG guidance (equity, efficiency, transparency etc). Budgeting can proceed on forecasts; reserve buffers are reasonable (but policy should be developed as to the levels of reserves held); ensuring regional forecasts are premised on a cost recovery basis and do not result in unearned surpluses is necessary. A reconciliation step between estimated and actual licence revenue is necessary to incentivise more accurate and consistent estimations; increase equity between regions; and derive full revenue from licence fees (within the statutory purposes). This process should include agreements about budgeting principles (eg Otago raise a good point that budgeting for loss is not sustainable).
42. Given the potential risks and complexities, NZC should ensure the Minister understands the need for the action and supports it.
43. Depending on the degree of consensus that can be reached, further authority may need to be secured from the Minister under s26C(1)(k). The proposed review is likely to identify amendments necessary to clarify and increase efficacy of the statutory powers discussed in this advice.

Ngā mihi maioha



Rachael Ennor  
Barrister

**Appendix: Analysis of under’s and over’s in relation to licence income levied**

The following table shows variance to forecast income against income levied. Otago has received \$506,565 of income over the last 11 years not levied ie exceeded forecast income for the year.

This does not include the money received from the non resident levy. It was only decided last year to levy non resident levy ie 2023/24 is the first financial year that this income has been levied. Total non resident income received is \$2,017,857 (31 August 2023), spent to date \$595,531, giving a balance \$1,422,326 sitting in their reserves.

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**Summary net variance to budget 11 years**

Region	Fish Licence Sales Variance	Game Licence Sales Variance	Total
Northland	\$45,474	-\$26,225	\$19,249
Auckland Waikato	\$78,762	-\$42,163	\$36,599
Eastern	-\$199,410	-\$52,684	-\$252,094
Hawkes Bay	\$82,039	-\$11,295	\$70,744
Taranaki	\$45,156	-\$820	\$44,336
Wellington	\$50,963	-\$29,932	\$21,031
Nelson/Marlborough	\$298,569	\$1,747	\$300,316
North Canterbury	\$349,486	\$38,327	\$387,813
West Coast	\$2,039	-\$8,577	-\$6,538
Central South Island	\$588,888	\$23,117	\$612,004
Otago	\$488,264	\$18,301	\$506,565
Southland	\$264,258	-\$46,657	\$217,601
Other	\$31,596	\$7,735	\$39,330
<b>Total</b>	<b>\$2,126,084</b>	<b>-\$129,128</b>	<b>\$1,996,957</b>

Note: re 1.9m positive result over 11 years, 1.5m attributed to 2020-21 season where budgets were cut and losses forecast.

Instead losses minimised and budget cuts resulted in surplus funds to regional reserves.



## **Appendix 2: Summary of the statutory framework for levies**

Duplicated from legal advice dated 22.7.2019 for ease of reference

### **SUMMARY OF THE STATUTORY FRAMEWORK**

The Fish and Game system is funded through revenue from licence fees, which are set on a cost-recovery basis.

#### **Setting licence fees**

Licence fees are set by the Minister on the recommendation of the New Zealand Council, having regard to the recommendations of the 12 regional Fish and Game Councils.

Each of the regional Fish and Game Councils is responsible for assessing the costs attributable to the management of sports fish and game in its region (s26Q(1)(d)(i)). That assessment will be informed by the regional Fish and Game Council's annual operational work plan (s26Q(1)(e)(ii)).

On the basis of its cost assessment each regional Fish and Game Council recommends an appropriate licence fee to recover costs to the New Zealand Council (s26Q(1)(d)(ii)).

The New Zealand Council in turn recommends an appropriate licence fee to the Minister, having regard to the views and recommendations of the regional Fish and Game Councils (s26C(1)(e)).

#### **Revenue is collected from licence sales**

Once the licence fee has been set, revenue is collected by regional Fish and Game Councils from licence sales (s26Q(1)(f)).

#### **Licence revenue is levied and redistributed by New Zealand Council**

The revenue received by regional Fish and Game Councils from licence sales is subject to a levy imposed by the New Zealand Council for the purposes of:

- a. Covering the costs of the administration of the New Zealand Council (s26C(1)(f)(i)) and advocacy and research (s26C(1)(f)(iii)); and
- b. Redistribution between regional Fish and Game Councils (s26C(1)(f)(ii)).

The New Zealand Council's ability to redistribute licence revenue between regional Fish and Game Councils provides for the situation where licence sales in one region significantly exceed or fall short of the management costs for that region. It ensures the effective operation of the Fish and Game system across the country as a whole, consistent with the New Zealand Council's purpose to "coordinate the management, enhancement and maintenance of sports fish and game" (s26B(1)).

The amount of the levy and its distribution between regions is determined by the New Zealand Council "in consultation with" the regional Fish and Game Councils (s26C(1)(f)). "Consultation" does not require agreement, as confirmed by the Court of Appeal in the leading case of *Wellington International Airport Ltd v Air NZ* [1991] 1 NZLR 671.

#### **Levy power must be exercised fairly, reasonably and according to law**

As a statutory power the New Zealand Council's levy power must be exercised fairly, reasonably and according to law. That is, the process for determining the levy must be documented, transparent and consistent with the purposes set out in section 26C(1)(f). At a minimum:

- a. The calculation of the costs of the administration of the New Zealand Council, advocacy and research must be clear;
- b. The basis for determining the amount to be redistributed between regional Fish and Game Councils must be clearly articulated;
- c. The regional Fish and Game Councils must be given the chance to comment on the proposed levy and redistribution; and
- d. Their views must be taken in account by the New Zealand Council when it makes its determination.

13. We recommend that you also refer to the guidance on setting charges in the public sector provided by: Treasury's 2017 Guidelines for Setting Charges in the Public Sector ; and the Auditor-General's 2008 Charging Fees for Public Sector Goods and Services [NOTE: updated – current version is August 2021]. Although not all of the detail of this guidance will be relevant in the levy context, the New Zealand Council should apply the general principles it contains.

**Draft SFGMP consultation Policy**

**Comment:** The documents seem to use the terms ‘policy’ and guidance interchangeably and I felt there was a lack to clarity regarding the intended status of the documents. I have sought further feedback from NZC/national office, and received the following response.

**From:** Corina Jordan <cjordan@fishandgame.org.nz>

**Sent:** Thursday, 19 September 2024 2:22 pm

**To:** Regional Managers <regionalmanagers@fishandgame.org.nz>; Kerry Meehan <kmeehan@fishandgame.org.nz>

**Cc:** NZ Fish & Game Council <nzcouncil@fishandgame.org.nz>; Helen Brosnan <HBrosnan@fishandgame.org.nz>; Maggie Tait <mtait@fishandgame.org.nz>

**Subject:** Re: CEO letter re NZC meeting 170

Good afternoon all,

As set out in the original correspondence dated 30 August, the New Zealand Fish & Game Council are seeking the following feedback from Regional Fish and Game Councils by the 29 November 2024.

1. Feedback on proposed NZC policy (26C(1)(a),(j) and 26Q (1)(e)(v)) on development of 10 year Sportsfish & Gamebird Management Plans (documents attached):
  - a. AP1 SFGMP Consultation Policy
  - b. AP2 Policy Key Elements SFGMP
  - c. AP3 SFGMP Policy

This is policy that is proposed to be implemented by Regional Fish and Game Councils

- Section 26C(1)(a) to develop, in consultation with Fish and Game Councils, national policies for the carrying out of its functions for sports fish and game, and the effective implementation of relevant general policies established under the [Wildlife Act 1953](#) and this Act.
- Section 26Q(1) The functions of each Fish and Game Council shall be to manage, maintain, and enhance the sports fish and game resource in the recreational interests of anglers and hunters, and, in particular (e) in relation to planning (v) to implement national policy determined by the New Zealand Fish and Game Council

Please also note Section 26(1)(j) which enable NZC to audit the activities of Fish and Game Councils. As such NZC can audit Regional Fish and Game Councils on Policy implementation as established under section 26C(1)(a).

2. Feedback from the Regional Fish and Game Councils on proposed NZC guidance to Regional Fish and Game Council on the following document:
  - a. Ap4 Mana whenua engagement guideline
3. Feedback on the 2024/25 Meeting and Budget Calendar (attached)

I hope this provides the clarity required. Please let me know if you have any other questions, or give me a call.

Ngā Mihi

**Corina Jordan** | Chief Executive

**New Zealand Fish and Game Council**

# Hon Todd McClay

Minister of Agriculture  
Minister of Forestry  
Minister for Hunting and Fishing  
Minister for Trade  
Associate Minister of Foreign Affairs



21 JUN 2024

Barrie Barnes  
Chair  
New Zealand Fish and Game Council  
By email: [BBarnes@fishandgame.org.nz](mailto:BBarnes@fishandgame.org.nz)

Ref: CORM-1210

Dear Barrie Barnes,

Thank you for your letter dated 26 April 2024 (received 21 May 2024) in which you provided the views of the New Zealand Fish and Game Council (NZ Council) on the draft Sports Fish and Game Management Plan (SFGMP) for West Coast Fish and Game Region.

In line with your advice, I have decided to approve the Management Plan. I am pleased to hear that the NZ Council is developing guidance for regional Fish and Game Councils, which I hope will set a standard and ensure consistency in the approach taken to the development of these regional plans. My expectation is that all future SFGMPs will comply with this new guidance once approved.

I will also be seeking independent advice from the NZ Council regarding the suitability of any future SFGMP put to me for approval, in line with your role as my statutory advisor.

I would be grateful if you would inform the regional Fish and Game Councils that will be developing new SFGMPs in the next few years of my expectations.

Warm regards,

A handwritten signature in black ink, appearing to read 'Todd McClay'.

Hon Todd McClay  
**Minister for Hunting and Fishing**

CC: Corina Jordan, CEO, NZ Fish and Game Council

### **Draft SFGMP Consultation Policy**

The development of a Sports Fish and Game Management Plan (SFGMP) is carried out under the Conservation Act 1987, in accordance with the Conservation Management Strategy and Conservation General Policy. The following guidelines provides a number of steps relating to consultation for developing new SFGMP.

In addition to this policy, we are developing a mana whenua engagement guideline and have developed SFGMP key elements & guidance.

This consultation policy is designed specifically to provide a good practice process to assist with developing SFGMP rather than general public consultation.

#### **Step 1 Engage with mana whenua**

Each region is responsible for the development of relationships with key mana whenua with interests in the Fish and Game region. Discussions with mana whenua could include the extent to which they want to be included in the process and what issues are key to them. Supplementary guidance for mana whenua engagement is provided in Draft Fish and Game Mana Whenua engagement guidelines.

