



New Zealand Fish and Game Council

BOARD PACK

for

NZC Meeting (Day 1: Tue 18 June 2024) online only

Tuesday, 18 June 2024

5:00 pm (NZST)

Held at:

Teams Meeting

Microsoft Teams

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AGENDA

NZC MEETING (DAY 1: TUE 18 JUNE 2024) ONLINE ONLY



Name:	New Zealand Fish and Game Council
Date:	Tuesday, 18 June 2024
Time:	5:00 pm to 8:45 pm (NZST)
Location:	Teams Meeting, Microsoft Teams
Board Members:	Barrie Barnes (Chair), Darryl Reardon, Dave Coll, Dave Harris, Dean Phibbs, Debbie Oakley, Gerard Karalus, Greg Duley, Linn Koevoet, Mike Barker, Steve Haslett, Tom Kroos, GRAEME NAHKIES (Chair)
Attendees:	Carmel Veitch, Charlie Hopkins, Corina Jordan, Helen Brosnan, Maggie Tait, Richard Cosgrove, Samantha May, Adrienne Murray

1. Opening Meeting

1.1 Open NZC Meeting 169 5:00 pm (5 min)

Barrie Barnes

1.2 Apologies 5:05 pm (5 min)

Barrie Barnes

1.3 Interests Register 5:10 pm (5 min)

Barrie Barnes

Supporting Documents:

1.3.a Interests Register	10
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1.4 Confirm Minutes 5:15 pm (5 min)

Barrie Barnes

Supporting Documents:

1.4.a Minutes : NZC Meeting 168 - 19 Apr 2024	12
1.4.b Minutes : Public Excluded Meeting 168 - 20 Apr 2024	27

1.5 Correspondence Register

Supporting Documents:

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2. Major Decisions and Discussions

2.1 2024-25 Licence fee, forecasts, recommendations

5:20 pm (10 min)

Carmel Veitch

Supporting Documents:

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2.1.b	01 Northland Consultation.pdf	41
2.1.c	02. AucklandWaikato Feedback to NZ Council licence fees.pdf	42
2.1.d	03 Eastern Letter to NZC Licence Fee 2024-25.pdf	44
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2.1.n	12 Southland 2024 Licence fee recommendations.pdf	62
2.1.o	Appendix 1 Licence Fee Consultation sent to Regions April 2024.pdf	63

2.2 Allocation of Salaries Contestable funding 2024/25

5:30 pm (15 min)

Adrienne Murray, Carmel Veitch

Supporting Documents:

2.2.a	Allocation of Salaries Contestable Funding 2024 25.docx	77
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2.3 Confirmation of regions budgets and levies

5:45 pm (15 min)

Carmel Veitch

Supporting Documents:

2.3.a	Allocation of Salaries Contestable Funding 2024 25.docx	78
2.3.b	Confirmation of Regions Budgets and Levies 2024 25 updated for meeting.pdf	79

2.4 Anglers Notice recommendations

6:00 pm (15 min)

Richard Cosgrove

Supporting Documents:

2.4.a	Sports Fish Licence fees and Forms Notice submission and Anglers Notice submissions.docx	84
2.4.b	169 -Sports Fish Licence Fees and Forms Notice proposals.pdf	85
2.4.c	Binder1.pdf	103

2.5 Infringement system

6:15 pm (10 min)

Richard Cosgrove

Supporting Documents:

2.5.a	2.5-Infringement Notice System.docx	195
2.5.b	Appendix 1-I.N -CLE policy. May 2024 review.docx	202
2.5.c	Appendix 2-Solicitor-Generals-Guidelines-for-Diversion-Schemes.pdf	231
2.5.d	Appendix 3-Solicitor-Generals-Guidelines-for-Payments-connected-to-Plea-Arrangements-or-Diversion.pdf	237
2.5.e	Appendix 4-Prosecutions Policy- Update May 2024.docx	241
2.5.f	Appendix 5-Final MOU with MOJ v2.docx	266
2.5.g	Point of Information- Infringement Notice system.docx	275

2.6 RM Fund update and new applications

6:25 pm (10 min)

Helen Brosnan

Supporting Documents:

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2.6.b	Appendix 1 RMA Fund update as at 30 April 2024.pdf	285
2.6.c	Appendix 2 Available Funds as at 30 April 2024.pdf	286
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3. Actions from Previous Meetings

3.1 Action List

6:35 pm (30 min)

Barrie Barnes

Supporting Documents:

3.1.a	Action List	305
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4. Management Reports (to note)

4.1 CEO Report (Verbal)

7:05 pm (15 min)

Corina Jordan

4.2 Finance Report

7:20 pm (20 min)

Carmel Veitch

1. NZC Finance Report
2. National finance report

Supporting Documents:

4.2.a	NZC Finance Report April 2024.docx	307
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4.2.j	National Finance Report April 2024.docx	327

4.3 National Finance Report

Carmel Veitch

Supporting Documents:

4.3.a	National Finance Report April 2024.docx	329
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4.4 Health & Safety Review

7:40 pm (10 min)

Adrienne Murray

1. Policy feedback
 - A. Time off in Lieu
 - B. Performance management

Supporting Documents:

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4.4.b	Feedback on H & S policies cover paper.docx	336
4.4.c	Draft National H&S Policy.docx	338
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4.4.i	EFG Policy Feedback May2024.pdf	350
4.4.j	Feedback on H & S policies from Akl Waikato.pdf	351

4.5 RMA legislation update

7:50 pm (10 min)

Helen Brosnan

1. Fast Track Bill, RMA legislation update.
2. WaiGood policy Update

Supporting Documents:

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4.5.b	Attachment 1 - Fast Track Presentation Fish Game.pdf	358
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4.6 Communications report

8:00 pm (10 min)

Maggie Tait

1. Communications report
2. NZC Correspondence

Supporting Documents:

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5. Public Excluded (PE)

5.1 5.1

8:10 pm (15 min)

Helen Brosnan

6. Close Meeting

6.1 Close the meeting

Next meeting: NZC 170 (draft) - 23 Aug 2024, 9:00 am

Meeting 170 is tentatively scheduled for 23-24 August 2024. TBC.

Interests Register

New Zealand Fish and Game Council

As of: 13 Jun 2024



Person	Organisation	Active Interests	Notice Date
Barrie Barnes	Alpha Pistol Club	Foundation Member	23 Aug 2022
	I love Fly Fishing	Owner	23 Aug 2022
	North Shore Flyfishers Inc	Treasurer	23 Aug 2022
Darryl Reardon	nil	nil	19 Apr 2024
Dean Phibbs	Buller Electric Power Trust	Trustee	7 Dec 2021
	Buller Holdings Ltd	General Manager Finance	7 Dec 2021
Debbie Oakley	Several Horticultural Companies/entities (horticulture)	Director/Shareholder	4 Dec 2021
Gerard Karalus	Misty Creek Trust (Small Beef Farmer)	Owner/Occupier	4 Dec 2021
	Tongariro & Lake Taupo Anglers Club	Member	4 Dec 2021
Greg Duley	New Zealand Conservation Authority	Member	23 Aug 2022
	NZ Hunter - Magazine and TV Show	Owner	4 Dec 2021
Linn Koevoet	Civil Defense	Sector Coordinator	4 Dec 2021
	Waitaki River Volunteer Salmon Hatchery	Administration & Committee member	4 Dec 2021
Mike Barker	Mata Au Sports Fish Trust	Trustee	28 Nov 2023

Steve Haslett	ECAN/Brother-in-law Chair of risk, Finance & Audit committee	Extended Family	10 Feb 2023
Tom Kroos	Wildlife Services Ltd	Company Director	23 Aug 2022

MINUTES (in Review)

NZC MEETING 168



Name:	New Zealand Fish and Game Council
Date:	Friday, 19 April 2024
Time:	9:00 am to 5:00 pm (NZST)
Location:	NZC Offices , 78 Victoria Street Wellington
Board Members:	Barrie Barnes, Steve Haslett, Darryl Reardon, Dave Coll, Dave Harris, Dean Phibbs, Debbie Oakley , Gerard Karalus, Linn Koevoet, Mike Barker, Tom Kroos
Attendees:	Carmel Veitch, Corina Jordan, Charlie Hopkins, Richard Cosgrove
Apologies:	Greg Duley
Guests/Notes:	Graham Nahkies

1. Opening meeting

1.1 Health and Safety Briefing

Given verbally by NZC CEO at 0900.

1.2 Regional Chairs presentation of CF

Friday

Discussion of regional CF

9:15 am

- Cllr Debbie Oakley speaks to the Eastern CF.
- Cllr Linn Koevoet speaks to the CSI CF.

9:25 am

- Cllr Steve Haslett speaks to the Wellington CF.
- Cllr Dean Phibbs speaks to West Coast CF.

9:48 am

- Cllr Dave Coll speaks to the North Canterbury CF.

10:07 am

- Otago CF.

10:30 am

- Hawkes Bay CF.

10:35 am

- Cllr Darryl Reardon speaks to the Northland CF.

10:39 am

- Cllr Gerrard Karalus speaks to the Taranaki CF.

10:45 am end.

1.3 Welcome by Chair

Regional Managers Formal Meeting (18/4/24) 18 Apr 2024, the minutes were confirmed as presented.

NZC Meeting. 19/4/24

Fri 9 am start

NZC CEO presents site specific H&S for this meeting.

NZC and Regional chairs speak to their CF applications.

Fri 11:05 am break.

Friday 19th, 11:15 am

Chair opens the agenda.

Graham Nahkies is welcomed, speaks to his involvement in governance advice.

Charlie Hopkins is welcomed.

11:24 am

Round table.

Friday Close 4:55 pm.

Saturday Open 9:12 am.

Saturday tea break 10:03 am.

Saturday resume 10:29 am.

Sat. Lunch break Sat 12:03 pm

Saturday resume 12:28 pm.

PE ends 1:48 pm.

Saturday Close 2:37 pm.

Round table.

- Cllr Dave Harris spoke to population surveys. And a Recent high court case about section 70 of the RMA 1991.
- Cllr Gerrard Karalus spoke to staffing resources, game bird hunting regulations, and Taranaki Regional Council relationship.
- Cllr Dave Coll spoke to game bird hunting regulations, Salmon season observations, and Te Waihora rubbish clean up even with Environment Canterbury.
- Cllr Tom Kroos spoke to R3.
- Cllr Linn Koevoet spoke to dry weather conditions and staff undertaking fish salvage, with iwi. Working with first nations from California with regard to Salmon repatriation.
- Cllr Dean Phibbs spoke to observations on the fishing season.
- Cllr Steve Haslett spoke to local observations of fish migration. Requests clarification on staff time off in lieu (TOIL).
- Cllr Debbie Oakley spoke to kids fish-out days. Gave an update on restrictions of public access to Lake Okataina, and biosecurity measures.
- Cllr Mike Barker spoke to landownership, and flooding issues in relation to land held by F&G Otago.

- Cllr Darryl Reardon spoke to the upcoming game season.
- Chair Barrie Barnes spoke to local fishing conditions.

1.4 Apologies

12 pm. Apologies: Cllr Greg Duley.

Friday 3:17 pm. Cllr Duley joined.

Cllr Duley present on Saturday 20th, not an apology.



Accept apologies.

In-favour: All. Oppose: Nil. CARRIED.

Decision Date: 19 Apr 2024
Mover: Tom Kroos
Seconded: Debbie Oakley
Outcome: Approved

1.5 Conflicts register

12 pm. Cllr Darryl Reardon added to the register by CMH at request of Chair Barrie Barnes. No conflict to declare. Added as blank.



Accept register

In-favour: All. Oppose: Nil. CARRIED.

Decision Date: 19 Apr 2024
Mover: Gerard Karalus
Seconded: Linn Koevoet
Outcome: Approved

1.6 Minutes of meeting 167

Start 1:34 pm.

Amendments:

- Cllr Debbie Oakley clarified that she was an apology for Sunday.
- Cllr Mike Barker requested update on Matter 8 being the NZIER survey. NZC CEO gave verbal update re: timeframes and information requirements.

End 1:37 pm.



Move that the minutes be confirmed

In-favour: All. Oppose: Nil. CARRIED.