Consultation should be consistent with the mana whenua engagement advice provided (Kahu Environmental August 2023) and legal advice "Giving Effect to Treaty Principles, advice on the application of s4 of the Conservation Act 1987" (Rachel Ennor and Elana Geddis Feb 2023).

#### **Step 2 Discussion with key stakeholders**

Regions should seek input from the following organisations prior to drafting:

- Department of Conservation and Conservation Board
- Regional council / district council
- herengaanuku (walking access NZ)
- Game Animal Council
- Other bordering fish and game councils
- NZC
- Licence holders

The focus on this round of consultation is to ask who wants to be involved in the build and to discuss what values everyone would expect to see.

Early discussions may also start conversations about key issues.

#### **Step 3 Drafting**

This step ideally commences after a number of meetings with key stakeholders and ideally collaborative drafting is undertaken where possible. Section 17L of the Conservation Act prescribes minimum requirements of a SFGMP. Our Key Elements and Guide document also covers what SFGMP should contain.

## **17L Sports fish and game management plans**

- (1) The purpose of a sports fish and game management plan is to establish objectives for the management of sports fish and game, or both, within any region or part of any region.
- (2) Each Fish and Game Council shall prepare for approval by the Minister such sports fish and game management plans as are necessary for the management of sports fish and game within its area of jurisdiction.
- (3) Nothing in any sports fish and game management plan shall derogate from—
  - (a) any provision in this Act or any other Act; or
  - (b) any policy approved under this Act or any other Act in respect of the area to which the plan relates, or any part of that area; or
  - (c) any provision in any conservation management strategy or conservation management plan or freshwater fisheries management plan.
- (4) When preparing a draft sports fish and game management plan, the Fish and Game Council shall—
  - (a) have regard to the sustainability of sports fish and game in the area to which the plan relates; and
  - (b) have regard to the impact that the management proposed in the draft is likely to have on other natural resources and other users of the habitat concerned; and
  - (c) include such provisions as may be necessary to maximise recreational opportunities for hunters and anglers.

Section 17L: inserted, on 10 April 1990, by [section 13\(1\)](#) of the Conservation Law Reform Act 1990 (1990 No 31).

### **Step 4 Adoption of draft SFGMP for consultation and provide draft SFGMP to NZC**

### **Step 5 Statutory Consultation process 40 working days**

Formal consultation of draft must adhere to section 17M of the Conservation Act. This includes a notice of the draft plan in newspapers and notice of the draft plan to the director general (which is delegated to the local DOC office). Notice of the draft plan should also go to iwi authorities and regional councils or territorial authorities. The fish and game council may give further notice of the draft plan as the Fish and Game Council thinks fit.

### **Step 6 End of submission period and summary of submissions**

Hearings can be carried out by a sub-committee of the region.

Significant changes may require a second consultation period of 40 days

### **Step 7 Final draft SFGMP must be adopted by the regional F & G council**

### **Step 8 Provide copy of SFGMP to NZC along with summary of submissions<sup>1</sup>**

Section 26C Functions of New Zealand Fish and Game Council include (k) to perform such other sports fish and game functions as the Minister may require. The minister will usually request comments from NZC regarding the SFGMP.

### **Step 9 Region to provide SFGMP to the Minister of Conservation**

Region to provide Draft SFGMP with outcome of consultation to go to the minister of conservation.

### **Step 10 The Minister of Conservation can request changes or approve the SFGMP**

### **Step 11 Approval**

Once the SFGMP is approved, circulate to those who participated in the process, NZC and other regions for information. The approved plan should also be added to the F&G web page so the public can easily obtain a copy of the SFGMP.

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<sup>1</sup> It is also a good idea to include a record of all consultation that you carried out even if this has not resulted in formal comments or submissions.

## DRAFT ELEMENTS

### Sports Fish and Game Management Plans

#### Giving Effect to the Principles of Te Tiriti o Waitangi

- Engagement with mana whenua must happen before F&G Councils start drafting SFGMPs to allow mana whenua interests and aspirations to be actively taken into account during the planning and drafting process. This should be undertaken in accordance with the F&G Guide for Engaging with Mana Whenua. *[Under development]*
- The structure and content of SFGMPs will therefore be determined as part of engaging with mana whenua.
- It will be important to comply with and refer to relevant Treaty Legislation and have regard to iwi planning documents.
- Examples of issues that have arisen in the past include:
  - Intrinsic value of waterways vs utility for fishing and hunting
  - Customary use of indigenous species
  - Māori Rights to non-indigenous species
  - Predation of indigenous species by sports fish
  - Prosecution of Māori for hunting or fishing without licences
  - Concessionary licences for Māori to fish and hunt introduced species
- Note that some issues raised may be beyond the scope of a SFGMP. Discussing the issues however, will likely be important to mana whenua, and F&G may want to consider other avenues to address any matters raised.

#### Approval Page

- This section confirms the SFGMP has been approved by the Minister.

[See Appendix One: Example of an Approval Page.](#)

#### Contents Page

#### Introduction

- Consider the following elements for an Introduction:
  - Role of F&G – opportunity to tell F&G's story
  - Vision for the region
  - Legislative Context
  - Consistency with law and relevant planning documents
- Key questions to consider:
  - Does this information help achieve one or more of the purposes of the SFGMP?

#### State of the Environment – Species, Habitats and Threats

- Consider including a section on the state of the environment, covering the sports fish and game bird resource, habitat values, as well as threats to those values.
- Consider including maps of sports fish and game habitat and spawning areas.
- Consider identifying significant fishing values of waterways, including for outstanding waterways consistent with resource management legislation. Also identify resource by locally, regionally and nationally significant.
- Make explicit links to objectives and policies and significant values of waterways
- Key questions to ask:
  - Is there a link to between significant values of waterways and the objectives and policies?
  - Is the description of the state of the environment based on evidence, including mātauranga Māori and science?
  - How will the description assist in resource management and conservation advocacy?

## Community Engagement

- Consider including issues, objectives and policies that relate to how F&G engages with diverse members of the community.
- Include licence holders, iwi, DOC, local councils, conservation boards, private landowners, New Zealand Walking Access Commission/Ara Hīkoi Aotearoa.

## Sustainability of Sports Fish and Game Bird Populations

- Include issues, objectives and policies that will help F&G manage sports fish and game bird populations.
- Consider addressing the following matters, amongst others:
  - Data requirements
  - Appropriate angling and hunting conditions
  - Planned release/s
  - Degraded fisheries or game bird resources requiring restoration
- Including issues, objectives and policies on monitoring that:
  - Provide direction for monitoring priorities for operational workplans
  - Implement national species monitoring programmes and Standard Operating Procedures (if any).
- Consider what impacts F&G management decisions could have on other natural resources and other users of the habitat concerned, including in relation to:
  - Risks to aviation safety from game birds
  - Impacts on crops from game birds

[See Appendix Two: Example of issues, objective and policies for Sustainability of Sports Fish and Game Birds Populations](#)

## Habitat Protection

- Include issues, objectives and policies that address habitat protection.
- Consider including issues, objectives and policies that address the following matters:
  - Priority outcomes for resource management and conservation advocacy to influence planning documents
  - Climate change impacts on habitat values
  - Degraded wetlands requiring restoration.



- Consider what impacts F&G management decisions could have on other natural resources and other users of the habitat concerned, including in relation to:
  - Interactions between sports fish and indigenous fish
  - Fish passage and impacts on indigenous fish

[See Appendix Three: Example of issues, objective and policies for habitat protection](#)

## Recreational Opportunities for Hunters and Anglers

- Include issues, objectives and policies that address the following:
  - Protecting and improving access to recreational opportunities
  - Maintaining and improving awareness of existing recreational opportunities for hunters and anglers
  - Guiding
  - Ethical behaviour of anglers and hunters
  - Equitable access to the resource for all licence holders
- Consider including issues, objectives and policies that address how F&G involves licence holders in decision-making.
- Consider what impacts F&G management decisions could have on other natural resources and other users of the habitat concerned.

## Compliance

- Consider including issues, objectives and policies on compliance.
- Key issues to consider:
  - Training for F&G rangers
  - Monitoring requirements to assist compliance activity. Monitoring is key to the work we do so we can set bag limits and know when there are adverse changes to bird and fish populations. A Standard Operating Procedure is currently been developed to set a framework for monitoring work. We would expect to see the following monitoring work as a minimum:
    - Annual long running game bird counts and banding.
    - Water quality monitoring, investigations to fish passage obstructions, drift diving / electric fishing population monitoring, trout spawning surveys, gravel maintenance to enhance spawning where applicable, sports fish tagging programme, participate in fish screen working party / advocacy where applicable,

## Plan Implementation and Review

- Consider including a section describing how the plan will be implemented and reviewed.
- Key questions to consider:
  - Is making links to the Operational Work Plan helpful?
  - Would identifying targets and timeframes be helpful?

## General

- Engagement with mana whenua and stakeholders will identify additional elements.
- Be brief, don't repeat issues.
- Think high level, 10 year-horizon.

## Appendix One – Template for Approval

### APPROVAL

The purpose of this sports fish and game management plan is to establish objectives for the management of sports fish and game within the **[Name]** Region as per section 17L(1) of the Conservation Act 1987 (the Act).

This sports fish and game management plan was prepared by the **[Name]** Fish and Game Council in accordance with sections 17L(2), 17M, and 26Q(1)(e)(iii) of the Act.

This plan was approved by **[Name]**, Minister of Conservation, under sections 17M(2)(g) and 26A(1)(a) of the Act.

..... / ..... / .....  
**Minister of Conservation**

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## Appendix Two: Example of Issues, Objective and Policies for Sustainability of the Resource

### Issues:

*[Issue defined as: problem requiring action]*

There is an ongoing need for information on sports fish and game populations dynamics and factors affecting their abundance, including harvest, to develop appropriate management responses. There are growing concerns that the sea-run salmon fishery and the sea-run trout fishery are in decline, as there are fewer fish returning to sustain the population.

Sports fish and game bird populations can also impact other users of the resource, including potential risks to aviation safety and impacts on crops.

### Objective:

*[Objective defined as: what F&G would like to achieve to resolve an issue]*

Achieve sustainability of sports fish and game bird species through management, and support anglers and hunters enjoying a sustainable and highly valued recreational experience.