Decision Date: 19 Apr 2024
Mover: Tom Kroos
Seconded: Darryl Reardon
Outcome: Approved

1.7 Health and Safety Report



Receive the report

In-favour: All. Oppose: Nil. CARRIED.

Decision Date: 19 Apr 2024

Mover: Dave Coll
Seconder: Mike Barker
Outcome: Approved

1.8 Audit and Risk Report

The NZC CEO presented a verbal update on HPAI, and tabled a copy of the risk register.

1.9 Sub-Committee Reports

12:10 pm Cllr Debbie Oakley spoke to Taupo matters. Budget cuts at DOC, not affecting fisheries. Tangata Whenua relationship.

12:16 pm. Cllr Tom Kroos spoke to funding. Cllr Steve Haslett requested update re: on NZIER economic benefit of fishing. NZC CEO provided verbal clarification.

12:20 end



Accept the reports (verbal)

In-favour: All. Oppose: Nil. CARRIED.

Decision Date: 19 Apr 2024
Mover: Gerard Karalus
Seconder: Linn Koevoet
Outcome: Approved

1.10 List of Acronyms

2. Decision Required

2.1 2024-25 Licence Reforecast

Begin Fri 12:22 pm.

NZC CFO spoke to the paper. Clarified questions from NZC.

Robust discussion about:

- consultation with councils comes from legislation.
- method of calculation i.e., accuracy of forecast v actuals.
- levy from councils to NZC.

End Fri 12:42 pm.



Licence Forecast LEQ 2024/25

1. Receive the information.
2. Agree to notify regions that the forecast LEQ for the 2024/25 Season is 72,826 for Fish and 31,340 for Game.

In-favour: All. Oppose: Nil. CARRIED.

Decision Date: 19 Apr 2024
Mover: Debbie Oakley
Seconder: Tom Kroos
Outcome: Approved

2.2 Contestable Funding Applications



RMA services provision arrangements

Set up workshop for provision of RMA services to regions and centrally

Due Date: 19 Jul 2024

Owner: Corina Jordan



Digital regulation guide booklet

Investigate the cost and availability of supplying regulations booklet digitally and not printed, with support from Hamish.

Due Date: 20 Jul 2024

Owner: Richard Cosgrove



Digital magazine

Investigate digital magazine re: cost savings. Support from Hamish.

Due Date: 20 Jul 2024

Owner: Richard Cosgrove

1:39 pm resume.

Discussion of staff remuneration policy, inflation, bands, biannual ground truthing in the market.

NZC CEO spoke to paper 'contestable funding 2024 25 NZC Discussion Paper provided by NZC Staff' .

NZC CFO spoke to 'Draft budget 2024-25 post chairs meeting', on the screen.

Robust discussions of CF (NOT OFFICIAL DECISIONS).

- As at Friday 3:19 pm, discussion continues.
- Friday ends 4:56 pm

Resumes Saturday 20 April at 9:12 am.

Robust discussions of CF continues.

Concludes 10:02 am Saturday.



Resolution: CF Applications FY2024-25.

Councilors decided CF applications for FY2024-25. See spreadsheet 'draft budget 2024 25 post chairs meeting'.

Two applications approved to be sought from reserves across the organisation:

1. \$200,000 resource management contestable fund application
2. 235,000 magazine (in addition to \$238,000 from budget).

Cllr Dave Harris voted against, for the reason(s) that:

1. doesn't like the historical system used for budget creation.
2. "reasonably happy with the numbers we have come up with".

CARRIED.

Decision Date: 19 Apr 2024

Mover: Debbie Oakley

Seconder: Greg Duley

Outcome: Approved

**Review CF for salaries**

Review the CF final budget for salary information and discuss with managers.

Due Date: 19 Jul 2024

Owner: Jane Hutchings

**Mai Mia fee on Lake Ellesmere (Te Waihora)**

Identify if possible to charge a fee to the use mai mai for Te Waihora Lake Elsemere.

Due Date: 19 Jul 2024

Owner: Rasmus Gabrielsson

**update standing orders**

Update standing orders meetings online. Deadline: NZC meeting August.

Due Date: 19 Jul 2024

Owner: Richard Cosgrove

**ARF register**

Kate and Carmel to work with all regions to set up/fix ARF Register and determine if the amount in ARF is sufficient.

Due Date: 28 Feb 2025

Owner: Carmel Veitch

2.3 Break

Break at Fri 12:42 pm

Resume: Fri 1:33 pm

2.4 Budget and Licence fee Recommendation

start Saturday 10:34 am

NZC CFO spoke to paper 'budget and licence fee recommendation'.

1. That the 2024/25 adult whole season sports fish licence fee is set at \$153 and that the adult whole season game licence is set at \$113 (inclusive of a \$5 fee for the Game Bird Habitat Stamp), with all proportional changes to remaining licence fees and categories. (no change from 2023/24). The sea run salmon licence endorsement of \$5 (as a cost-recovery mechanism). (no change from 2023/24). That Designated Waters Licence, as a \$5 annual licence per Fish and Game region for resident anglers and as a day licence to non-resident anglers at a fee of \$40. (no change from 2023/24)

2. Budget – Total Budgets \$13,255,720 Approved. Total Approved CF's \$1,580,496 (\$624,161 ongoing form Licence fee, \$596,959 One off from Licence fee) \$359,376 from Reserves) . That the National budget was reduced by \$50,000 for Regulation Guides and these funds were then used for the digital licence scoping. That \$432,903 for the RAM \$200k and Magazine approx. \$235) will come from Reserves – this equate to 3.36 % of budgets.

end Saturday 10:41 am

**Move to accept the paper, and recommendations within.**

In-favour: All. Oppose: Nil. CARRIED.

Decision Date: 19 Apr 2024

Mover: Debbie Oakley
Seconder: Dean Phibbs
Outcome: Approved

2.5 HR Policy Feedback



Approve policies.

Approve:

1. drug and alcohol.
2. prevention of bullying and harassment.
3. governance CoC

maritime is excluded from this resolution.

In-favour: All. Oppose: Nil. CARRIED.

Decision Date: 19 Apr 2024
Mover: Dean Phibbs
Seconder: Darryl Reardon
Outcome: Approved



Receive: Maritime NZ report

In-favour: All. Oppose: Nil. CARRIED.

Decision Date: 19 Apr 2024
Mover: Gerard Karalus
Seconder: Steve Haslett
Outcome: Approved

end Sat 10:47 am

2.6 Ranger Compliance Policy

start Sat 10:48 am

NZC CEO spoke to paper.

CLlr Dave Harris questions about regional consultation.

NZC CEO notes consultation has occurred as draft. Need to send final versions to regional councils.

end Sat 10:54 am



Approve final paper for consultation

In-favour: All. Oppose: Nil. CARRIED.

Decision Date: 19 Apr 2024
Mover: Steve Haslett
Seconder: Tom Kroos
Outcome: Approved

2.7 Review Fish and Game production Schedule and processes

start Sat 10:54 am

NZC CEO spoke to the paper.

end Sat 10:57 am

**Send to regional managers**

In-favour: All. Oppose: Nil. CARRIED.

Decision Date: 19 Apr 2024
Mover: Darryl Reardon
Second: Dave Harris
Outcome: Approved

2.8 RMA Applications and Stocktake

start Sat 10:57 am

NZC CEO spoke to the paper.

end Sat 11:21 am

**Decisions on RMA Fund.**

Ngā taunaki - Staff Recommendations

NZC Staff recommend the following:

1. Receives the information in the RMA Legal Fund Update report.
2. Approve additional funding for NPS-FM work on inputs control. We now seek to allocate the remaining funds from the NPS-FM fund (approved Aug 20) of \$10,215 towards this work ie this would come from an existing fund.
3. Approve new funding application of \$30,000 for legal support for Fast Track legislation. Item 3.3 in public excluded provides an update on the Fast Track legislation.
4. Approve new funding application of \$3000 to complete writing our draft mana whenua engagement policy for Sports Fish and Game Management Plans.
5. Approve new funding application of \$65,000 towards Tranch 2 case in Hawkes Bay for external experts.
6. Approve new funding application of \$50,000 towards RMA reform and NPS-FM amendment work that will commence in May 2024.

Amended as follows below the recommendations in NZC paper 'RMA Legal Fund Update', copied above from Item 2.8:

Recommendation 1: Approve (Moved: Cllr Phibbs , Second: Cllr Koevoet).
Support: All. Oppose: Nil.

Recommendation 2: Approve (Moved: Cllr Phibbs, Second: Cllr Koevoet).
Support: All. Oppose: Nil.

Recommendation 3: Withdrawn

Recommendation 4: Amend to read ...engagement policy for Sports Fish and Game Management Plans "through ministerial review budget". (Moved: Cllr Coll , Second: Cllr Haslett). Support: All. Oppose: Nil.

Recommendation 5: Amend "\$65,000" to read "\$30,000". (Moved: Cllr Coll, Carried: Cllr Barker). Support: All. Oppose: Nil.

Recommendation 6: Approve (Cllr Kroos, Cllr Reardon). Support: All. Oppose: Nil.

Hawkes Bay \$65,000 reserves for Tranche 2: (Moved, Cllr Phibbs . Support: Cllr Harris). Support: All. Oppose: Nil.

CARRIED.

Decision Date: 19 Apr 2024
Outcome: Approved

2.9 West Coast Fish and Game Council sports fish game management plan

Open Saturday 12:28 pm

NZC CEO spoke to the report.

Cllr Dean Phibbs spoke to West Coast specific resourcing issues with large extent of spawning areas to be mapped.

End Saturday 12:38 pm.



NZC staff to engage with staff from ministers office

NZC delegate to the NZC CEO responsibility to directly engage with ministers office.

Decision Date: 19 Apr 2024
Mover: Dave Harris
Seconder: Gerard Karalus
Outcome: Approved



Seek Ministerial approval of SFGMP

1. receive the report
2. NZC Recommend NZC CEO to make a formal recommendation to the Minister for approval of F&G West Coast Council SFGMP

Decision Date: 19 Apr 2024
Mover: Dave Harris
Seconder: Mike Barker
Outcome: Approved

Items 2.9.a and 2.9.a were replaced by CMH on 23/04/2024, the version in the board pack is superseded by an amended version that was tabled by NZC CEO at the Board Meeting 19-20 March 2024. The superseded version is left in Board-Pro version history for completeness. The final board pack on the website contains the amended version that was tabled at the board meeting.

2.10 Research & Monitoring Programme Update

start Sat 11:22 am

NZC CEO spoke to the paper.

end Sat 11:26 am



Receive report

In-favour: All. Oppose: Nil. CARRIED.

Decision Date: 19 Apr 2024
Mover: Debbie Oakley
Seconder: Linn Koevoet
Outcome: Approved



Progress report

Action 1: NZC CEO to review the status of research projects to provide a progress report. This only applies to projects older than 3 years.

Due Date: 20 Jul 2024
Owner: Heather Garrick



Project deliverables

Action 2: NZC CEO: review existing projects and provide an update on intended deliverables. This only applies to projects older than 3 years.

Due Date: 20 Jul 2024
Owner: Heather Garrick

2.11 License database analysis update

Start 11:26 AM

NZC CEO spoke to paper.

End 11:29 am.



Receive paper

In-favour: All. Oppose: Nil. CARRIED.

Decision Date: 19 Apr 2024
Mover: Gerard Karalus
Seconder: Tom Kroos
Outcome: Approved

2.12 Staff Development Grant

Open 11:31 am

NZC CEO spoke to the paper

NZC CFO provided update on managers meeting.

Close 11:35 am.



Decisions on the Staff CPD Grant

Recommendation 2.1 (conference) approved \$2500 for Hamish Stevens to attend conference (Moved: Cllr Harris , Supported: Cllr Kroos)

Recommendation 2.2 (te reo) decline (Moved: Cllr Kroos, Supported: Cllr Barker)

Action: NZC CEO to investigate options for Te Reo development. (Moved: Cllr Haslett, Supported: Cllr Karalus).

In-favour: All. Oppose: Nil. CARRIED.

Decision Date: 19 Apr 2024
Outcome: Approved



Te Reo Maori

Investigate options for te reo development among staff and across org.

Due Date: 20 Jul 2024
Owner: Corina Jordan

2.13 Notification of Use of Reserves Hawkes Bay

open 11:36 am

NZC CEO spoke to the report

end 11:39 am.



Receive the information in the report.

- Recommendation 1: Receive the information in the report.
- New additional recommendation 2: Approve \$21,500 from reserves FY24-25 for the Education Centre.

In-favour: All. Oppose: Nil. CARRIED.

Decision Date: 19 Apr 2024
Mover: Gerard Karalus
Seconder: Debbie Oakley
Outcome: Approved

3. Lunch

3.1 Break

Friday 1 pm (45 min)

Saturday 12 pm (30 min)

4. Reports to Note

4.1 Sport Fish Game management programme guidelines

Open 11:40 am

NZC CEO spoke to the report.

Discussion of:

1. Functions of the Minister for Hunting and Fishing Hon McClay.
2. Functions of Department of Conservation staff.
3. Budget provision for this work.

End 11:52 am.



Recieve the report

In-favour: All. Oppose: Nil. CARRIED.

Decision Date: 19 Apr 2024
Mover: Dean Phibbs
Seconder: Dave Harris
Outcome: Approved

4.2 Communications update

Open 11:52 am.

NZC CEO spoke to the report.

NZC thanks Maggie Tait for work.

End 11:55 am.



Receive paper

In-favour: All. Oppose: Nil. CARRIED.

Decision Date: 19 Apr 2024
Mover: Darryl Reardon
Seconder: Mike Barker
Outcome: Approved

4.3 NZC Finance Report

Open Sat 11:55 am

NZC CFO spoke to the report.

Close Sat 12:03 pm.



received

In-favour: All. Oppose: Nil. CARRIED.

Decision Date: 19 Apr 2024
Mover: Debbie Oakley
Seconder: Dean Phibbs
Outcome: Approved

4.4 National Finance Report



Received

In-favour: All. Oppose: Nil. CARRIED.

Decision Date: 19 Apr 2024
Mover: Tom Kroos
Seconder: Dave Coll
Outcome: Approved

end Sat 12.03 pm

4.5 Break

Saturday lunch 12:03 pm.

resume 12:28 pm

4.6 CE Report (verbal update)

nil

4.7 Correspondence register

Open Saturday 12:38 pm

NZC CEO speaks to paper.

Close Saturday 12:41 pm.



Receive the paper

In-favour: All. Oppose: Nil. CARRIED.

Decision Date: 19 Apr 2024
Mover: Darryl Reardon
Seconder: Dave Coll
Outcome: Approved

4.8 Licence Sales Update

Open Saturday 12:41 pm

NZC CFO speaks to paper.

Close Saturday 12:48 pm.



Receive the paper

1. receive the paper
2. acknowledge Kate Thompson and working party for their work.

In-favour: All. Oppose: Nil. CARRIED.

Decision Date: 19 Apr 2024
Mover: Debbie Oakley
Seconder: Linn Koevoet
Outcome: Approved



Thank Kate Thompson for work

.

Due Date: 19 May 2024
Owner: Corina Jordan

4.9 General Business

Start 1:52 pm

Agenda:

1. Designated Waters, spoken to by Cllr Dave Harris. For information only. Ends 1:55 pm.
2. TOIL under Remuneration Policy, spoken to by Cllr Steve Haslett. Action point. Ends 2:08 pm.
3. Highly Pathogenic Avian Influenza (HPAI) update from the NZC CEO (through Chair Barnes). Discussion of human health. Action points. Ends 2:18 pm.
4. Official Information Request re: availability and use of lead shot in .410 ammunition. Update from NZC CEO (through Chair Barnes). For information only. Ends 2:29 pm.
5. High court appeal of Otago Regional Policy Statement and Land and Water Plan. Spoken to by Cllr Barker. For information only. Ends 2:32 pm.
6. Arrangement and timing of board packs. Discussion of rural delivery. For information only. Ends 2:36 pm.

End: 2:36 pm.



Time Off In Lieu (TOIL).

1. NZC Members to speak to regional chairs about TOIL across the Org.
2. NZC HR Business Partner to provide, via the CEO, recommendations on TOIL for employees. Split analysis by A. salaried and B. non-salaried.

Due Date: 20 Jul 2024
Owner: Jane Hutchings



HPAI response plan.

1. NZC asked the CEO to receive a paper from staff HPAI experts, and potential risk to org, and licence holders and species.

2. NZC directed CEO to provide copy of report from 1 to NZC upon receipt.
3. CEO informed the NZC there was an emergency meeting held on 17 April re: response preparation.
4. CEO to inform regions, after receiving report (in [1]), coming this Wednesday 24 April.
5. NZC directed CEO to hold any emergency meetings necessary in response to (1) and (4)

In-favour: All. Oppose: Nil. CARRIED.

Decision Date: 19 Apr 2024
Mover: Dean Phibbs
Seconder: Gerard Karalus
Outcome: Approved



Receive the information re: lead shot in .410 shot

official information act.

In-favour: All. Oppose: Nil. CARRIED.

Decision Date: 19 Apr 2024
Mover: Barrie Barnes
Seconder: Dave Coll

4.10 Close meeting



Close meeting

Saturday 20/4/24 at 2:36 PM.

Decision Date: 19 Apr 2024
Mover: Mike Barker
Seconder: Tom Kroos
Outcome: Approved

5. Close Meeting

5.1 Close the meeting

Next meeting: No date for the next meeting has been set.

New Actions raised in this meeting

Item	Action Title	Owner
2.2	RMA services provision arrangements Due Date: 19 Jul 2024	Corina Jordan
2.2	Digital regulation guide booklet Due Date: 20 Jul 2024	Richard Cosgrove
2.2	Digital magazine Due Date: 20 Jul 2024	Richard Cosgrove
2.2	Review CF for salaries Due Date: 19 Jul 2024	Jane Hutchings
2.2	Mai Mia fee on Lake Ellesmere (Te Waihora) Due Date: 19 Jul 2024	Rasmus Gabrielsson
2.2	update standing orders Due Date: 19 Jul 2024	Richard Cosgrove

Item	Action Title	Owner
2.2	ARF register Due Date: 28 Feb 2025	Carmel Veitch
2.10	Progress report Due Date: 20 Jul 2024	Heather Garrick
2.10	Project deliverables Due Date: 20 Jul 2024	Heather Garrick
2.12	Te Reo Maori Due Date: 20 Jul 2024	Corina Jordan
4.8	Thank Kate Thompson for work Due Date: 19 May 2024	Corina Jordan
4.9	Time Off In Lieu (TOIL). Due Date: 20 Jul 2024	Jane Hutchings

Friday Close 4:57 pm

Saturday Close 2:37 pm.

Signature: _____	Date: _____
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MINUTES (in Review)

PUBLIC EXCLUDED MEETING 168



Name:	New Zealand Fish and Game Council
Date:	Saturday, 20 April 2024
Time:	9:00 am to 10:25 am (NZST)
Location:	Wellington Office, 78 Victoria Street, Wellington Central, Wellington, New Zealand
Board Members:	Barrie Barnes, Darryl Reardon, Dave Coll, Dave Harris, Dean Phibbs, Debbie Oakley, Gerard Karalus, Greg Duley, Linn Koevoet, Mike Barker, Steve Haslett, Tom Kroos
Attendees:	Carmel Veitch, Charlie Hopkins, Corina Jordan, Richard Cosgrove

1. Public Exclusion/Part II

1.1 Public Exclusion Resolution



Move into PE.

In-favour: All. Oppose: Nil. CARRIED.

Sat 8:37 am.

Decision Date: 20 Apr 2024
Mover: Tom Kroos
Seconder: Dave Coll
Outcome: Approved

Meeting open: Sat 8:37 am

Meeting close: Sat 9:09 am

Meeting open: Sat 12:48 pm

Meeting close: Sat 1:50 pm



Move out of PE.

In-favour: All. Oppose: Nil. CARRIED.

Sat 9:09 am

Decision Date: 20 Apr 2024
Mover: Dean Phibbs
Seconder: Tom Kroos
Outcome: Approved



Move into PE.

In-favour: All. Oppose: Nil. CARRIED.

Saturday 12:48 pm

Decision Date: 20 Apr 2024
Mover: Tom Kroos
Seconder: Linn Koevoet

Outcome: Approved



Move out of PE.

In-favour: All. Oppose: Nil. CARRIED.
Saturday 1:50 pm.

Decision Date: 20 Apr 2024
Mover: Darryl Reardon
Seconder: Gerard Karalus
Outcome: Approved

2. Procedural Matters - Part II

2.1 Confirm Minutes NZC Meeting #167. Feb 2023 – Part II

open 12:50 pm

Correction to minutes, Debbie was an apology.

4.11 Cost Optimisation work is ongoing with further work to be completed. Paper will be presented to NZC at the August meeting.

close 1:05 pm



Minutes be confirmed with amendment

Amendment. Debbie: Correction, for apologies for that meeting.

In-favour: All but Linn.

Obstain: Linn.

Oppose: Nil.

CARRIED.

Decision Date: 20 Apr 2024
Mover: Tom Kroos
Seconder: Dave Harris
Outcome: Approved

3. Strategic Matters - Part II

3.1 Magazine update

Start 08:37 am.

Richard spoke to the paper.

Discussion of:

- potential advertising
- potential sponsorship
- actual postage costs.

Board consensus that magazine CF is provided for, as a once off, cost out of reserves. Want to investigate move the magazine online.

End: 09:08 am.



Funding

See CF and Budget notes from minutes.

Decision Date: 20 Apr 2024
Mover: Barrie Barnes
Outcome: Approved

3.2 Resource management law update

open 1:06 pm

NZC CEO spoke to the paper.

Questions re:

- submission on fast track.
- submission on RM reform via Minister Bishop.

close 1:18 pm



Receive the paper.

In-favour: All. Oppose: Nil. CARRIED.

Decision Date: 20 Apr 2024
Mover: Dave Harris
Seconder: Darryl Reardon
Outcome: Approved

3.3 Cost Optimisation Project Update (Verbal)

nil

3.4 Future Finance Working Group

open 1:19 pm

Dean Phibbs spoke to the paper.

Discussion on the pros and cons of zero-based budgetting. Motion introduced and subsequently withdrawn. With regard to the timing of other works being completed.

close 1:38 pm



Receive the paper.

In-favour: All. Oppose: Nil. CARRIED.

Decision Date: 20 Apr 2024
Mover: Greg Duley
Seconder: Dave Coll
Outcome: Approved



No further use of CF for FFWG

In-favour: All. Oppose: Nil. CARRIED.

Decision Date: 20 Apr 2024
Mover: Dave Harris
Seconder: Debbie Oakley
Outcome: Approved

**WITHDRAWN: Move to zero-based budgeting**

Dave H withdraws motion. Linn withdraws second.

WITHDRAWN

Decision Date: 20 Apr 2024
Mover: Dave Harris
Second: Linn Koevoet
Outcome: Not Approved

**FFWG paper circulation**

FFWG paper is circulated to the regions for comment with a covering letter

Decision Date: 20 Apr 2024
Mover: Greg Duley
Second: Steve Haslett
Outcome: Approved

3.5 Future Structure Working Group

Open 1:38 pm

Gerrard spoke to the paper.

Close 1:48 pm

**Receive the paper.**

.

Decision Date: 20 Apr 2024
Mover: Debbie Oakley
Second: Tom Kroos
Outcome: Approved

**Draft cover letter**

.

Due Date: 20 May 2024
Owner: Barrie Barnes

**Circulate to the regions (with two amendments).**

On page 1 of 3. Amend to remove the word 'dual' in relation to voting process.

On page 1 of 3. With regard to compensation of councilors in the form a meeting allowance. This requires legislation change.

Chair to draft cover letter.

Circulation but not consultation. Comment welcome.

Called to a vote by the Chair.

Support: All.

Oppose: None.

CARRIED

Decision Date: 20 Apr 2024
Mover: Barrie Barnes
Outcome: Approved

4. Items for Information

4.1 Communications register (PE)

nil

5. Review/Close of Meeting

5.1 Resolutions to come out of Public Excluded



Materials from PE.