### Policies:

*[Policy defined as: action to achieve the objective:*

1. Maintain information in an up-to-date database detailing sports fish species, population monitoring, trends and harvest.
2. Draft angling and hunting conditions and recommendations that:
  - a) Manage angler and hunter harvest at sustainable levels
  - b) Are based on the best available information
  - c) Adopt a precautionary management approach in the absence of reliable information
3. Undertake the following in relation to the sea-run salmon fishery and the sea-run trout fishery:
  - a) Identify highly-valued areas
  - b) Monitor the resource to determine whether it is in decline
  - c) If resource is declining, investigate factors contributing to the decline
  - d) Consider management options to improve the fishery
4. Prioritise sports fish and game bird species management activities through:
  - a) Population trend monitoring
  - b) Angler and hunter harvest and surveys
  - c) Identification of species management threats and opportunities assessments of the effectiveness of species management activities.
5. Stock fish stocks through the planned release of species, only in waterbodies where:
  - a) sports fish species are already present
  - b) they will not have significant adverse effects on indigenous species
  - c) habitat is deemed suitable, and/or
  - d) limitations on natural spawning and/or rearing habitat limit adult sports fish populations below their carrying capacity.
6. Recognise the potential risks to aviation from game birds in the vicinity of airports and work with airport managers and hunters to provide for aviation safety, whilst protecting established game bird populations.

7. Assist landholders where there is a conflict between game birds and agricultural production to minimise impacts.
8. Improve the skills of hunters in hunting for individual game species with potential to cause adverse impacts.

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## Appendix Three: Example of Issues, Objective and Policies for Habitat Protection

### Issues:

*[Issue defined as: problem requiring action]*

Almost half of the country's lakes are in poor health, vast lengths of our rivers are adversely impacted by nitrogen and phosphorous inputs, with almost a fifth severely degraded by nutrient pollution. Overallocation of water in rivers is causing the ecology in the rivers to decline and degrading the habitats of sports fish and game birds. Major impacts result from:

- Intensification of land use including forestry, dairying, mining (including gravel extraction) and urban development
- Nutrient and sediment discharges to waterways and non-point source pollution
- Flood control works in rivers and streams
- Wetland drainage and modification of wetland vegetation
- Damming of rivers and lakes
- Development of rivers for the generation of hydroelectricity or alteration of flows through irrigation
- Introduction of unwanted organisms such as didymo (*Didymosphenia geminata*) and other aquatic pests.
- Mining or gravel extraction
- Climate change

Advocacy is an essential management tool, because other statutory bodies are responsible for the control and management of water and land resources.

### Objective:

*[Objective defined as: what F&G would like to achieve to resolve an issue]*

Legislation, policy and plans enable the quality, water levels and natural characteristics of rivers, lakes and wetlands to support natural ecosystems and productive and diverse fish and game bird populations.

### Policies:

*[Policy defined as: action to achieve the objective]*

1. Advocate in legislative and policy development, resource management and conservation statutory processes, and community-based processes, for the protection, maintenance and enhancement of the quality and extent of sports fish and game bird habitats, including for the following:
  - a) Water quality standards and flow regimes in plans that reflect the requirements of healthy and productive sports fish and game populations and the different stages in their life cycles.
  - b) Identification and protection of sports fishing values of waterways in Freshwater Management Units in regional plans, including significant values in outstanding water bodies.
  - c) Eradicating or effectively managing the risks posed by pests and diseases to sports fish and game bird habitats.
  - a) Wetlands are identified, maintained, improved and restored, in terms of quality, diversity and species productivity and the overall area of wetlands is increased, underpinned by the regional focus on protection of regionally significant and other smaller wetlands.
  - b) A holistic assessment of the catchment's ecosystem values and needs.
  - c) Effects of climate change are considered in decision-making.
  - d) Water conservation orders.

2. Press for appropriate action by agencies directly responsible where non-compliance with resource management, conservation, or other laws, and plans and policies written under these laws is detected.
3. Assess and monitor the condition and trend of sports fish and game bird habitat in the region, prioritising habitat with resource and use issues, consistent with a national monitoring approach.

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## Appendix Four: Example of Issues, Objective and Policies for Access

### Issues:

*[Issue defined as: problem requiring action]*

Access to sports fish and game bird hunting opportunities is a significant factor limiting participation. Much of the sports fish and game bird resource is on private land, or only accessible by crossing private land. Restricted or preferential access arrangements across private land can result in 'exclusive capture' of fishing and hunting and reduces overall opportunities to licence holders. Having the correct legal and physical works in place is crucial to providing access to angling and game bird hunting areas.

### Objective:

*[Objective defined as: what F&G would like to achieve to resolve an issue]*

Maintenance and improvement of public access to a wide range of sports fishing and game bird hunting opportunities within the region.

### Policies:

*[Policy defined as: action to achieve the objective]*

1. To advocate and negotiate for the protection and creation of access on public and private lands to and along rivers, lakes and wetlands and to upland game hunting areas.
2. Work with landowners and other agencies to promote access to angling and game bird habitats.
3. Continue communication and advocacy work to raise the awareness of angling and game bird habitats both for recreation, food gathering and amenity.
4. Work with landowners and other agencies when access is closed (which was previously provided for) to see if alternative access can be established and or issues can be resolved.
5. Work with landowners to minimise the problem of "exclusive capture" which is the restriction on access to fishing and hunting opportunities through restricted or paid access across private property.
6. Work with the Walking Access Commission to utilise mapping resource and work with them to create new legal and physical public access.
7. Work towards developing online mapping showing legal and physical access to fishing and hunting areas.
8. Identify Treaty of Waitangi settlements that have resulted in loss of Crown and Forest lands that have previously been available for public access. Initiate discussions with a view to securing ongoing access.

## Guide to Drafting Sports Fish and Game Management Plans

### Introduction

1. The guidance document identifies statutory requirements for Sports Fish and Game Management Plans (SFGMPs) and identifies additional optional elements that could be included to help achieve the purpose of SFGMPs.
2. At the outset, F&G Councils will need to engage early with mana whenua<sup>1</sup> at the beginning of the process of preparing SFGMPs in order to give effect to the principles of the Treaty of Waitangi.<sup>2</sup> Accordingly, this Guide does not pre-determine specific content or format that would necessarily meet Mana Whenua aspirations. This will need to be determined after genuine engagement with mana whenua and as set out in the Mana Whenua engagement guidelines consultation should commence with a blank page, rather than with a drafted document.
3. This document should be read in conjunction with the document, “Draft Elements – Sports Fish & Game Management Plans” that sets out key elements to consider including in SFGMP based on this guidance.
4. This guidance document is structured as follows:
  - a) Context
  - b) Te Tiriti o Waitangi
  - c) Purpose of SFGMPs
  - d) Statutory requirements of SFGMPs
  - e) Optional elements to consider including in SFGMPs.

### Context

5. In considering what elements to recommend for inclusion in a Guide to Drafting SFGMPs, I have reviewed the SFGMPs for CSI 2022-2032, West Coast (draft), Auckland Waikato 2021-2031, and Otago 2015-2025.
6. I have also considered the Review of the Governance of Fish and Game New Zealand and the Regional Fish and Game Councils prepared for the Minister of Conservation, Engaging with Mana Whenua, A Discussion Document Exploring Best Practice For Fish & Game.
7. Based on reviewing those documents, the legislative requirements and discussions with F&G planning staff, key context is set out below.

#### *Public process for developing SFGMPs*

8. The process for developing SFGMPs is set out in s 17M of the Conservation Act 1987. Key elements include the requirement to publicly notify draft SFGMPs, provide copies to iwi authorities and local authorities, and invite written submissions. F&G Councils must give full consideration to submissions and provide opportunities for any person to appear before F&G Council representatives to be heard in support of their submission.
9. The F&C Council must send the draft SFGMP, a summary of submissions received, and of public opinion made known about the draft SFGMP to the Minister of Conservation. The F&G Council must also send the Minister a written statement of any matters of content on which the Director-General of Conservation and the F&G Council are unable to agree.
10. In addition to the specific steps outlined in the legislation, F&G is developing guidelines for engaging with mana whenua and stakeholders.

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<sup>1</sup> Te Aka Māori Dictionary: “(noun) territorial rights, power from the land, authority over land or territory, jurisdiction over land or territory - power associated with possession and occupation of tribal land. The tribe’s history and legends are based in the lands they have occupied over generations and the land provides the sustenance for the people and to provide hospitality for guests.” Section 2 Conservation Act 1987 states “Manawhenua means customary authority exercised by an iwi or hapu or individual in an identified area”.

<sup>2</sup> Section 4 of the Conservation Act states that “*This Act shall so be interpreted and administered as to give effect to the principles of the Treaty of Waitangi.*”



### *Ministerial approval*

11. The Minister must approve a draft SFGMP or send it back to the F&G Council for further consideration before approving it.<sup>3</sup> There is no legislative requirement to make any changes sought by the Minister.<sup>4</sup> The F&G Council will however, need to demonstrate that they have properly considered any comments or recommendations from the Minister before re-submitting the SFGMP for approval. If the F&G Council does not make any changes sought by the Minister, this may lead to the Minister declining to approve the SFGMP.<sup>5</sup>

### *10-year timeframe*

12. The Conservation Act requires F&G Councils to review SFGMPs no later than 10 years after the date of approval.<sup>6</sup> It can take 1-3 years from initial engagement to final approval of a SFGMP. The time taken to prepare a SFGMP can mean that issues become outdated by the time the SFGMP is approved. While the SFGMP, or part of the SFGMP can be reviewed more frequently than 10 years,<sup>7</sup> the same process for developing a SFGMP applies to any review.

### *Implementation of SFGMPs*

13. While there is no explicit provision in the Conservation Act requiring F&G Councils to comply with SFGMPs, it is implied from the provisions governing SFGMPs that F&G Councils will exercise their functions in accordance with SFGMPs. The Ministerial Review recommended however, that the Minister should have the power to require adherence to an approved SFGMP.
14. New Zealand Fish and Game have adopted an Organisational Strategy, and in accordance with that each region should have a SFGMP. F&G Councils are required to prepare operational work plans annually. If there is no approved SFGMP for the region, the OWPs require Ministerial approval. The Minister can amend OWPs.

### *Users of SFGMPs*

15. F&G operational teams appear to be the primary users of the SFGMPs, although it is unclear how often SFGMPs are referred to and how they impact F&G Councils' day-to-day work. For some regions, the SFGMP may not serve any purpose beyond meeting the statutory requirement to prepare them. Some F&G Councils use SFGMPs' schedules of significant waterbodies to determine whether a F&G Council is an affected party in relation to applications for resource consent. Many of the SFGMPs I reviewed are lengthy. For example, the CSI SFGMP (approved in 2022) is 78 pages, which can impact on its usability.

Key stakeholders need to state their values and work out where they align and where they don't. SFGMP can be useful for regional council to "have regard to" in Resource Management processes. SFGMP can also be useful for DOC work as it confirms where valued introduced species are located.