- FFWG paper
- FSWG paper
- RMA reform submission to Minister Bishop

Release from PE.

Chair calls a vote.

Yes: All

No: None

CARRIED.

Decision Date: 20 Apr 2024

Mover: Darryl Reardon

Seconder: Gerard Karalus

Outcome: Approved

5.2 Next NZC Meeting: 23 + 24 August 2024 Online

Next meeting: No date for the next meeting has been set.

New Actions raised in this meeting

Item	Action Title	Owner
3.5	Draft cover letter Due Date: 20 May 2024	Barrie Barnes

Signature: _____

Date: _____

NZC Correspondence Register

Date	In/Out	Received From	Addressed To	Summary	Date Filed
15/05/2024	In	Acting Chair - Eastern	NZC Chair	Policy feedback	30/05/2024
17/05/2024	out	NZC Chair	Regional Chairs	FFWG & FSWG reports feedback	30/05/2024
18/05/2024	Out	NZC Chair	Andre Simpson	response to : E: NZC Meeting 168 Summary and reports of FFWG & FSWG - CSI	30/05/2024
20/05/2024	Out	NZC Chair	Colin Weatheal	FFWG & FSWG reports feedback	30/05/2024
23/05/2024	Out	NZC Chair	Ngahi Bidois	Resignation from Fish and Game as Chair of Eastern and Councillor	30/05/2024
23/05/2024	out	NZC Chair	David Linklater and Lidsay Withington	Southland designated rivers	30/05/2024
24/05/2024	In	Collin and Ian	NZC Chair	FW: Otago Feedback on Policy	30/05/2024
27/05/2024	In	David Klee	NZC CE	FW: licence fee and national policy feedback	30/05/2024
29/05/2024	In	Dean Kelly	NZC Chair	Westcoast Licence Fee Recommendation	30/05/2024
30/05/2024	out	NZC Chair	Regional Chairs	2024 Fish and Game Elections	30/05/2024
6/06/2024	out	NZC Chair	Ngahi Bidois	Resignation from Fish and Game as Chair of the Eastern Region and Councillor	6/06/2024

Licence Fee Consultation

New Zealand Fish and Game Council Meeting 169 – 18th & 19th of June 2024

Prepared by: Carmel Veitch, CFO, NZ Fish and Game Council

Summary of considerations - Kōrero taunaki

Purpose

This report to the New Zealand Fish and Game Council provides background for the:

Approval of 2024/25 adult whole season Sports Fish & Game Licence fee, the Sea run Salmon Licence endorsement and the Designated Waters Licence, and;

Approval of the Licence forecasts for each Regional Council.

Financial considerations

Nil Budgetary provision / Unbudgeted

Risk

Low Medium High Extreme

CEO Recommendations - Ngā taunaki

CEO recommends that the New Zealand Fish and Game Council:

1. Receive the information.
2. Considers the consultation received from Regional Councils
3. Agrees/Disagrees the Licence fees and categories as set out in the appended schedule and specifically:
 - a) That the 2024/25 adult whole season sports fish licence fee is set at \$153 and that the adult whole season game licence is set at \$113 (inclusive of a \$5 fee for the Game Bird Habitat Stamp), with all proportional changes to remaining licence fees and categories. (no change from 2023/24).
 - b) The Sea-run Salmon licence endorsement of \$5 (as a cost-recovery mechanism). (no change from 2023/24).
 - c) That Designated Waters Licence, as a \$5 annual licence per Fish and Game region for resident anglers and as a day licence to non-resident anglers at a fee of \$40. (no change from 2023/24).
4. Agrees to set the Licence forecast of 72,376 Fish LEQ and 31,340 Game LEQ as per Table 2 and 2a and:

5. Agree to charge an additional levy to Hawkes Bay for the excess Fish Licences sold in 2023/24 against 2023/24 Budget LEQ (min of 450 LEQ- max of 800 LEQ), and set the forecast fish LEQ for 2024/25 at 2240 (unadjusted)
6. Delegate to the Chief Executive the authority to recommend to the Minister the NZC Licence fee recommendation.

Considerations for decision-making - Whai whakaaro ki ngā whakataunga

Legislative Implications

- 1 Legislation provides for the following:

Section 26Q of the Conservation Act 1987 sets out the functions of Fish and Game Councils.

Subsection (I)(d)(a) requires councils:

To assess the costs attributable to the management of sports fish and game;

Section 26Q(I)(d)(ii) requires Fish and Game councils:

To develop and recommend to the New Zealand Fish and Game Council appropriate licence fees to recover costs and game bird habitat stamp fees;

Section 26C(I)(e) requires NZC:

To recommend to the Minister of Hunting & Fishing an appropriate fee for fishing and hunting licences, after considering the views and recommendations of Fish and Game Councils.

Section 26C(I)(ia) also requires NZC:

To recommend to the Minister, after considering the views and recommendations (if any) of Fish and Game Councils and the New Zealand Game Bird Habitat Trust Board, an appropriate fee in respect of any game bird habitat stamp and the form of such stamps (the form of the stamp to be approved as part of the 2011 Game Notice).

Policy Implications

- 2 Operationally, the national policy of NZC specifies that all expenditure needs to be approved as part of the budget round, including capital expenditure and expenditure from reserves for all councils.
- 3 At the May 2020 NZC meeting, in response to COVID-19, the NZC set the minimum level of reserves at 20% of total budget for all councils. This level of general reserve is considered adequate to provide security against fluctuations in income and to ensure adequate operational cash flow.

- 4 The budget policy specifies that all expenditure from general and dedicated reserves needs to be notified/approved by NZC as part of the budget round, or by making an application for Exceptional Funding. There are consequences across all sectors of the organisation when any council's reserves are reduced in a manner inconsistent with this policy.

Risks and mitigations

- 5 Licence forecasts are a risk for the organisation and if Regional Councils do not reach their targets they are required to use reserves to cover the shortfall.
- 6 In this financial year Fish and Game have sufficient reserves, however this is not sustainable in the long term.
- 7 The use of Reserves to cover operational costs is unsustainable.

Consultation

- 8 See attached the summary from the consultation. There is general concern that the NZC should apply to the Minister for a Licence increase and that our funding model and use of reserves is not sustainable.
- 8.1 Licence Fee - Three Regions do not recommend the licence fee and believe the Licence fee should be increased. Plus, one other region (Southland) thinks the DW licence should be increased.
- 8.2 LEQ's - One Region (Hawkes Bay) did not accept the LEQs and suggested that they are levied on excess sales for the 2023/24 year instead of having a target for 2024/25 which was not achievable.

Region	Base Licence Fee (incl GBHT stamp \$5) Sea Run Salmon and DW Licence	LEQ Forecast for 2024/25	Comment
Northland	X	✓	NFGC proposes that the Licence Fee should be increased annually by CPI – See attached
Auckland/Waikato	X	No comment	Auckland/Waikato Council consider Licence fees especially for Game should be increased. No comment was made regarding the 2024/25 LEQ. However, have issues regarding the forecasting method. See attached

Region	Base Licence Fee (incl GBHT stamp \$5) Sea Run Salmon and DW Licence	LEQ Forecast for 2024/25	Comment
Eastern	✓	✓	See letter attached.
Hawke's Bay	✓	X	Accepts Licence fee Would suggest the addition 450 LEQ for 2024/25 be removed and HB to be levied for the additional LEQ's in 2023/24 LEQ reduced to 2024. See attached.
Taranaki	✓	✓	Concern expressed that ongoing expenditure from reserves as not not sustainable. See Attached
Wellington	✓	No Comment	Concern that budget model is not sustainable. See Attached
Nelson/ Marlborough	✓	No Comment	Magazine funding and production requires attention. See attached
West Coast	✓	No Comment	Supports – See attached.
North Canterbury	✓	✓	With reluctance With regard the LEQ – the forecasting system is unsustainable – see attached
CSI	✓	No Comment	Supports - See attached
Otago	X	ü	Licence fee should be increased 2024/24 Adult whole season \$155 Non-resident \$350 Use of Reserves not lawful & bad practice See Letter attached.
Southland	Mixed	No Comment	Accept licence fee except propose Designated Waters for non residents to increase to \$60 per day. See Letter attached.

Discussion - Kōrerorero

- 9 As part of the consultation Regions were asked to consider the LEQ forecast for the 2024/25 Year. Whilst many Regions did not make comment

of this in their response, Hawkes Bay commented that they would like their LEQ reduced by the 450 LEQ's which were added to the LEQ target for 2024/25 to compensate for the reduction of LEQ's for the 2023/24 season (800 LEQ's were manually adjusted for the 2023/24 season as a result of Cyclone Gabrielle)

- 10 Hawkes Bay have agreed to be levied for the LEQ's over and above the budget for 2023/24 (as of 20 May HB were 486 LEQ's ahead of budget) hence the net impact on the 2024/25 budgets would be neutral.
- 11 The decision to reduce the LEQ for the 2024/25 year makes sense for the Region as they want to realign the budget into the current year. This has no negative impact on the overall 2024/25 budget process.
- 12 The LEQ's pre-consultation were as follows (72,826) Table 1:

Table 1	Fish 2022-23	2023-24 to 22 Mar YTD (actual)	Est 23 Mar - 30 Sept	Estimated Total 2023-24	Extrapolated 2024-25
Northland	455	399	55	454	454
Auckland Waikato	3550	3235	423	3658	3658
Eastern	8643	7547	909	8456	8363
Hawke's Bay	2525	2174	161	2335	2240
Hawke's Bay adj					450
Taranaki	1034	922	65	987	964
Wellington	2990	2831	158	2989	2989
Nelson Marl	4410	4094	270	4364	4341
North Canterbury	11084	10404	560	10964	10904
West Coast	2253	1996	173	2169	2127
Central South Is	12946	11263	1273	12536	12331
Otago	15828	14518	1031	15549	15410
Southland	9084	8375	383	8758	8595
	74802	67758	5461	73219	72826

- 13 The adjustment of 450 LEQ's from Hawkes Bay adjusts the total LEQ for 2024/25 to 72,376

Table 2	Fish 2022-23	2023-24 to 22 Mar YTD (actual)	Est 23 Mar - 30 Sept	Estimated Total 2023-24	Extrapolated 2024-25
Northland	455	399	55	454	454
Auckland Waikato	3550	3235	423	3658	3658
Eastern	8643	7547	909	8456	8363
Hawke's Bay	2525	2174	161	2335	2240
Hawke's Bay adj					0
Taranaki	1034	922	65	987	964
Wellington	2990	2831	158	2989	2989

Nelson Marl	4410	4094	270	4364	4341
North Canterbury	11084	10404	560	10964	10904
West Coast	2253	1996	173	2169	2127
Central South Is	12946	11263	1273	12536	12331
Otago	15828	14518	1031	15549	15410
Southland	9084	8375	383	8758	8595
	74802	67758	5461	73219	72376

Table 2a	Game Budget 2024	Game 2022	Game 2023	Extrapolated Game 2025
Northland	1552	1582	1552	1537
Auckland				
Waikato	6201	6309	6518	6518
Eastern	3012	3024	2854	2769
Hawke's Bay	1916	1916	1750	1667
Taranaki	1113	1114	1086	1072
Wellington	3409	3409	3290	3231
Nelson Marl	887	900	862	843
North Canterbury	2381	2428	2557	2557
West Coast	358	370	364	361
Central South Is	2233	2235	2267	2267
Otago	4029	4080	3989	3944
Southland	4672	4727	4625	4574
	31763	32094	31714	31340

Financial Implications

- 14 Refer Table 3 attached for the financial implications of the Licence fee recommendations. This is assuming the licence fee remains at \$153 for Fish and \$113 for Game.
- 15 Overall, Fish and Game will Budget a deficit of \$792,158 with All regions using reserves of 3.36% to cover the deficit.
- 16 If the Licence LEQ is reduced for Hawkes Bay then an additional levy will be charged for all Fish sales for 2023/24 sold over budget (min 450 LEQ)

Table 3: Overall Forecast Position for Fish and Game				
For the Year ended 31 August 2025				
Net Licence Sales				12,069,494
Interest				336,472
Forecast Hawkes Bay Levy for additional Licences sold 2023/24				57,596
Total Income				12,463,562
Less Approved Budget				13,255,720
Total Surplus/(Deficit)				(792,158)

- 17 From the responses received there were three Regions that disagreed with no licence fee increase and the majority of regions made comment that it was financially unsustainable to not increase the licence fee and/or to continue to use Reserves.
- 18 The New Zealand Council proposes to use reserves to continue to fund the two editions of the Fish & Game Magazine in 2025, and to allocate funds to the RM Legal fund for a total of \$432,783.
- 19 The forecast for reserves across the country based on no licence fee increase and the approved budget of \$13,255,720 is:

	Forecast Reserves Aug 2024	Surplus /(Deficit)	Forecast Reserve 31/8/25	Reserves required 20% of Budget	Top up Required to achieve 20% Reserves	Adjusted Reserves to no less than 20% 31/8/24	Reserves % of Base Fund
Northland	201,388	(19,869)	181,519	118,416	0	181,519	31%
Auckland/Waikato	354,140	(29,593)	324,547	176,365	0	324,547	37%
Eastern	684,429	(58,812)	625,617	264,109	0	625,617	47%
Hawkes Bay	710,136	(114,585)	595,551	106,925	0	595,551	111%
Taranaki	180,020	(15,069)	164,951	89,805	0	164,951	37%
Wellington	218,925	(28,471)	190,454	169,678	0	190,454	22%
Nelson-Marlb	147,873	(18,931)	128,942	112,825	0	128,942	23%
Nth Canterbury	266,415	(64,865)	201,550	213,787	12,237	213,787	20%
West Coast	308,343	(37,616)	270,727	80,190	0	270,727	68%
Central SI	885,820	(62,118)	823,702	199,717	0	823,702	82%
Otago	1,155,321	(64,645)	1,090,676	252,793	0	1,090,676	86%
Southland	795,714	(164,396)	631,318	191,967	0	631,318	66%
NZC/NAT	797,735	(113,188)	684,547	674,567	0	684,547	20%
TOTAL	6,706,259	(792,158)	5,914,101	2,651,144	12,237	5,926,338	

- 20 If the NZC were to consider a Licence increase, then the following table outlines the impact of the Licence Fee on Reserves. Note for every \$1 the licence fee goes up (both Fish and Game) increases income by \$86k

	Income	Deficit	% use of reserves	\$ Use of Reserves to Cover Deficit
Licence Fee Fee @ 153 F and \$113 G	12,463,562	- 792,158	3.36%	432,783
Licence Fee Fee @ 154 F and \$114 G	12,550,142	- 705,578	2.68%	346,202
Licence Fee Fee @ 155 F and \$115 G	12,636,722	- 618,998	2.01%	259,622
Licence Fee Fee @ 156 F and \$116 G	12,723,303	- 532,417	1.34%	173,042
Licence Fee Fee @ 160 F and \$118 G - CPI adj	13,017,300	- 238,420	0.94%	-
Annual Inflation rate based on the CPI Dec 23		4.70%		

Options- Ngā kōwhiringa

- 21 The Council may

- a. Agree to the adjusted LEQ targets of 72,376 as presented in Table 2 or
- b. Agree for the LEQ target to remain at the consulted figure of 72,826
- c. Agree to maintain the same Licence fee as the 2023/24 year (\$153 Fish, \$113 Game, \$5 Salmon, \$5 per day DW (resident) and \$40 DW (non resident)) or
- d. Agree to increase the Licence Fee in order to reduce use of Reserves.

Next actions - Ngā mahinga e whai ake nei

- 22 The NZC must delegate to the Chief Executive the authority to recommend to the Minister the NZC Licence fee recommendation.

Carmel Veitch

From: Carmel Veitch
Sent: Thursday, 6 June 2024 3:34 pm
To: Carmel Veitch
Subject: FW: Licence Fee Recommendation - due 31 May 2024

Hi Carmel,

Feedback from Northland F&G Council (NFGC) is as follows:

- For the licence fee the NFGC proposes that the licence fee should be increased by at least CPI annually to allow the organisation to keep pace with rising costs
- NFGC accepts the forecast LEQ for 2024-2025

Craig Deal

Regional Manager

Northland Fish & Game Council

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E cdeal@fishandgame.org.nz





27th May 2024

Corina Jordan
 CEO NZ Fish and Game Council
nzcouncil@fishandgame.org.nz

Feedback on 2024/2025 licence fee recommendation and national policy consultation.

Dear Corina/Barrie

At its recent meeting the Auckland/Waikato Fish and Game Council (AWFGC) resolved to provide feedback on recently circulated draft national policy statements and licence fee recommendations/LEQ forecasting.

Forecasting and Budgeting

Forecasting: The AWFGC remains disappointed at NZ councils' refusal to enter a negotiated settlement regarding the 2023-24 LEQ budgeting process for fish licences. It was noted that despite being one of the only regions achieving an increase in sales, it remained well below its budget target. The AWFGC considers that due process has not been followed in this instance, as the effects of covid lockdowns were not adequately considered when extrapolating out licence budgets. The Future Finance Working Group recommendation may solve this issue in future.

2024-25 Budgets: The AWFGC considers it entered this year's budgeting process in good faith and did its utmost to reduce costs. It is noted that we were the only region that made the requested 3% saving and did not put in a contestable funding bid. It was acknowledged that this was made possible in part through staff changes and subsequent reductions in salary budget and the region's ability to leverage funds from external revenue sources. Overall, the AWFGC expressed some concerns around the financial security of the organisation especially regarding ongoing approved CFs from licence fees and the drawing down of regional reserves to cover increased costs. It is unclear to AWFGC how these budgets will be maintained especially given the predicted decrease in licence fish licence sales, the recommendation of no licence fee increase, and an apparent reliance on interest payments which are likely to decrease. It is also felt that the organisation relies too heavily on licence sales as its sole source of revenue and not enough is being done to encourage staff to secure funding from other sources. This makes Fish and Game less financially resilient and more susceptible to unforeseen events such as the covid pandemic or an outbreak of highly pathogenic avian influenza, which could have serious ramifications on game licence sales.

Licence Fees: The AWFGC considers that licence fee increases especially for games are warranted. Figure 1, maps licence fee as a percentage of average male weekly wage and highlights that whilst fish licence sales have remained relatively consistent over the past 30 years, there has been a gradual and consistent decrease since the early 2000s for game. The AWFGC remains unclear

Statutory managers of freshwater sports fish, gamebirds and their habitats.

Auckland/Waikato Region

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what directive has been provided to the NZ council by the minister to freeze licence fees given the significant cost increase we will incur in the current high inflation environment. The AWFGC believes that NZC should ask the minister for an increase. It is difficult to understand the reluctance to do this. Fish and Game appears to have a habit of allowing the minister to suggest changes and then not pushing back. Applying to the minister for an increase in license fees demonstrates our needs and, if declined, will likely put us in a better position to get an increase next year.

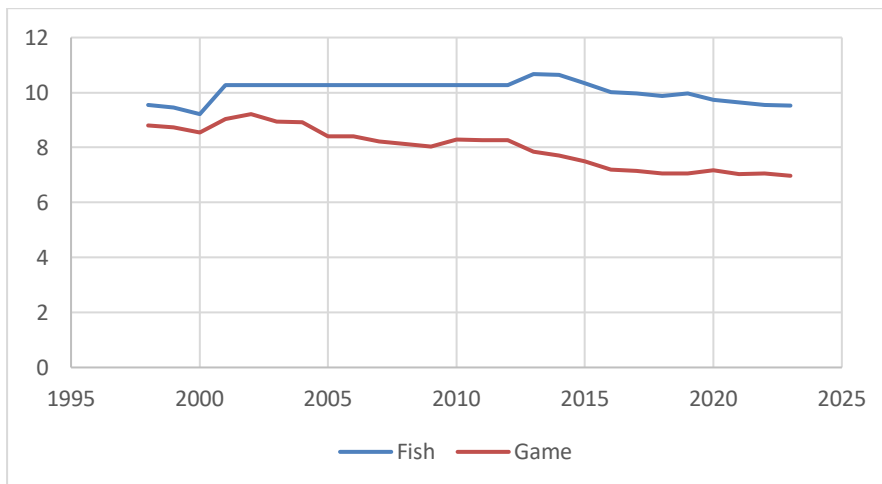


Figure 1: Licence fee as a percentage of average male weekly wage.

Draft National H&S Policy for Rangers: Concerns were raised around the requirements to implement policies 1 – 9 especially for honorary rangers. For example, first aid requirements. Is it envisaged that every honorary ranger would have to complete first aid training and if so, has that been budgeted for, noting that in our region we have 15 honorary rangers? It was also unclear what level of detail will be required to comply with reporting conditions to the National office. Concern was expressed that requiring the NZC CEO to understand and sign off 13 different plans was inefficient and unworkable - a template issued by NZC which allowed for regional variation would simplify matters and provide clarity around reporting expectations.

Draft National Health and Safety Policy: In general, the council supports the introduction of a National Health and Safety Committee. A priority in this region is the integration of an app-based H&S system for staff and it would be helpful if this were progressed at national level to ensure consistency and cost efficiency.

Yours sincerely,

David Klee

Auckland/Waikato Chief Executive

Nigel Jubly

Auckland/Waikato Fish and Game Chair



31 May 2024

Barrie Barnes
Chairperson
New Zealand Fish and Game Council

By email

Dear Barrie

Feedback on 2024/2025 Licence Fee Recommendation

Following Eastern Fish and Game Council's meeting on the 30 May please find below our Council's response.

At the outset some areas of concern that were raised were;

- We are an organization that solely relies on licence revenue to carry out our statutory roles and responsibilities
- The economic climate is seeing considerable and rapid rising of costs year on year since 2021
- Over the past three years our average increase on licence fees has been below CPI

Eastern Fish and Game Council acknowledges the political environment and social perception and perceived value for money that our licences offer to our customers. We also appreciate that NZC is looking at how it can reduce certain operational costs across the organization by working smarter which will help us balance out loss of income through increased fees against regional and national costs that can be saved.

We therefore have accepted all NZC recommendations on the licence fee for the 2024/2025 season.

Eastern Fish and Game Council supports the proposed licence fees for 2024-2025 of \$153 (GST inclusive) for the Adult Whole Season Fishing licence, and \$113 (GST inclusive) for the Adult Whole Season Game licence (which includes \$5 for the Game Bird Habitat Trust) and supports the Sea Run Salmon licence endorsement of \$5 and the Designated Waters Licence as a \$5 annual licence per region for residents and \$40 per day for non-residents.

Council accepts the proposed National LEQ target for 2024-25 for Fish of 72,826 and Game 31,340

Statutory managers of freshwater sports fish, game birds and their habitats

Eastern Region

1130 Paradise Valley Rd, Ngongotaha, Private bag 3010, Rotorua 3046, New Zealand. Telephone (07) 357 5501
Email eastern@fishandgame.org.nz www.fishandgame.org.nz



Thanking you for your work and efforts

Yours sincerely

A handwritten signature in blue ink, consisting of a large, stylized 'A' followed by a series of loops and a long horizontal stroke.

Arash Alaeinia
Chief Executive Officer
Eastern Fish and Game Region

Statutory managers of freshwater sports fish, game birds and their habitats

Eastern Region

1130 Paradise Valley Rd, Ngongotaha, Private bag 3010, Rotorua 3046, New Zealand. Telephone (07) 357 5501
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Feedback from Hawkes Bay

NZC CONSULTATIONS

Licence Fee & Forecast for 2024-2025

NZC have opted for no licence fee increase this year as a result of conversations with the Minister of hunting & fishing wouldn't be open to considering licence fee increases until they can see how the organisation is being managed financially and that the licence fee income is being used as efficiently as possible.

NZC have provided a forecast LEQ for the 2024/25 licence sales and consideration of the 2024-25 licence fee. A correction to HB LEQs for this year of 20% was made due to an expected drop in sales due to Cyclone Gabrielle. This has not eventuated as a dry summer has seen good licence sales for the region, and licence sales have surpassed 2022-23 sales of 2300 with YTD 2368 LEQ sales. However HBFGC feel the adjusted figure for 2024-25 of 2240 plus an added 450 LEQ is overly optimistic. Chairman Bates would like to suggest to NZC that this year's levy be adjusted back to reflect the actual sales made this year and the figure of 2240 LEQ be used in next year's budget.