## **Purposes of Sports Fish and Game Management Plans**

### *Legal requirements*

16. F&G Councils are required under s 17L of the Conservation Act to prepare such SFGMPs as are necessary for the management of sports fish and game in their region.

### *Guide operational work plans*

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<sup>3</sup> Section 17M(2)(g) of the Conservation Act states: "the Minister shall approve the draft or send it back to the Fish and Game Council for further consideration before approving it."

<sup>4</sup> The Ministerial Review recommended that the Minister's powers be expanded to include a mandatory power of direction for an addition or amendment to a draft SFGMP. Recommendation 2, page 10, Ministerial Review.

<sup>5</sup> The Department of Conservation (DOC) considers that the Minister of Conservation may exercise the power under s 17M(2)(g) to send a draft SFGMP back to a F&G Council for further consideration more than once. DOC considers that this is in line with the general principle of statutory interpretation that a power conferred by legislation may be exercised more than once (see s 51 of the Legislation Act 2019). If a F&G Council sends a SFGMP to the Minister, and the Minister uses their power under s 17M(2)(g) to send the draft back to the F&G Council for further consideration, when the F&G Council sends a revised draft SFGMP to the Minister, the Minister may approve the draft or send it back to the F&G Council for further consideration.

<sup>6</sup> Section 17M(5)(b) of the Conservation Act.

<sup>7</sup> Section 17M(5)(a) of the Conservation Act.

17. F&G Councils are required to prepare OWPs annually.<sup>8</sup> While there is no explicit legal requirement for an OWP to be consistent with a SFGMP, if there is no SFGMP, then the OWP requires approval from the Minister of Conservation.<sup>9</sup>

*Engagement with licence holders*

18. SFGMPs provide an opportunity to connect with licence holders and reflect their interests and aspirations relating to managing sports fish and game birds.

*Engagement with mana whenua*

19. SFGMPs provide an opportunity to engage with mana whenua on their rights, interests and aspirations in relation to managing sports fish and game birds. Refer also to the SFGMP Consultation Guidelines and Draft Fish and Game Mana Whenua engagement guidelines.

*Planning tool to assist F&G Councils meet functions*

20. SFGMPs could be used to guide F&G work to meet their statutory functions and help prioritise work programmes.

*Transparency*

21. As set out in the context, SFGMPs must go through a public process before approved by the Minister. This provides for transparency in terms of how F&G Councils exercise their statutory functions.

*Influence conservation planning documents*

22. Under the Conservation Act, the Director-General of Conservation must consider SFGMPs in developing freshwater fisheries management plans<sup>10</sup> and conservation management plans.<sup>11</sup> It is important that SFGMPs include provisions covering how sports fish and game birds are managed in conservation areas, to ensure that F&G's interests will be properly taken into account on conservation planning documents.

*Identification of spawning areas*

23. It is an offence to carry out an activity that disturbs or is reasonably likely to disturb a declared spawning area of sports fish, unless authorised by the Director-General of Conservation.<sup>12</sup> The Director-General may declare areas to be spawning areas on the recommendation of the New Zealand Fish and Game Council in relation to sports fish.<sup>13</sup> While it is not uncommon to disturb sports fish spawning areas, and prosecutions are not brought, identifying spawning areas in SFGMPs that are important to F&G will lay the foundation for better protection.

*Influence resource management planning documents*

24. Advocating for the protection of sports fish and game bird habitats in resource management processes is one of F&G most effective tools.<sup>14</sup> In addition to making submissions on plans and resource consents, F&G Councils can influence planning documents through SFGMPs as decision-makers must consider SFGMPs in preparing or changing policy statements and plans under the RMA.<sup>15</sup> Key areas are set out below in relation to the National Policy Statement for Freshwater Management 2020 (NPS-FM):

- a) When developing fish passage provisions regional councils must take into account any SFGMPs approved by the Minister.<sup>16</sup>

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<sup>8</sup> Section 26Q(3)(a) of the Conservation Act.

<sup>9</sup> Section 26Q(3)(e) of the Conservation Act.

<sup>10</sup> Note that there are currently no freshwater fisheries management plans.

<sup>11</sup> Sections 17J and 17E(9) of the Conservation Act. SFGMPs may also be a mandatory consideration when developing Conservation Management Strategies under s.17D(8).

<sup>12</sup> Section 26ZJ of the Conservation Act.

<sup>13</sup> Section 26ZJA(2) of the Conservation Act.

<sup>14</sup> F&G Councils have a statutory function to advocate the interests of the Council, including its interests in habitats. See s 26Q(e)(vii) of the Conservation Act.

<sup>15</sup> Sections 74(2)(b)(i), 61(2)(a)(i), 66(2)(c)(i). Note there are the same requirements under the Natural and Built Environment Act (NBA) in relation to natural and built environment plans (s 174(2)(d)). The incoming National government policy is to repeal the NBA.

<sup>16</sup> Clause 3.26(3)(a) of the NPS-FM.

- b) Fishing is relevant to compulsory value human contact and fishing is an optional value for Freshwater Management Units, requiring the identification of an environmental outcome.<sup>17</sup>
  - c) The fishing value of a waterway can be used to identify outstanding water bodies.
  - d) Regional councils must identify and map natural wetlands in their region.<sup>18</sup>
25. Where SFGMPs identify values consistent with the framework in the NPS-FM, it will provide a strong basis to advocate for the protection of those values. Conversely, if the SFGMP does not align with the statutory requirements or identify areas requiring protection for their fishing values, it may undermine subsequent submissions on planning documents or resource consents.

## Statutory Requirements for Sports Fish and Game Management Plans

26. This section outlines the statutory requirements of SFGMPs.

### Giving effect to Treaty Principles

27. To meet the requirements of s 4 of the Conservation Act, F&G Councils must take account of, and give weight to, Treaty rights and interests alongside its statutory responsibilities to manage, maintain and enhance the sports fish and game resources in the interests of anglers and hunters.
28. In relation to developing SFGMPs, the legislative requirements in relation to iwi (summarised above) do not represent the principles of Te Tiriti o Waitangi.<sup>19</sup> F&G Councils need to develop ways to engage with mana whenua as partners, rather than stakeholders in developing SFGMPs. Kāhu Environmental advise F&G should assess ways to involve mana whenua in the development of SFGMPs, and in particular to start by asking mana whenua about what role they should have in the process. Initial conversations should explore common objectives e.g. habitat/wetland restoration, water quality and freshwater management.
29. This engagement needs to happen before F&G Councils start drafting SFGMPs to allow iwi/hapū interests and aspirations to be actively taken into account during the planning process.
30. The Ministerial Review also recommended that F&G NZ develop, in collaboration with Māori, a national policy on consultation and engagement with Māori and a standing advisory panel on Treaty issues and engagement with Māori. Engagement with mana whenua should utilise those resources when available.
31. F&G Councils must do the background mahi before engaging with mana whenua. This includes being familiar with relevant Treaty Settlement Acts, Waitangi Tribunal Reports, iwi management plans, environmental management plans, statutory acknowledgements and sites of significance to iwi in the region. Reference to relevant Treaty Settlement Act is particularly important, as many include specific obligations in relation to SFGMPs.
32. F&G Councils should also be familiar with key issues likely to be raised by iwi in relation to managing sports fish and game and Treaty interests, and have an open mind when discussing those issues with mana whenua in terms of possible ways to provide for those interests. Potential issues include:<sup>20</sup>
- a) Intrinsic value of waterways vs utility for fishing and hunting
  - b) Customary use of indigenous species
  - c) Māori Rights to non-indigenous species
  - d) Predation of indigenous species by sports fish
  - e) Prosecution of Māori for hunting or fishing without licences

<sup>17</sup> Appendices 1A and 1B of the NPS-FM.

<sup>18</sup> Clause 3.22 of the NPS-FM.

<sup>19</sup> Kāhu Environmental Engaging with Mana Whenua, A Discussion Document Exploring Best Practice For Fish & Game

<sup>20</sup> Ministerial Review

- f) Concessionary licences for Māori to fish and hunt introduced species

33. Note that some of these issues may be beyond the scope of a SFGMP. Discussing the issues however, will likely be important to mana whenua, and F&G Councils may want to consider other avenues to address matters raised in discussion with mana whenua if possible.

### Issues, Objectives and Policies

34. SFGMPs must include objectives for the management of sports fish and game birds, within any region or part of any region.<sup>21</sup> In the SFGMPs that I reviewed, issues, outcomes and objectives and policies were all included to help guide F&G Council actions. Current SFGMP however contained considerable overlap in content between issues, outcomes, objectives and policies. There needs to be a clear link between the issues, objectives and policies.

#### 35. Guidance:

- a) Consider including, issues, objectives and policies that all directly relate to each other, using the following definitions:

**i. Issue: problem requiring action**

*e.g. Issue for Sustainability of the Resource: There are growing concerns that the sea-run salmon fishery and the sea-run trout fishery are in decline, as there are fewer fish returning to sustain the population.*

**ii. Objective: what F&G Council would like to achieve to resolve an issue**

*e.g. Achieve sustainability of sea-run salmon fishery and the sea-run trout fishery through management, and support anglers and hunters enjoying a sustainable and highly valued recreational experience.*

**iii. Policy: action to achieve the objective**

*e.g. Policies for Sustainability of the Resource: Undertake the following actions in relation to the sea-run salmon fishery and the sea-run trout fishery:*

- Monitor the resource to determine whether it is in decline;
- If resource is declining, investigate factors contributing to the decline; and
- Consider management options to improve the fishery and or game resource.

- b) When considering objectives and policies to include in SFGMPs, consider the long-term (i.e. 10 years) vision for the region, to avoid the SFGMP becoming outdated too quickly.

### Consistency with Legislation

36. SFGMPs must not derogate from the Conservation Act or any other Act.<sup>22</sup> As noted above, there are a number of Treaty Settlement Acts that confer specific obligations on F&G Councils, including in relation to developing SFGMPs.

#### 37. Guidance:

- a) Ensure all applicable references to Treaty Settlement Acts are included in SFGMPs.
- b) Engage with mana whenua on the provisions referencing Treaty Settlements.

### Conservation Policy

38. SFGMPs cannot derogate from policy approved under the Conservation Act or any other Act in respect of the area to which the plan relates, or part of that area.<sup>23</sup>

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<sup>21</sup> Section 17L(1) of the Conservation Act provides that “purpose of a sports fish and game management plan is to establish objectives for the management of sports fish and game, or both, within any region or part of any region.”

<sup>22</sup> Section 17L(3)(a) of the Conservation Act.

<sup>23</sup> Section 17L(3)(b) of the Conservation Act.

**39. Guidance:**

- a) *Consider all relevant policies in the CGP; and*
- b) *Include a clear statement in SFGMPs that it is consistent with the CGP.*

**Conservation statutory planning documents**

40. SFGMPs cannot derogate from any provision in any conservation management strategy or conservation management plan or freshwater fisheries management plan.<sup>24</sup>

**41. Guidance:**

- a) *Review conservation management strategies and conservation management plans applicable to your region when drafting SFGMPs.*
- b) *Include a clear statement in the SFGMP that it is consistent with applicable conservation statutory planning documents.*

**Sustainability of sports fish and game**

42. When preparing a draft SFGMP, F&G Councils must have regard to the sustainability of sports fish and game in the area to which the plan relates.<sup>25</sup> Existing SFGMPs generally include a separate section on the sustainability of sports fish and game birds that sets out objectives and policies. This approach is useful.

43. The content of this section, (i.e. issues/objectives/policies) will be driven by engagement with mana whenua, views of stakeholders and the local situation. There are however, some issues that are likely to be relevant across the country. For example, monitoring the sports fish and game bird resource to understand the state of the resource is an issue relevant to all regions.

**44. Guidance:**

- a) *Consider the following matters when considering issues, objectives and policies to include in a SFGMP in relation to the sustainability of the resource:*
  - i. *Ensure appropriate angling and hunting conditions in Anglers Notice and Open Season for Game Notice to ensure the sustainability of the resource*
  - ii. *Planned releases of sports fish consistent with the CGP*
  - iii. *Potential areas of high use requiring more intense management*
  - iv. *Degraded fisheries and game bird populations requiring restoration*
  - v. *Risks and opportunities from fishing competitions and organised culls*
  - vi. *Airspace, e.g. wind turbines and bird strike*
- b) *Consider including issues, objectives and policies on monitoring that:*
  - i. *Provide direction for monitoring priorities for operational workplans*
  - ii. *Work towards a national species monitoring programme and standard operating procedures.*

**Impact on other natural resources and other uses of the habitat concerned**

45. When preparing a draft SFGMP, F&G Councils must have regard to the impact that the management proposed in the draft is likely to have on other natural resources and other users of the habitat concerned.<sup>26</sup> This requirement has two distinct parts. F&G Council must consider the impact that the management proposed has on both:

- a) Other natural resources

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<sup>24</sup> Section 17L(3)(c) of the Conservation Act.

<sup>25</sup> Section 17L(4)(a) of the Conservation Act.

<sup>26</sup> Section 17L(4)(b) of the Conservation Act.

b) Other users of the habitat concerned.

46. The Ministerial Review noted that it appears F&G Councils "rarely if ever take into account of the impact or concerns of other users."<sup>27</sup> The SFGMPs I analysed did include some specific provisions addressing impacts on other natural resources. For example, in the CSI SFGMP there is a policy that provides for remediating fish passage barriers, recognising the potential for adverse effects on indigenous fish populations from, and where it would not significantly impact on rare or threatened indigenous fish species.<sup>28</sup> Similarly, in the Otago SFGMP there is a policy to manage hunting in reserves or other wetlands in ways which minimise effects on habitat quality.<sup>29</sup>

47. One objective is worded "To have regard to the effects of fish and game management activities on other natural resources and resource users." This objective repeats the statutory direction, and should not be included in SFGMPs.

48. Rather, when drafting SFGMPs, you must consider for every objective and policy whether it will have an impact on other natural resources or other users of the habitat concerned. If there is an impact, F&G Councils should consider whether the management measure is appropriate to discharge F&G statutory functions, and if yes, whether any mitigation measures could be implemented.

**49. Guidance:**

- a) *When developing SFGMP objectives and policies consider the likely impact of proposed management on both:*
  - i. *other natural resources; and*
  - ii. *other users of the habitat concerned.*
- b) *Consider the following issues, amongst others, in relation to impacts on other natural resources:*
  - i. *Interactions between indigenous fish and sports fish*
  - ii. *Potential impacts of loss of fish passage barriers on indigenous fish*
- c) *Consider the following issues in relation to impacts on other users of the resource:*
  - i. *Risks to aviation safety from game birds*
  - ii. *Impacts on crops from game birds*
- d) *Include a clear statement that the impacts of proposed management on other natural resources and users of the habitat concerned has been considered.*

**Recreational opportunities for hunter and anglers**

50. SFGMPs must include such provisions as may be necessary to maximise recreational opportunities for hunters and anglers.<sup>30</sup> Current SFGMPs sections included separate sections covering angler and hunter participation in fishing and game bird hunting. Some also included provisions on angler and hunter participation in F&G management. Both issues are important.

51. **Guidance:** *Consider including issues, objectives and policies in SFGMPs on:*

- a) *Maximising recreational opportunities for hunters and anglers; and*
- b) *Involving anglers and hunters in F&G decision-making. Evidence of this wider consultation will be needed for ministerial sign off. This is one of the steps of the consultation policy.*

**Optional Elements**

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<sup>27</sup> Page 34 of the Ministerial Review.

<sup>28</sup> Policy 9.4.16 of the CSI SFGMP.

<sup>29</sup> Policy 6.2.12 of the Otago SFGMP.

<sup>30</sup> Section 17L(4)(c) of the Conservation Act.

52. This section provides guidance on optional elements. These are elements that F&G Councils could consider raising for discussion with mana whenua and stakeholders for inclusion in draft SFGMPs. Mana whenua and stakeholders may also have other elements they wish to see included.

### **Background**

53. Having background information in the SFGMP is useful, although brevity is key to ensure the SFGMP is user-friendly. It will be important to tell F&G's story, including the legislative role of F&G Councils, past achievements and future aspirations.
54. **Guidance:** Consider including critical background information in a background section such as:
- a) *Mission statement*
  - b) *Role, Term or Intent of the Plan*
  - c) *Role of F&G Councils*
  - d) *Legislative context (see discussion below)*

### **Partners and Stakeholders**

55. The two most recent SFGMPs I analysed<sup>31</sup> both included a section on Partners and Stakeholders. It is important to acknowledge mana whenua as Treaty partners, and not equate mana whenua with stakeholders in the same section.
56. In terms of mana whenua, the SFGMPs I analysed included a description of the F&G Council relationship with local iwi. In my view, this is consistent with the F&G Council's Te Tiriti obligations, but will need to be considered as part of engagement with mana whenua.
57. In terms of stakeholders, this includes DOC, local councils, New Zealand Walking Access Commission/Ara Hīkoi Aotearoa and the local Conservation Board. Some SFGMPs included descriptions of the statutory functions of these stakeholders. Other stakeholders could include land owners, including farmers.
58. Including descriptions of stakeholders doesn't contribute to any of the purposes of the SFGMPs identified above. There may be value however, in including descriptions of stakeholders in terms of relationships with those stakeholders. This could be addressed in a separate section on community engagement (see discussion below). Community engagement is important to understanding the impacts of F&G Council management on other users of habitat.
59. **Guidance:**
- a) *Discuss with mana whenua including information on F&G's relationship with iwi and reference to iwi management plans in SFGMPs.*
  - b) *Consider describing the relationships with diverse members of the community in a Community Engagement section (see discussion below).*

### **Habitat protection**

60. One of the purposes of SFGMPs identified above is influencing both resource management and conservation planning documents. F&G advocacy for habitat protection in particular, is essential to the viability of sports fish and game bird resources, as it is dependent on habitat values. Habitat protection is also an area where F&G Councils could work with mana whenua, as well as stakeholders where there are shared interests.
61. **Guidance:**
- a) *Consider including issues, objectives and policies in relation to habitat protection.*

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<sup>31</sup> CSI and West Coast

- b) *Ensure provisions on habitat protection align with:*
  - i. *Conservation planning documents*
  - ii. *Resource management decision-making framework under the RMA and NPS-FM, including for regional plans:*
  - iii. *F&G priorities for habitat protection*
  - iv. *F&G practice notes for RMA advocacy see <https://www.waigoodpolicy.org.nz/>*
  
- c) *Consider including issues, objectives and policies that address the following matters:*
  - i. *Impacts of pest control on sports fish and game bird habitats*
  - ii. *Climate change impacts on habitat values*
  - iii. *Monitoring priorities*
  - iv. *Degraded wetlands requiring restoration and removal of wetlands requiring re-establishment*
  - v. *Reverse sensitivity effects*

### **Public Relations/Public Advocacy and Education**

62. The SFGMPs I analysed all included a section on public interface, recognising that protecting sports fish and game birds requires the support of government, local councils and the wider community. The elements of this section could be included in a broader community engagement section, i.e. how F&G Councils engage with mana whenua, DOC, local councils, landowners, local conservation boards, and the wider community.
63. **Guidance:** *Consider including issues, objectives and policies in relation to community engagement.*

### **Administration**

64. The SFGMPs I analysed all include a section covering how the F&G Council manages its financial resources and performs its statutory functions in line with legal requirements. This is not a statutory requirement of SFGMPs.
65. **Guidance:** *Do not include provisions relating to how F&G manages its financial resources and performs its statutory functions in SFGMPs.*
66. The CSI SFGMP also included an objective and policy on climate change. The provisions relate to how the CSI F&G Council will reduce its emissions (e.g. through purchasing decisions). This is not relevant to managing sports fish and game birds. This is best addressed through developing a national policy on how F&G will reduce its emissions to meet the 2050 climate target.
67. **Guidance:** *Do not include provisions on how F&G Councils will reduce emissions to meet the 2050 climate target in SFGMPs.*

### **Compliance**

68. All of the SFGMPs I looked at had compliance sections. Compliance is essential to the management of sports fish and game birds. The compliance section should not include objectives and policies relating to conditions addressing the sustainability of the resource.
69. **Guidance:**
- a) *Consider including in SFGMPs issues, objectives and policies related to compliance.*
  - b) *Consider including provisions on conditions relating to the sustainability of the resource in the section of the SFGMP dealing with sustainability of the resource.*