Recommendations

Fish Licence Forecasts

HBFGC rejects the adjustment of 450 made to our forecast.

HBFGC accepts the forecast of 2240 Fish LEQs for the 2024-25 season.

HBFGC proposes to refund the difference between actual sales and forecast sales for the 2023-24 financial year.

Game licence forecast

Recommendation

HBFGC accept the forecast of 1667 LEQ for the 2025 season.

2024-25 Licence Fee

Recommendation

HBFGC accepts that the 2024/25 adult whole season sports fish licence fee is set at \$153 and that the adult whole season game licence is set at \$113 (inclusive of a \$5 fee for the Game Bird Habitat Stamp), with all proportional changes to remaining licence fees and categories. (no change from 2023/24).

The sea run salmon licence endorsement of \$5 (as a cost-recovery mechanism). (no change from 2023/24).

That Designated Waters Licence, as a \$5 annual licence per Fish and Game region for resident anglers and as a day licence to non-resident anglers at a fee of \$40. (no change from 2023/24).

Recommendation

NZFG Licence Forecast LEQ

HBFGC accepts the licence LEQ of 31340 for Game but request that the organisational LEQ forecast of 72826 for fish be adjusted to reflect the council's position of Hawkes Bay Fish LEQs of 2240



30 May 2024

Chairman

NZ Fish and Game Council

Consultation on the Licence Fee Recommendation for 2024-2025 Taranaki Fish and Game Council Response

Taranaki Fish and Game Council considered the regional consultation paper Licence Fee Recommendation 2024-25 (Corina Jordan CEO NZ Fish and Game Council, dated 29/4/2024) at its last Council meeting on 25 May 2024.

Taranaki Council acknowledged that NZ Council has taken a pragmatic approach to the budget allocation process in determining the recommendation for licence fee(s) for 2024/2025 Financial Year. This is somewhat different to what is normally done in previous years but achieves several potentially positive outcomes: the licence fee remains the same which may be relevant if price sensitivity is significant, operational cost savings came under some scrutiny, and a mechanism to access to regional reserves is proposed.

Taranaki Fish and Game Council agreed to support the licence fee recommendation being:

That the 2024/25 adult whole season sports fish licence fee is set at \$153 and that the adult whole season game licence is set at \$113 (inclusive of a \$5 fee for the Game Bird Habitat Stamp), with all proportional changes to remaining licence fees and categories. (no change from 2023/24).

The sea run salmon licence endorsement of \$5 (as a cost-recovery mechanism). (no change from 2023/24).

That Designated Waters Licence, as a \$5 annual licence per Fish and Game region for resident anglers and as a day licence to non-resident anglers at a fee of \$40. (no change from 2023/24).

It was further noted that the salmon licence endorsement and the Designated Waters Licence don't materially affect Taranaki region's sales.

Taranaki Fish and Game Council have concerns that this is not a financially sustainable approach in the long-term in dealing with the budget allocations – and this should be considered a 'one-off' response to prevailing financial pressures and constraints.

Statutory managers of freshwater sports fish, game birds and their habitats

Taranaki Fish and Game Council urges NZ Council to progress with urgency a number of actions that will help inform and potentially drive change in the organisation. These include:

1. Undertaking a zero-based budget system analysis to confirm base level funding for projects that are required by legislation and also those projects that support and define unique regional identity. This can be started immediately.
2. Progress and support cost efficiency driven initiatives that may result from shared resources or centralising corporate functions – if it can be shown that it is worth pursuing with such approaches (e.g. confirm that a suggested procurement policy for 'group' discounts on vehicles is supported). This can be started immediately.
3. Review the current budget setting model to ensure financial sustainability and stability. This might also include looking at financial instruments to get external funds to cover non-core regional projects which support maintaining social licence to operate.
4. Pursue the Licence Optimisation Project with urgency to get advice to objectively inform of appropriate pricing structures. We only have one 'product' and we are currently speculating about price sensitivity of various licence categories. This must be started immediately.

Taranaki Council considered that we needed to urgently increase momentum for changes especially with the prospect of changes in memberships of Councils (including the NZ Council) after the Fish and Game elections in October this year.

Taranaki Fish and Game Council and Wellington Fish and Game Council have been working co-operatively to make meaningful operational and governance changes. It's time for the wider organisation to recognise that change is required, and step up to deal with the risk to our continued existence as an organisation in the future.

Yours sincerely



Chris Donald

Chairman

Taranaki Fish and Game Council



Our ref: 1841

30 May 2024

Chairman

NZ Fish and Game Council

Consultation on the Licence Fee Recommendation for 2024-2025

Wellington Fish and Game Council Response

Support for Licence Fee Recommendation

Wellington Fish and Game Council met to consider the paper Licence Fee Recommendation 2024-25 (Corina Jordan CEO NZ Fish and Game Council, dated 29/4/2024).

Wellington Council discussed the 'conventional' process of outlining total costs for meeting legislative outputs, considering licence sales forecast, and then setting the licence fee (at no more than the rate of inflation).

This process was obviously not strictly followed this year - starting with a rather predetermined position of not having any licence fee increase (unless essential), and additionally accounting for the prospect of continuing soft licence sales.

Wellington Council agreed to support the licence fee recommendation being:

That the 2024/25 adult whole season sports fish licence fee is set at \$153 and that the adult whole season game licence is set at \$113 (inclusive of a \$5 fee for the Game Bird Habitat Stamp), with all proportional changes to remaining licence fees and categories. (no change from 2023/24).

The sea run salmon licence endorsement of \$5 (as a cost-recovery mechanism). (no change from 2023/24).

That Designated Waters Licence, as a \$5 annual licence per Fish and Game region for resident anglers and as a day licence to non-resident anglers at a fee of \$40. (no change from 2023/24).

Support for the process that NZ Council took for this year to confirm the Licence Fee Recommendation

Wellington Fish and Game Council considered that NZ Council has taken a prudent and pragmatic approach to the budget allocation process in determining the recommendation for licence fee(s) for 2024/2025 Financial Year.

Statutory managers of freshwater sports fish, game birds and their habitats

It was also acknowledged that the top priorities in budget allocation from contestable fund pool were appropriate –i.e. staff remuneration and projects that align with the organisational strategic plan, Council was satisfied with the principles used in the licence forecast determination.

Wellington Council recognised the implications of this approach – licence holders may welcome fees being retained at the same level, some operational savings were made or at least considered, and access to regional reserves to fund national projects is enabled.

Is this response to the budgeting model sustainable?

Wellington Council considered that while it was prudent to consider the priorities and outcomes of the budget allocations for this year, there were concerns expressed that this **would not be sustainable** beyond the short term.

What do we do next year when we are faced with a similar scenario of financial and/or political pressures?

Council considered the following implications of unresolved issues:

- Continued pressure on income continues from declining licence sales.
- Not increasing licence fee in line with inflation will reduce the purchasing power of total expenditure monies.
- Need to urgently confirm that “licence fee price sensitivity in cost-of-living crisis” is a valid concern and level of category discounting is still appropriate.
- Cash reserves from regions to fund essential core projects is a short-term response.
- Continued tensions among regions remain unaddressed by maintaining the current levy paying/grant recipient-based budget allocation system, and how resources are allocated regionally.

Wellington councillors expressed some frustration that there was little or no momentum for changes to the operational and governance model by other regions – in contrast to the efforts of Wellington Council working co-operatively with Taranaki Council to progress meaningful changes.

Wellington Fish and Game Council seeks NZ Council to urgently consider the following actions:

1. **Undertake a zero-based budget system analysis – to define the minimum budget requirements to fund each region (and NZ Council) to meet their legislative responsibilities, regional imperatives, and confirm approaches to discretionary projects/outcomes.**

2. Undertake a cost-benefit analysis of implementing a centralised or shared resources arrangements for undertaking corporate functions to ensure that genuine positive cost savings will actually eventuate.
3. Any reviews and changes/updating to the budgeting system be confirmed over the next six months so it can be implemented for the next Financial Year.
4. The 'licence' should be considered a 'national' licence not a 'regional' licence - in order to reduce tensions between regions.
5. The Licence Price Optimisation Project needs to be advanced with haste (with a completion milestone defined) to confirm that hunting and fishing licence categories are appropriately priced.
6. Develop a genuine nationwide marketing plan – with a regionally focused implementation programme – moving beyond the regional boundary focus.
7. Confirm and implement appropriate financial/legal structures - such as Council controlled Trusts - to garner income from non-licence sources to fund non-core projects.
8. Stipulating and facilitating the necessary organisational structural changes such as shared resources arrangements or amalgamations between regions to achieve effectiveness and/or efficiency gains.

Time is of the essence.

Wellington Council considered that the budgeting process outcome has potentially “bought” us another year’s grace from externally driven change. Concerns were raised that failure to address the issues noted above, and identify a clear path forward, may result in the organisation losing its ability to influence outcomes and control of its destiny.

Yours sincerely



Paul Dewar

Chairman

Wellington Fish and Game Council

From: "Rhys Barrier"
Sent: Sunday, 26 May 2024 21:34
To: "NZ Fish & Game Council" <nzcouncil@fishandgame.org.nz>
Cc: "Samantha May" <smay@fishandgame.org.nz>; "Corina Jordan" <cjordan@fishandgame.org.nz>; "Karen Crook" <kcrook@fishandgame.org.nz>; "Carmel Veitch" <cveitch@fishandgame.org.nz>
Subject: NMFGC meeting

Morena. The NM FGC met on Monday May 20th. Our Council noted and accepted the NZC recommendation not to seek to increase licence fees in line with inflation this year following a directive from the Hunting and Fishing Minister. Our Council noted they were one of two regions not to seek an increase in our regional budget, due(in this regions case), to a decision to utilise next years Designated Waters licence income rather than accumulating it into a regional reserve as other regions are currently doing. The N/M Council were of the view that all regions with Designated Waters licence income should be encouraged to use it next year to fund regional needs rather than seeking funding from national pool funding for critical Resource Management needs and the like.

The council also noted the request that our region take 18k from our reserves to help fund the production of the magazine which has seen significant cost increases. While they accepted the need for this in the coming financial year, they were also keen on some market research being conducted around an "opt-in" for a hard copy, and the licence holder paying for this hard copy if they don't wish to view it online – it was considered inevitable there will eventually be an online option available only, with those wanting hard copies will need to pay for this as part of our "User-Pays funding model. This may require a 'pre-ordering' system to be set in place, with costs then recovered from those wanting a paper version. Discussion also revolved around NZC looking at options to sell the magazine within the wider marketplace as a key tool to sell 'social licence' as part of the wider NZC national strategy goals with the general NZ population.

Thanks
Rhys

Rhys Barrier, Manager

Fish & Game

PO Box 2173

Stoke

NELSON 7041

03 5446382, rbarrier@fishandgame.org.nz



Carmel Veitch

From: Carmel Veitch
Sent: Thursday, 6 June 2024 3:36 pm
To: Carmel Veitch
Subject: FW: Licence Fee Recommendation - due 31 May 2024

Hi Corina,

Attached below is the feedback from North Canterbury Fish and Game Council on NZC's License Fee Recommendations paper.

(1) Decisions: Licence Fee Recommendation 24/25

The North Canterbury Fish & Game Council accepted with reluctance NZCs proposed licence fee structure, as set out below (*in italics*). The Council agreed that it is unsustainable to hold licence fees at the current level going forward without adjusting Fish & Game's current costs structure.

That the 2024/25 adult whole season sports fish licence fee is set at \$153 and the adult whole season game licence is set at \$113 (inclusive of the Game Bird Habitat Stamp), with all proportional changes to remaining licence fees and categories (no change from 2023/24).

The sea-run salmon licence endorsement of \$5 (as a cost-recovery mechanism) (no change from 2023/24).

The Designated Waters Licence, as a \$5 annual licence per Fish and Game region for resident anglers and as a day licence to non-resident anglers at a fee of \$40.00 (no change from 2023/24).

The Licence LEQ of 72,826 (Fish) and 31,340 (Game).