### **Resource Summary**



70. All of the SFGMPs I analysed include detailed sections describing the sports fish and game resource within their region. Describing the state of the sports fish and game resource, including habitat values is essential to set objectives and policies.
71. The resource summary sections include a Recreational Opportunity Spectrum (ROS) and Significance Criteria, with waterways identified in the appendices according to how they rate using the ROS and Significance Criteria. Some of the resource descriptions also identified spawning areas.
72. The SFGMPS also included policies that link management to the resource classification. For example, in the CSI SFGMP, Policy 9.4.4 provides:
- Give priority to the monitoring and management of fish and game bird habitats within the CSI Fish and Game Region which are of national or regional significance and those that have the highest levels of angler and hunter participation.
73. Policy 8.4.2 of the draft West Coast SFGMP provides:
- Establish and maintain an inventory of sports fish and game resources in the West Coast including:
- a) classification of individual sports fisheries and game habitats to allow management based on significance, key characteristics and the recreational opportunity provided within a spectrum.
74. Despite the policy direction in the SFGMPs, feedback from F&G planners is that the classification of waterways based on the ROS and significance criteria didn't necessarily determine management decisions. For at least one region however, the classification did determine affected party status in terms of resource consent processes under the RMA.
75. The classification system used in the SFGMPs does not directly link to the protection of habitat values in the RMA and NPS-FM, and planning documents, in particular in relation to the outstanding values of waterways for fishing (see purposes of SFGMs outlined above).
76. There are no maps of the habitat of sports fish and game birds in the SFGMPs I analysed, or of spawning areas. Including mapped areas that are important to F&G Councils will enhance F&G resource management advocacy for habitat protection. Maps of spawning areas will assist with ensuring those areas are protected.
77. It will be important to engage with mana whenua on describing the resource to ensure mātauranga Māori and Māori values are appropriately reflected.
78. **Guidance:** Consider including the following in SFGMPs:
- a) *Description of the State of the Environment – Species, Habitat and Threats*
- b) *Maps of sports fish and game bird habitat, including on public conservation land and private land. We note that some regions have this in their work programme to deliver over a two year period.*
- c) *Maps of spawning areas - We note that some regions have this in their work programme to deliver over a two year period.*
- d) *Criteria for identifying the values of the sports fish and game resource that aligns with resource management national direction and regional plans, including fishing values in freshwater management units in regional plans and outstanding natural waterways and identifying waterways that meet the criteria*
- e) *Maps of wetlands that are game bird habitat*
- f) *Explicit links to objectives and policies and significant waterways*

### Legislative context

79. The SFGMPs I analysed all include a section describing relevant legislation, usually in an appendix. Some also included summaries of the wider legislative context, e.g. the National Parks Act, Public Works Act and Local Government Act. Including a description of all relevant legislation does not directly achieve any of the purposes of SFGMPs as outlined above.
80. Including a description of the relevant provisions of the Conservation Act, in terms of the functions of F&G, the legislative basis for SFGMPs and the relationship between SFGMPs

and conservation planning would however, assist in terms of the purpose of influencing conservation planning documents. So too does including any Water Conservation Orders in the Region.

81. Resource management legislation is also directly relevant to the purpose of influencing resource management planning documents, particularly in relation to habitat protection and public access to recreational resources.

82. **Guidance:** Consider including legislative context in relation to:

- a) *Conservation Act, in terms of F&G Council functions, SFGMPs legislative direction and relationship with conservation planning documents.*
- b) *Resource management provisions that support F&G's advocacy for habitat protection.*

### **Plan Implementation and Review**

83. The CSI SFGMP includes a section that identifies key actions and target dates for implementing key actions. It is important to have a road map to implement the SFGMP. Setting targets with specific timeframes for achieving them may assist. Additionally, SFGMPs should include provisions relating to reviewing the SFGMP to ensure it is fit for purpose over time, and the objectives are being met.

84. **Guidance:** Consider including in SFGMPs:

- a) *Plan Implementation section that refers to key objectives and policies, including targets and timeframes.*
- b) *Consider including review provisions.*

### **Appendices**

85. The SPFGMPs I analysed all included a variety of appendices.

86. **Guidance:**

- a) *Consider including the following appendices in SFGMPs:*
  - i. *Map of the region*
  - ii. *Access points for angling and hunting*
  - iii. *Reserves Owned or Managed by the F&G Council – including, and linking to specific objectives*
- b) *Consider not including the following in SFGMPs:*
  - i. *Prioritisation Principles – as these could change within the 10-year timeframe*
  - ii. *Recreational Opportunity Spectrum – unless tied to objectives*

## **Interim Guide to engaging with Mana Whenua on the preparation of Sports Fish and Game Management Plans**

### **Purpose**

This guidance is for regional fish and game staff to help them fulfil their statutory and Te Tiriti obligations when preparing Sports Fish and Game Management Plans (SFGMP). This guidance sets out best management practice that will assist regional staff engaging with mana whenua.

This guidance isn't meant to be a one size fits all. Each iwi and hapu around the country will have differing views on issues and different needs, aspirations and interest in being involved in our SFGMP processes.

This guidance is not a comprehensive overview of all statutory obligations and Te Tiriti principles. You can find that here: [ [Legal Advice - application of s4 \(FINAL\).pdf](#) ] Being a good Te Tiriti partner involves long term relationship building and a commitment to working together. Engaging on a SFGMP should be seen as part of that ongoing process, not as the end point or focus of that relationship.

### **Review**

This guidance is interim. This document is intended to provide guidance to assist with the short term need to prepare SFGMP. Ultimately what is needed, is working towards ongoing and long term relationships. This guidance has been developed internally, based on expert advice, but tangata whenua have not been engaged with its preparation. We acknowledge that engagement and co-development of an integrated approach is the next important step and we intend to undertake that step. This guidance will be reviewed and updated by August 2025 (1 year from adoption).

### **Context**

Section 4 of the Conservation Act requires our organisation to be good treaty partners. This requires going further than sending copies of a draft SFGMP to iwi for comment. This guidance forms part of a suit of policy and guidance to assist the regions to prepare SFGMP. Other relevant guidance includes :

- Cover report
- SFGMP Consultation Guidelines
- SFGMP guide
- SFGMP Key Elements

### **Guidance**

We anticipate that you have the following (and other) questions in mind. Central to any work we do is the idea that good communications, whakawhanaungatanga and partnership provides a good starting point. Relationship building is central to this guidance.

When should I start?

Now! Before you start preparing the SFGMP. The earlier you begin engagement the better the opportunity to ensure mana whenua interests are reflected in the structure and content of the plan. If mana whenua want to be involved in writing the management plan, giving them that opportunity before the content has been written better reflects a good faith approach to the partnership.

## What should I do before I start?

Start by building your knowledge. A basic background to Te Ao Māori and how it relates to the work of Fish and Game can be found in [kāhu report link]. You should identify the iwi and hapū groups that are in your region (see 'Who should I talk to?' for more information) and in particular the groups associated with any particularly significant waterbodies from Fish and Game's perspective. Next learn about the history, context and aspirations of these groups – many Māori groups find it frustrating to have to articulate again and again their values or aspirations when these are clearly set out in publicly available documents. Useful documents for building this knowledge include:

- Treaty of Waitangi Deeds of Settlement, Settlement acts and Waitangi Tribunal reports.
- Statutory acknowledgments.
- Environmental management plans.
- Iwi management plans.

## Who should I talk to?

- If you do not already have a good database of your own contacts, a good place to begin is [Te Kahui Mangai which is a database of all iwi, hapu and marae contacts maintained by Te Puni Kokiri](#). Your local regional or district council should also have a register of contacts and iwi planning documents. Your local DOC office will also have contacts for mana whenua engagement. You should be prepared to consult with more than one mana whenua group as there are often overlapping interests within a particular location.

## How should I engage?

- Initial contact could be by email or phone call, but should include a face to face meeting early on appropriate tikanga should be included in these meetings – this can include karakia and kai. Tikanga varies from place to place – the guidelines in the references section give a good generic background, but if you are unsure find someone in Fish and Game, DOC or a local contact to guide you.
- Begin by starting a whakawhanaungatanga  
Whakawhanaungatanga is the process of establishing good relationships and understanding about each other. This is an opportunity for you to connect with mana whenua to build a relationship based on mutual understanding. Ideally this will happen at each level of the organisation; governance, management, and on the ground staff – but don't hold off on engagement at one level waiting for the other – relationship building is ongoing and not hierarchical.
- Engagement should be ongoing. Early on in the process you should ask the best way to continue the engagement (who, how, how long) and whether you need to provide any resources or funding to support that engagement.

## What should I be prepared to discuss?

- You should be prepared to discuss the history, structure and responsibilities of Fish and Game – some mana whenua have a good idea of what Fish and Game does, and some have none.
- You should be prepared to hear about past practices or relationships that have not gone well, and the possibility that harm may have been done by Fish and Game or previous organisations to places and values that mana whenua hold dear. You may need to acknowledge, apologise or discuss what can be done to restore/reciprocity/ any past harms before moving into discussions about future shared values or working relationships.
- There is an opportunity to explore shared goals, expertise and working together on future processes. Protection of the natural environment and harvesting food from it are shared values for both Fish and Game and mana

whenua – this can form a firm base for a future relationship if you develop a shared understanding of each others priorities and support each other in partnership..

- You should be prepared to discuss what Fish and Game can bring to the partnership with mana whenua – are there opportunities to share information, resources, monitoring programmes? Can Fish and Game support mana whenua in RMA processes? Is there opportunity to provide mana whenua with training, information or fishing licences to support their aspirations? If there is a lot of work to do before any of these options can be implemented, but a real desire to work towards them a Relationship Agreement or Memorandum of Understanding that sets out how the organisations will work together could be a useful tool and first step in that work.

What about the formal consultation part?

Section 17M (2) (a) (v) of the Conservation Act requires you to “consult with such other persons or organisations, in such manner, as the Fish and Game Council considers practicable and appropriate;” Our previous advice notes therefore that you should:

- After meeting with iwi to discuss topics relevant to them,
- Invite iwi to be involved with drafting the plan
- Or provide a copy of the draft plan to iwi
- Receive written submissions from iwi
- Give iwi the opportunity to be heard on their submission
- Present summarised iwi submissions to the Minister of Hunting and Fishing.

It is important you see these as minimum requirements, not what’s needed to fulfil your Treaty partnership responsibilities. In order to fulfil these minimum requirements you should:

- Let your mana whenua partners know well in advance when they should expect the draft SFGMP so they can plan their time and resources.
- Allow sufficient time for them to make comments. Take into account that they may need to have a board approve their submission, so find out when their board meetings are and plan around those.
- Schedule a meeting to discuss the draft SFGMP before comments are due, if mana whenua would like that. It’s a good opportunity to discuss any issues and potential solutions before formal submissions are made.
- Offer to hear their submissions at the place of their choosing – this may be at a marae or other place close to the waterbodies being discussed.
- Take time to consider their submission and respond in detail to each point raised, with reasons for your decision. If its within your powers to accept any points, you should seriously consider doing so. Send mana whenua your response and the reasons for your decision.
- Include that detailed response and reasons in the summary you send the Minister.

What else can I offer into the partnership?

- Are there any projects that mana whenua are interested in eg Wetland restoration work. Is their any monitoring projects that mana whenua are interested in. Can we share any of the work that we have been doing on a particular consent or project?

What can I give mana whenua?

- Is there a particular issue or grievance that mana whenua would like acknowledged? Are there conflicting interests on any issues that we need to re-consider our stance on?

What can we do together?

- If the relationship is a new one ideally you can find a project to work on to build trust and good working relationships.

### **Useful references**

The following links provide some useful background reading:

*chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://knowledgeauckland.org.nz/media/1265/lessons-for-successful-mana-whenua-engagement\_final-print.pdf*

[Fish Game NZ mana whenua engagement FINAL .pdf](#)

### **Need help?**

*We are working on the idea of identifying Māori liaison staff and or Te Ao Advisors within Fish and Game. For further specific information we may also be able to get further assistance from Kahu and DOC staff regarding Treaty Settlements.*

DRAFT



20/08/2024

Vanessa Hammond  
32 Herridge Street  
Woodend 7619

**Letter of condolence from the Auckland/Waikato Fish and Game Council.**

Dear Vanessa, it was with great sadness that we learned of the passing of Alan. There are few self-respecting duck hunters in New Zealand that don't have a Hammond or 6 on their lanyards, but his contribution to waterfowl hunting goes well beyond his exceptional calls alone.

Staff and councillors had many interactions with Alan over the years and his availability to discuss all things waterfowling and provide some sage advice like 'you're trying to blow the reed out of it' always stood out. He was also very generous, for example donating calls for fundraising events associated with our mallard research projects.

Please extend our condolences to the rest of your family, Alan was a true character and his contribution to waterfowl hunting in New Zealand will be sorely missed.

Kind regards

A handwritten signature in blue ink, appearing to read 'David Klee'.

David Klee  
**Chief Executive**

**Bi-Monthly Chief Executive’s Report**

**October 2024**

**Foreword**

I want to acknowledge the passing of former Councillors Richard (Dick) Tyson and Sally Speirs. Whilst I personally did not have many interactions with either of them, long-standing councillors and former C.E.s have expressed their gratitude for their input to the organization over the years.

In the last two months I have spent a lot of time liaising on national issues and keeping the Chair informed of developments. Whilst there may be some challenging times ahead and some of you have expressed feeling aggrieved by recent decisions stemming from NZC that appear to have come out of the blue, I urge you to maintain composure and respond in a calm and professional manner.

I do not believe it would be in the organizations best interest to start writing letters to the minister expressing concerns or frustrations at this juncture.

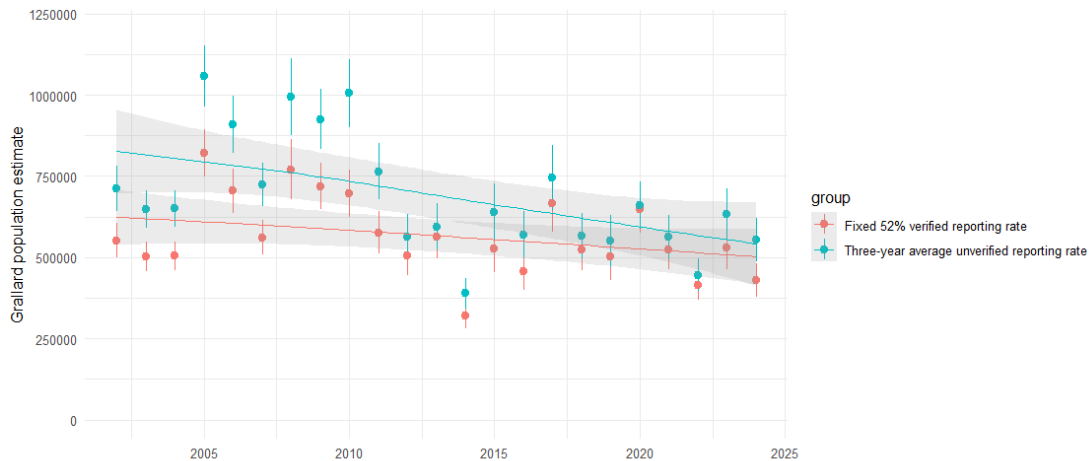
**OUTPUT 1: SPECIES MANAGEMENT**

**Project 1111 Drift diving**

A combined report is in progress and should be completed in time for the November meeting.

**Project 1112 Banding**

**Banding: Return Rate Survey:** Beau sent SMS messages to as many adult and junior gamebird licence holders as possible, asking if they shot a banded bird and, if so, if they reported it. The pilot successfully generated more reliable (less bias and smaller confidence intervals) reporting rate estimates. A verified reporting rate of 52% (95% confidence interval from 46.7% to 57.2%) was calculated by matching names to the database and sending follow-up messages. Estimates of reporting rates are used to correct for non-reporting and will give us better estimates of the total grallard population size (see figure below). The final report will be available to councillors at a later meeting.





**Figure above:** Estimates of grallard population size under two reporting rate scenarios. In red, the reporting rate for all years is set to 52% based on the verified reporting rate from the 2024 SMS survey. In blue, the reporting rate for 2010 onwards is based gamebird harvest phone survey data averaged over the preceding three years. (e.g., reporting rate for 2024 is the average of data from 2022, 2023 and 2024). Prior to 2010, there were no annual reporting rate estimates. For these years, the reporting rate is set to equal 67%, which is the average from 2010 to 2012.

**Project 1114 Annual Shoveler Survey**

David, Dani, Beau, and volunteers from around the region conducted the annual shoveler survey. Staff spent a day at visiting Lake Waikare and took the boat out in the Whangamarino, practising identifying and sexing spoonies and teal, before splitting up to cover the remaining sites the following Monday. Shovelers were seen throughout the region and the national report is being prepared which should be available in time for the November meeting.



## **Project 1115 Population Surveys**

### **Lake Arapuni Spawning Survey**

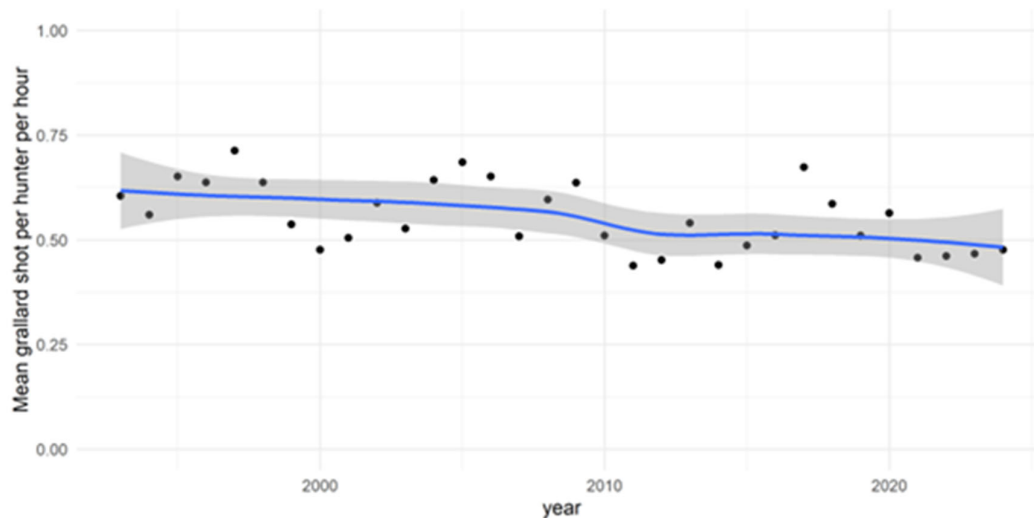
Lake Arapuni spawning was surveyed during the 2024 spawning season to determine if natural spawning could replace hatchery stocking to potentially improve spawning success and reduce costs. The first draft of the Arapuni Reservoir Spawning Report has been completed and the report should be finalized in September of 2024 if subsequent surveys determine rainbow trout spawning is over for the season.

The June survey was the peak spawning (22 spawning fish) with low numbers of fish seen during August surveys. A fourth spawning survey was completed 13 September 2024, and 21 rainbow trout were observed in Tributary C. The second peak in spawning is quite late in the season and may justify a late September survey to make sure staff have captured the spawning season. Trout fry were observed in Tributary C indicating successful spawning in mid-August when spawning counts were at their lowest. It is encouraging that despite signs of a significant flooding in Tributary C successful spawning has occurred over at least a four-month period.

## **Project 1122: Gamebird Harvest Surveys**

### **Harvest Survey:**

The harvest survey is finished for this year. In total, we contacted 892 licence holders. Some summary figures are shown below:



**Figure above:** Mean grallard shot per hunter per hour. Mean grallard per hour is calculated by dividing the sum of grallard shot by the sum of hours hunting waterfowl each year. The blue line illustrates the trend via a moving average (loess regression).

## **Project 1161: Trout Releases**

### **Quarry Lake fish release**

The final Quarry Lake fish release will occur during the October school holidays.

## **OUTPUT 2: HABITAT PROTECTION/MANAGEMENT**

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### **Project 1211 RMA**

#### **Proposed Waitomo District Plan – hearing**

We made a submission on the Proposed Waitomo District Plan in December 2022. Overall, we were pleased with the proposed plan however there were a few outstanding changes we sought in our submission that are being addressed through the hearings process. From the hearings so far we have had success in having the Upper Awakino and Waipa River catchments included in the Benefit Lot provisions (an entitlement to subdivide which is awarded by the Council for providing an environmental benefit to the District) where legal access is created specifically for enabling fishing, due to their national importance as trout fisheries. Another notable win from that hearing includes that recreational hunting in the natural open space and general rural zones is exempt from the noise provisions in the plan. This means that a resource consent will not be required if the noise from gunshot would otherwise breach thresholds for noise.

In the next hearing coming up for this plan, which concerns Ecosystems and Biodiversity, we are seeking that new provisions be included in the plan which target freshwater management on council owned land. We would like to see methods and rules to ensure minimum setbacks for grazing near waterbodies, minimising or avoiding draining, fertilizer and pesticide use, and retiring and restoring land not currently under lease, or for which the lease expires. The hearing for this part of the plan will run in November so we are looking to prepare evidence for then.

#### **Waikato Regional Coastal Plan – hearing**

Late last year we submitted on the Waikato Regional Coastal Plan seeking changes to better enable wetland restoration and enhancement in the coastal marine area. If successful, a resource consent will not be required for activities such as clearing exotic plants for weed management or small-scale earthworks specifically for the purpose of restoring or enhancing indigenous biodiversity and ecosystems. Other changes we sought are to ensure maimai are not unnecessarily removed because of being deemed as derelict or redundant structures and ensuring that providing access to areas of hunting and fishing value is recognised in the plan. The hearing for this plan will take place in early 2025 so we are currently looking at preparing expert evidence to present at that hearing.