The vote was 5 For and 3 Against

(2) The North Canterbury Council noted the following matters during discussions at their 22 May meeting, at which the NZC CEO Corina Jordan was present:

The methodology for forecasting Fish & Game Licence sales estimates, which forms the basis for setting regional levies/grants, budgets and the national licence fees is no longer working in some of the regions that have been significant levy payers which means Fish & Game's business model is unsustainable.

As a significant levy paying region, North Canterbury has over the recent decade been paying levies on sales never received. The large decline in regional Fish Licence sales since 2014/15 season demonstrates this approach is no longer sustainable, as it follows follow similar patterns of historical declines in the Eastern and Auckland/Waikato regions.

It is expected that the North Canterbury region will not be able to meet the proposed LEQ targets for Fish Licence sales for the 24/25 season. Furthermore, the region is not likely to be able to cover

significant shortfalls in proposed Fish Licence sales from regional reserves. North Canterbury region already depends on its reserves to annually manage cashflow shortfalls over the ca. July – October/November period.

The Minister for Hunting and Fishing signalled there would be no licence fee increase in the 2024/25 financial year. This has meant regions have to effectively cut their budgets by approximately 10% in the next financial year (24/25). Council noted that regions could not sustain this going forward.

Finally, Cr Alan Strong explained that the Future Finance working group report proposed a mechanism for adjusting final levy or grant payments based on actual performance and licence sales. The North Canterbury Council encourages the NZC to consider implementation this approach urgently.

If you have any questions, please let me know.

Rasmus Gabrielsson | Chief Executive

North Canterbury Fish and Game Council

595 Johns Road, Harewood, Christchurch 8051 | PO Box 50 Woodend 7641

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E rgabrielsson@fishandgame.org.nz | W www.fishandgame.org.nz



28 May 2024

The Chair
New Zealand Fish and Game Council
PO Box 25055
Wellington, 6146

Dear Barrie,

The West Coast Fish and Game Council held a workshop on the evening of 28th May with a majority of members present.

At the workshop the NZ Council Licence Fee Recommendation Paper was considered.

I was advised to inform you that the West Coast Council supports the proposed Licence Fee Recommendation in it's entirety and expects to ratify this at the June 11th public meeting.

Thank you for the opportunity to comment.

Regards

A handwritten signature in black ink that reads 'D Kelly'.

Dean Kelly
**Manager – on behalf of
West Coast Fish and Game Council**



Carmel Veitch

From: Carmel Veitch
Sent: Thursday, 6 June 2024 7:01 pm
To: Carmel Veitch
Subject: FW: Licence Fee Recommendation - due 31 May 2024

THAT COUNCIL APPROVE THE FOLLOWING LICENCE FEES:

- 1. THAT THE 2024/25 ADULT WHOLE SEASON SPORTS FISH LICENCE FEE IS SET AT \$153 AND THAT THE ADULT WHOLE SEASON GAME LICENCE IS SET AT \$113 (INCLUSIVE OF A \$5 FEE FOR THE GAMEBIRD HABITAT STAMP), WITH ALL PROPORTIONAL CHANGES TO REMAINING LICENCE FEES AND CATEGORIES (NO CHANGE FROM 2023/24).**
- 2. THAT THE SEA-RUN SALMON LICENCE ENDORSEMENT IS SET AT \$5 (AS A COST-RECOVERY MECHANISM) (NO CHANGE FROM 2023/24).**
- 3. THAT THE DESIGNATED WATERS LICENCE, IS SET AT \$5 ANNUAL LICENCE PER FISH AND GAME REGION FOR RESIDENT ANGLERS AND AS A DAY LICENCE TO NON—RESIDENT ANGLERS AT A FEE OF \$40 (NO CHANGE FROM 2023/24).**



26th May 2024

Chief Executive Officer/Chair
New Zealand Fish & Game Council
Via email

Re: Feedback on 2024/2025 licence fee recommendation

Dear Corina/Barrie

Otago Council considered the NZC licence Fee recommendation paper at its meeting held on the 23th May 2024.

Approach by NZC to licence fee setting

Otago Council acknowledges that the Government wishes to save costs across all departments and our Minister has provided advice to New Zealand Council that he would not entertain a rise in licence fees. Otago Council suggests that NZC make a strong case back to the Minister to keep an open mind on movement in licence fees, especially against a background of rapidly rising costs.

Our Councillors considered that it would be irresponsible as governors – of this Council and yours – if they were to recommend retaining the current licence fees when the organisation is already working deeper into its reserves. It should be noted that last years licence adjustment was less than CPI and second year of no adjustment to the licence fee will only exacerbate the issue and larger licence fee increases will be required to catch up.

Bad practice to use reserves for operating expenses

Councillors also thought it very bad practice to use reserves to 'top up' a deficit budget. Budgets should be set to cover the cost of the organization, and not at some point below that. It is also unreasonable to demand that regions use their reserves to fund the national shortfall. This is not a sustainable model and needs urgent review.

Otago is resistant to using 3.36% of its reserves to fund this shortfall and believes this is unlawful. The Conservation Act is very clear about what may be levied (licence fees) and this request to fund – in a pro rata way – is tantamount to an additional levy. Otago Council respectfully requests that **NZC removes that portion of Otago's levy** until it can be determined that it is lawful under the Act, and reworks its budget so that it balances.

Levies and transparency

Guidance on levies has previously been provided to NZC by Sir Geoffrey Palmer in 2019. It provides pertinent advice for how levies should be established and consulted:

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;*
- d. Their views must be taken in account by the New Zealand Council when it makes its determination*

Much of the transparency required above was covered off in the previous system through rigorous testing of budgets, overspends and new funding applications via the operational specialists in the regional managers group. That step was removed by NZC this year which removed the last thread of transparency, particularly over New Zealand Council projects.

We were heartened to hear that the NZC is proposing to review this process for improvement before next years business planning round.

Ratios between licence categories

We note that Licence ratios (fees in relation to each other) were confirmed at NZC as unmoved. Otago acknowledges that this may have been because there is a body of work due to review and optimize the licence fee structure this year. It was noted there is unspent budget at NZC which should have advanced this work in the current year and we encourage NZC to undertake that work with haste.

Councilors believed that there should have been analysis and consideration of the Non-Resident licence fees. This Council has been forthright in the past about the present fees not aligning to the high-quality opportunity that New Zealand angling provides to overseas visitors. ***Council resolved that the Non Resident whole season licence fee be lifted to \$350.***

Licence fee recommendation

Council considered the proposed Licence fees for fishing and gamebird hunting. ***It rejected the NZC proposal of a \$153*** angling licence and proposed that NZC request the angling licence be raised \$2 to \$155. Otago Council agreed that the game licence could remain the same as last year as there is evidence of a reduction in value for money over time for that licence category.

This, coupled with the increase in non resident licence, would help reduce the proposed deficit.

Licence sales forecast

Council was satisfied with the licence sales forecast and the methodology used to arrive at it.

Summary of decisions of Otago Council

Council **agreed** to the following recommendations to be provided to the New Zealand Council on licence fees:

- a. That the 2024/25 adult whole season sports fish licence fee be set at \$155 (\$153 proposed) and that the adult whole season game licence remain at \$113 (inclusive of a \$5 fee for the Game Bird Habitat Stamp).***
- b. That the Non Resident whole season licence be raised to \$350 (from \$264)***
- c. All other ratios to remain the same with prices moving accordingly.***
- d. That the additional levy of \$41,657 (3.36%) be removed from Otago's levy demand until it can be proven that its is being lawfully taken.***

Please contact us if you need any further clarification.

Yours sincerely



Colin Weatherall

Otago Fish & Game Council Chair



Ian Hadland

Chief Executive



24th May 2024

Chair, Barrie Barnes
New Zealand Fish & Game Council
Via email

Re: New Zealand F&G Council (NZC) Policy Feedback

Dear Barrie

The NZC bundle of policy documents and information was presented and considered at our May Otago F&G Council meeting. Otago Council would like to offer the following feedback;

1. Draft Protected Disclosures Policy

The policy direction is supported and NZC should be commended in taking some initiative on policy development for new legislation. However, Council noted that it should be further edited and prepared for adoption and implementation at a Regional Council level rather than as National Policy.

As presently written, the lines of accountability are unclear (eg NZC investigation lead of a complaint to a Regional F&G Council) and creates a risk for Otago Council if NZC does not deal with the complaint in a satisfactory way. The overuse of the term '*Fish and Game NZ*' which is not a statutory title of any of the parties further confuses the matter because it is unclear which Councils this covers – NZC or all 13 Councils?.

Council thought its adoption locally would better serve both Otago and NZ Council and lower the risk of miscommunication or mishandling by both parties. That is not to say that NZC couldn't act in a supporting role if required.

Decision: Council rejects its adoption as National Policy, but will adopt a local version of a Protected Disclosures Policy when have been made edits to create greater clarity.

2. Draft Health and Safety Policy

Otago already has its own Health and Safety Policy in place which is readopted annually (last adopted in February 2024) so believe National Health and Safety Policy is simply duplication.

As presently written – in part related to the generalization of the title *Fish and Game NZ* - it has the inadvertent effect of making the NZC accountable for H&S incidents or litigation generated in the Regions where presently the PCBU (Persons Conducting a Business or Undertaking) stops at the

Regional Council level. Otago Council was unsure why NZC would invite additional liabilities (with the exception of Rangers) where it wasn't necessary.

Council also considered this an over reach of authority by NZC. While agreeing that a part of the NZC function is to develop national policy *'for carrying out the functions for sports fish and game'*, this seems to be well outside of that role.

The legislation is quite clear that regions are to develop their own personnel policies as part of their good employer obligations (Section 26T of the Conservation Act) and that includes policy for worker health and safety. Otago Council has done that. It may be helpful for other regions who don't already have a policy in place to be working from a generic F&G template and NZC is encouraged to develop that template.

NZC has an audit function which it should use to ensure that every region (and itself) have a fit for purpose health and safety policy in place. The policy should be clearer about that.

Decision: Reject adoption as National Policy, unless the duties and lines of accountability are more clearly defined and clarified.

3. Draft Ranger Health and Safety Policy

The policy is supported given the lines of responsibility extending down from the Directors role in appointment of Rangers.

Again, there is some confusion over title of the parties involved and the policy crossing over into regional responsibilities, particularly around staff undertaking compliance activity as part of their routine work in Regions.

Policy edits could include the removal of the Health and Safety provisions (the exists elsewhere so it is a duplication) and more clarity around the separation of regionally appointed staff from honorary rangers to ensure there is a defined split of responsibilities for each.

Decision: Agree to adoption, subject to amendments to clarify titles, roles and responsibilities.

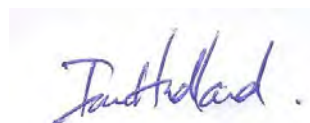
As usual, Otago staff are happy to assist with adjustment to the documents to align with this feedback.

Yours sincerely



Colin Weatherall

Otago Fish & Game Council Chair



Ian Hadland

Chief Executive



5 June 2024

CEO & Chair
NZFGC

Via email

Dear Corina & Barry

Licence fee considerations

At the Southland Council's recent meeting we considered the recommendations from the New Zealand Council, regarding licence fees for the coming Fish and Game seasons.

As you will both be aware, the Southland Council has long supported keeping licence prices as low as possible and have frequently expressed concern at the increasing cost, particularly for game bird hunting licences. Therefore, our council was broadly supportive of the licence fees remaining the same.

Amongst discussion, questions were raised about the validity of the assertion that the Minister would not entertain a licence fee increase for either fish or game for the coming seasons. Acceptance of this led NZC to ask regions to make a 3% cut to their budgets, with this money then ostensibly becoming available through a contestable funding process.

Unfortunately, of the regions that reduced their budgets by the requested 3%, only one was a North Island region, Auckland-Waikato, who with retirement of senior staff, were easily able to absorb the reduction. Therefore, the NZC's requested 3% reduction to base budgets has increased the growing disparity between resource use and resource allocation.

Resolution

The Southland Council resolved to accept the 2024-2025 licence fee recommendations, with the exception of the Designated Waters Licence fee for non-residents, which they wish to see raised to \$60.00 per day.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Lindsay Withington', with a stylized flourish at the end.