#### **Oji Fibre Solutions Kinleith Mill consultation meeting**

Adam attended the annual Oji Fibre Solutions annual Oji Fibre Solutions Kinleith Mill consultation meeting. Oji Fibre Solutions had applied for a consent to conduct a plant upgrade including an estimated \$200,000,000 improvements to the wastewater system. The Kinleith Mill is the biggest polluter of the Waikato River and has a significant effect on water clarity. The promised water quality improvements were the equivalent of retiring over 2,500 ha of intensive dairy land. The upgrades are underway and were scheduled for completion in 2026.

Updated costings for the project have ballooned to half a billion dollars, pulp prices have plummeted, and power costs have risen making the planned upgrades unaffordable. Oji Fibre Solutions will now have to reapply for a discharge consent as they have no hope of meeting the ambitious reductions set for their planned upgrades. The mill will apply for a temporary consent to give time for updated improvements to be considered. Similar to other mills, power prices and pulp prices have made the mill unprofitable. If the plant continues to operate it is likely there will be a prolonged and time-consuming RMA process starting in 2025.

### **Lake Moana-nui draw down consent**

Staff conducted a spawning survey and habitat assessment below Lake Moana-nui to determine the impact of the sediment discharge downstream if the planned consent renewal goes ahead. Although trout were spotted in the stream it is largely unfishable and far less valuable than Lake Moana-nui in terms of trout fishing. There was extremely limited spawning habitat and no spawning fish were recorded.

### **Mine discharge Ohinemuri**

A significant and spectacular discharge of iron rich material was discharged from an abandoned mine shaft on the lower Ohinemuri River. Waikato regional council placed an emergency closure on the river because similar discharges have contained acid mine drainage that can hold toxic heavy metals. Pyrite in the mine creates sulfuric acid that dissolves iron making the brilliant colour in the water but can also dissolve heavy metals that are toxic like copper, lead, and mercury so the council issued a precautionary health warning. Subsequent water tests indicated the discharge quickly dissipated with no ongoing health risk. The trout population seems to be unimpacted and fishing reports have very good with no dead fish reported.



### **Project 1221: Council Land**

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#### **Council Wetlands – Update to Pond holders**

A letter was sent out to all pond holders requesting information for any planned and completed works conducted under the Council's comprehensive wetland maintenance consent in preparation for completion of the reports due to council later this year. The letter also reminded of permitted wetland maintenance works under our consent and introduced some Health and Safety procedures for working in our wetlands (described in H&S section).

## Te Aroha wetland Project

Using 1 Billion Trees Funding, 2650 native grasses, shrubs and trees were planted around the southern extent of the wetland to provide improved habitat values. This was supplemented by weed control prior to planting and continuing following. Plantings were carried out by the Te Aroha F&G council, along with volunteers from the public, and Dani and Beau. A teacher from Te Aroha College and her class also took part, under their own time using an area and plants set aside for them.



## Other: Lake Waikare

Dani and I assessed potential project sites around the margins of Lake Waikare. Unfortunately, Waikato Tainui representatives had to postpone at the last minute due to the passing of the Maori King. We will continue to engage with mana whenua to restore and enhance wetland habitat around the lake edge.

## Project 1231: Assessment and monitoring

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### Spawning stream temperature monitoring

North Island streams are on the warmer extreme for trout spawning success with stream temperatures often exceeding the limits of trout. The maximum recommended temperature for trout is incubation survival is 11°C with almost complete mortality at sustained temperatures of 12°C. Loggers were placed in the stream bed of Te Rimu, Tributary C and Makomako Stream. The



data will be used to see if the streams require further habitat work upstream to better shade the waterways during winter to promote successful spawning. The loggers were checked 1 September 2024. Flooding had scoured the stream bed leaving one previously submerged logger exposed. It also shifted another stream bed leaving a spawning area dry and buried a second logger 200mm in large gravel.



### **OUTPUT 3: PARTICIPATION**

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#### **Project 1311: Access negotiation**

##### **Stone Jug Road easement**

Adam met with members of the Ngāti Hāua Iwi Trust and Ngāti Manunui at the stone jug road property to walk through the proposed access sites. Adam was rewarded with stories of the rich history of the property including a pā site and battlegrounds on neighbouring properties. It was agreed that a sign acknowledging the significance of the site should be placed at the gate. Ngāti Hāua Iwi Trust also requested first right of refusal on the property if it is sold in the future.

The wording for the stone jug road easement was reviewed by iwi and Herenga ā Nuku Aotearoa (Walking Access NZ). Feedback from iwi included provisions for closure of the easements for cultural purposes including rāhui and provisions pertaining to Te Awa Tupua (Whanganui River Claims Settlement) Act. Staff are still working through the suggested changes and hope to move forward with the survey in September.

#### **Project 1331: F&G Newspapers**

##### **Reel Life**

A special Real Life was published to promote the new fishing licence going on sale and subsequent social media posts were put out to inform anglers to purchase early.

### **OUTPUT 4: PUBLIC INTERFACE**

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#### **Project 1442 Public Awareness/Advocacy**

Dani and Beau take turns attending the bi-monthly Public Awareness meetings. The main topics of discussion at these meetings over the past two months include:

- Communications and advertising around voting.
- Promoting fishing licence sales over the coming month. Including making a template so we can send out email to old licence holders who haven't got licences yet this year.
- 'How to' hunting videos being produced and due to come out shortly. NZ hunter helping with this and getting these videos out there.
- Social media posts (co-ordinating between regions, and individual region specific ones).

##### **Auckland Airport**

Dani attended aviation wildlife management conference in Auckland, and since have started working with Airport group to try and promote deterrents for gamebirds rather than relying on annual swan culls.

## **OUTPUT 5: LAW ENFORCEMENT**

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### **Project 1511 Ranging/Training**

#### **Ranger update**

All existing volunteer and staff rangers finished renewing their warrants in August of 2024 as part of a national program to standardize the application and approval process. Six rangers, including two new staff completed their CERT ranger training at the Hamilton office 1 Sep 2024. Ranger warrant applications' for both new staff members have now been submitted.

#### **Online ranging**

Roslyn has continued here online investigations, and Adam is investigating an unlicensed angler in Auckland that posted 15 photos and videos since he last purchased his licence in 2021. The accused admitted to not having a licence and a formal interview will be conducted ASAP.

#### **Lake Waihi operation**

An informant reported perch being netted at Lake Waihi in early August, but no staff were available to respond. A second call from the informant to Adam prompted an immediate call out at Lake Waihi. Beau and Adam met at the lake and observed four individuals netting in the lake after observing for about an hour the boat and nets were checked. No perch were found in the nets despite being prevalent in the lake. Of the 40 koi carp, goldfish and catfish in the net one sports fish (rudd) was found. The four men were adamant it was a goldfish, but a citation was issued, and an educational approach was taken. The individual will be issued with fish ID information and an educational warning. The rudd recovered in the net (left) is shown next to a goldfish.



#### **Poaching self-reporting**

Adam requested the raw data from the last National Angler Use Survey for another report and noticed that the Whakapapa had lots of use during the closed season. The monthly data in the raw dataset can be used to look for fishing out of the season in areas where the survey area covers the closed area boundaries. The Whakapapa River had similar use to the annual use of some dune lakes in the closed season. Staff will make and install signs next season and increase patrols in the area.

### **MPI & DOC requested joint operations**

Adam had meetings with both DOC and MPI enforcement, both agencies requested joint enforcement operations. DOC have also requested police support for whitebait operations that have not yet been granted. DOC staff would like to send out a team with Fish & Game for the game bird opener 2025. MPI were seeking Fish & Game expertise on operating on the Waikato River. Adam and Beau took MPI fisheries officer Kura Falleni on an enforcement/spawning count at Lake Arapuni. One angler was cited for not having a licence and that investigation is ongoing.

## **OUTPUT 8: PLANNING REPORTING**

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### **Project 1831 Annual Report**

The team are contributing to a new outcomes-based reporting framework for the SSP. The idea is to provide councillors and licence holders with a simple and digestible format akin to a newsletter or magazine that focuses on key outcomes we have achieved for them last FY.

### **Project 1841 National Liaison**

#### **New CCD guidance**

New Check Clean Dry (CCD) criteria are being formulated due to recommendations from the Gold Clam Technical Advisory Group (TAG) Adam Daniel participated in. Adult clams can shut for up to four days making them very difficult to kill. The TAG group urged MPI to focus on wake boats, fund research looking at the vulnerability of juvenile clams (fully formed and less than a 1 mm) and to confirm what surfaces they will stick to (waders, boats and water sports gear).

Although it does not appear MPI have progressed work on wake boats (primary risk of further spread) due to recent staff changes and layoffs they have funded survival test of juvenile clams using various treatments. DOC have requested surface cleaning tests and further wake boat work. The surface cleaning tests will be completed by the end of the year and the new CCD recommendations based on NIWA trials with juvenile clams from the Waikato River are complete. The new recommendations will likely suggest drying for two days instead of four and freezing until solid. Unfortunately, most of the suggested treatments will be difficult for travellers who would like to fish a different stream within 24 h or those camping. Quick treatments include immersion in 60°C water and 10% bleach currently either void the warranty of waders or have the potential to harm the fabric or seams.

Adam has been working with Manic Tackle Project and I Love Fly Fishing to test the impact of the proposed cleaning procedures to inform the Fish & Game communications team prior to the 2024/25 season opener. Manic Tackle Project have donated three pairs of used waders that will be cut up and used to test both hot water and bleach treatments. Once a wader safe quick treatment is confirmed work will begin on a practical method of soaking waders without getting the inside wet.



## **OUTPUT 9: ADMINISTRATION**

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### **Project 1912: Administration**

#### **Maritime**

##### **Refresher Training**

Adam conducted a 4-yearly Power Boat Level 2 refresher training for Graham Gallagher of the Northland Region. Adam and David have been mentoring the new staff on boat use to complete their required 24 h of on the water experience and local area familiarisation.

### **Project 1924: Staff Training**

#### **Cert course**

Dani and Beau joined some of the honorary rangers for a CERT refreshers course. They should both get their ranging licences in time for the new fishing season.

### **Project 1973: Donations**

#### **Fishing Access Fund**

Adam has been discussing the legality of a donation from the WWW Foundation for some time now. The donation was intended for the Auckland/Waikato Fish & Game Access fund but the purchase of assets in the process of creating easements required some expertise to determine if it fit within US tax donation rules. However, it was eventually determined the donation could go ahead. Adam has submitted the 10 separate documents necessary for a U.S. based international donation. To be eligible for tax deductions in the U. S. donations are vetted by a third party to ensure that they comply with US tax law requiring significant documentation on the structure and function of Fish & Game.

**D. Klee**

**Chief Executive**