Lindsay Withington
Chair
Southland Fish and Game Council

Appendix 1:

CONSULTATION:	LICENCE FEE RECOMMENDATION 2024-25
TO:	Regional Chairs
CC:	Regional Managers, NZC and Administrators
AUTHOR:	Corina Jordan, CEO NZ Fish and Game Council
DATE:	29/04/2024
FEEDBACK DUE:	31/05/2024
FEEDBACK TO:	nzcouncil@fishandgame.org.nz
LINK TO REGISTER:	Consultation Register

Recommendations - Ngā taunaki

The New Zealand Fish and Game Council seeks consultation from Regional Fish and Game Councils on the following points:

1. That the 2024/25 adult whole season sports fish licence fee is set at \$153 and that the adult whole season game licence is set at \$113 (inclusive of a \$5 fee for the Game Bird Habitat Stamp), with all proportional changes to remaining licence fees and categories. (no change from 2023/24).
2. The sea run salmon licence endorsement of \$5 (as a cost-recovery mechanism). (no change from 2023/24).
3. That Designated Waters Licence, as a \$5 annual licence per Fish and Game region for resident anglers and as a day licence to non-resident anglers at a fee of \$40. (no change from 2023/24).

Discussion - Kōrero

Proposal

The New Zealand Fish and Game Council (NZC) is seeking to consult with Fish and Game regional councils on the '2024/25 licence fee recommendations and forecast LEQ' for 2024/25.

The NZC met on the 19th and 20th of April 2024 to consider the 2024/25 budgets and licence fees. Following that meeting, NZC agreed to recommend maintaining the licence fee for a sports fish adult whole season licence at \$153 and to maintain the game adult whole season licence at \$113 for 2024/2025. In recommending these fees, NZC also recommended that all other licence categories increase to the agreed proportions. A full list of recommended licence fees and categories is detailed in the Schedule attached (**Appendix 2**).

Background

Legislation provides for the following:

Section 26Q of the Conservation Act 1987 sets out the functions of Fish and Game Councils.

Subsection (l)(d)(a) requires councils:

To assess the costs attributable to the management of sports fish and game;

Section 26Q(l)(d)(ii) requires Fish and Game councils:

To develop and recommend to the New Zealand Fish and Game Council appropriate licence fees to recover costs and game bird habitat stamp fees;

Section 26C(l)(e) requires NZC:

To recommend to the Minister of Conservation an appropriate fee for fishing and hunting licences;

after considering the views and recommendations of Fish and Game Councils.

Section 26C(l)(ia) also requires NZC:

To recommend to the Minister, after considering the views and recommendations (if any) of Fish and Game Councils and the New Zealand Game Bird Habitat Trust Board, an appropriate fee in respect of any game bird habitat stamp and the form of such stamps (the form of the stamp to be approved as part of the 2011 Game Notice).

Operationally, the national policy of NZC specifies that all expenditure needs to be approved as part of the budget round, including capital expenditure and expenditure from reserves for all councils.

Policy

At the May 2020 NZC meeting, in response to COVID-19, the NZC set the minimum level of reserves at 20% of total budget for all councils. This level of general reserve is considered adequate to provide security against fluctuations in income and to ensure adequate operational cash flow.

The budget policy specifies that all expenditure from general and dedicated reserves needs to be notified/approved by NZC as part of the budget round, or by making an application for Exceptional Funding. There are consequences across all sectors of the organisation when any council's reserves are reduced in a manner inconsistent with this policy.

Budget Process

The method of increasing funding levels for individual councils is through a contestable funding application at the April budget setting meeting. Applications can be for either a one-off funding allocation for a specific project, or for ongoing additional funding. The latter in effect raises the total baseline funding level for that council.

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.

This process is summarised in the following budget cycle:

Feb	All council budgets reviewed against audited actual expenditure. Budgets over or under 10% variance are reported against, reviewed, and discussed. The variance reports for the 2022/23 year are prepared and discussed. NZC set regional base funds for the 2024/25 year at \$11,867,408. NZC recommended to all Regions to make reductions of 3% from their Base funds.
March	Preparation of business and operational work plans for new financial year (NFY). Draft budgets developed by NZC and regional councils. Regions and NZC made savings of \$192,183.
April	Councils apply for 'new' contestable funding with applications circulated beforehand, reviewed against criteria, considered, and prioritised at the meeting
	NZC meet (by Zoom) with the Chairs of each region to consider the contestable funding applications.
April	NZC make recommendation on licence forecast, fees, having considered base funding levels and contestable fund applications, and send to regional councils for consideration.
May	Regional councils consider NZC licence fee recommendation. Due back to NZC (31 May).
June	NZC consider regional response and finalise licence fee recommendations for approval by the Minister of Conservation. (19 June)

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). ⁽⁶⁶⁾

2024/25 Licence LEQ Forecast

The following table represents the approved forecast for the Licence sales for Fish and Game for the 2024/25 season. Total LEQ Fish 72,826 and Game 31,340.

The forecast which was recommended by the Licence Working Party.

	Actual 2021/22		Actual 2022/23		Est 2024	Budget 2023/24		Projected 24/25	
	Fish	Game	Fish	Game	Fish	Fish	Game	Fish	Game
Northland	217	1,582	455	1,552	454	370	1,552	454	1,537
Auckland\Waikato	3,231	6,309	3,550	6,518	3,658	3,729	6,201	3,658	6,518
Eastern	8,695	3,024	8,643	2,854	8,456	8,663	3,012	8,363	2,769
Hawkes Bay	2,476	1,916	2,525	1,750	2,335	1,879	1,916	2,690	1,667
Taranaki	861	1,114	1,034	1,086	987	938	1,113	964	1,072
Wellington	3,239	3,409	2,990	3,290	2,989	2,807	3,409	2,989	3,231
Nelson-Marlb	3,460	900	4,410	862	4,364	4,599	887	4,341	843
Nth Canterbury	10,980	2,428	11,084	2,557	10,964	11,148	2,381	10,904	2,557
West Coast	1,744	370	2,253	364	2,169	2,208	358	2,127	361
Central SI	11,638	2,235	12,946	2,267	12,536	12,937	2,233	12,331	2,267
Otago	14,923	4,080	15,828	3,989	15,549	15,614	4,029	15,410	3,944
Southland	8,099	4,727	9,084	4,625	8,758	9,167	4,672	8,595	4,574
NZC only									
National									
TOTAL	69,563	32,094	74,802	31,714	73,219	74,060	31,763	72,826	31,340

Following Components Featured in the 2024/25 Budget Discussions:

Contestable Funding Applications

59 contestable funding applications were received (90 last year), seeking additional funding of \$2,200,596 (last year \$2,965,090).

National Budget	# Applications	\$ from Licence fee	\$ from Reserves	CF for Salaries	CF for REM	CF for new Staff
Northland	2	12,974	-	10,974	10,974	
Auckland\Waikato	0	-	-	-	-	
Eastern	2	26,600	15,000	26,600	26,600	
Hawkes Bay	2	154,000	-	54,000	54,000	
Taranaki	2	29,333	-	29,333	8,124	21,209
Wellington	1	17,788	-	17,788	17,788	
Nelson-Marlb	0	-	-	-	-	
Nth Canterbury	5	103,748	30,000	31,748	31,748	
West Coast	2	34,350	25,000	59,350	59,350	
Central SI	3	237,500	29,601	190,000		190,000
Otago	3	120,000	23,000	115,000		115,000
Southland	5	19,427	136,775	75,702	10,427	65,275
NZC only	7	110,400	-	-		
National	25	1,075,100	-	160,000		160,000
TOTAL	59	1,941,220	259,376	770,495	219,011	551,484
TOTAL Contestable Funding Applications		2,200,596				

Contestable Funding Recommendations from NZC Staff

The NZC staff make recommendations to the NZC in 3 Steps:

1. Step 1: Recommendation of the Regional Contestable applications.
2. Step 2: Recommendation of the Regional Contestable applications the essential increases

required for NZC and national Budgets.

3. Step 3: Recommendation of the Regional Contestable applications the essential increases required for NZC and national Budgets plus recommendation for Strategic funding.

2024/25 NZC Contestable Funding Approval and 2024/25 Budgets

Budgets for all councils were received and circulated to the NZC for review prior to the April NZC meeting.

The Chairs of the Regions were invited to present their CFs to the NZC on Friday 19th April.

The NZC approved contestable funding applications at a total value of \$1,580,496. Of this, \$624,161 were ongoing from the Licence fee, \$596,959 were one off from the Licence fee and \$359,376 were one-off from reserves.

The attached Table 6 (Appendix 1) sets out the full list of approved contestable funding applications with the approval rating from the NZC staff and the final approval from the NZC. Any figures highlighted in yellow have been adjusted from the original application during the Contestable funding review process or at the NZC meeting.

Reasoning behind the decisions include:

1. Salaries for REM – have all been approved in principle – as the NZC believe our people are our greatest assets. However, the amounts sort in the CF's need to peer reviewed by the HR advisor and to ensure the amounts are in line with the REM policy. i.e. there is parity across the organisation.
 - a. The process this year is that the market information from the March Strategic Pay survey will be available around mid May. Jane will then notify you of the new pay bands and will send out a spreadsheet to those who have asked for CF funds for remuneration, in order that you can indicate where you would like to place your team within the band. Pay parity can then be checked and the additional budget required can be calculated.
 - b. Once this review has been completed, the relevant Regions will be notified of the final approval from the CF fund for Rem.
 - c. In future, as NZC has only approved a budget for one Strategic Pay report in the next financial year, we will use the September 2024 report to calculate the remuneration budget for the 25/26 financial year.
 - d. Strategic Pay will calculate new pay bands in early December from the September survey, so the HR/HS advisor can then send out a spreadsheet to Regions where you can identify where you think you will want to place your staff within the bands, and the required remuneration can be calculated well before the April NZC meeting.
2. All CF's from Regional reserves were approved.
3. Northland - \$2,000 for insurance was declined as the NZC feels this amount could be found within the present Northland budget.
4. Hawkes Bay \$100,000 has been approved from reserves as a one off. It is the intention of the HBFGC to ensure this project is self-sustaining in the following years.
5. Taranaki – Management Contract - \$21,209 – Approved as a one off and for the budget to be reconsidered in the following year.
6. North Canterbury – Put and Take Fishery – NZC approved \$5,000 as per the current year budget. Te Waihora Mai Mai \$9,000 was approved as a one off as the NZC have requested the North Canterbury Council to investigate alternative funding for this, for example a Mai Mai fee to those using the Mai Mai's. The ARF figure was approved as per the current year budget

\$20,000 (one off) with the NZC requesting all Regions ARF registers are reviewed by Kate and Carmel to ensure all Regions are adequately funded.

7. Central South Island – Applied for 2 staff members – the NZC approved 1 staff member.
8. Otago - \$5,000 for the Council Induction was not approved as this will be funded by the NZC budget. The new staff member was declined due to financial constraints.
9. Southland – CF’s from Reserves approved and the Parrie and swan counts costs were reinstated.
10. NZC - \$20,000 for NZC meetings not approved as they look to move to online and 1-day meetings to save money. Staff expenses reduced to \$10,000 due to financial constraints. Advocacy for Fish and Game \$37,500 was reinstated (as this was originally reduced with the 3% cuts). The NZC were committed to the Governance Advisor and approved \$20,000 for this as part of the commitment to undertake the non-legislative recommendations of the Ministerial Review.
11. National – Many of the National CF applications were due to increased costs for providing the service and were approved – for example, the increase in office 365 and data costs, election costs, postage increases for the postage of the licences and increased costs of hosting face to face managers meetings.
 - a. The Health and Safety Risk management system was given a priority as the NZC considered that the robust H & S system used by all of Fish and Game was vital.
 - b. Approval was given for the extension work for Website and Social media \$30,000 as part of the commitment to adding value to for Licence holders.
 - c. The NZC Staff submitted a CF for National Liaison (\$40k) and Marketing & Social Licence (80K). The NZC approved a total of \$30,000 across both projects with the direction to the CEO to use this funding either in National Liaison and or Marketing and Social licence.
 - d. The Research budget was reinstated to the \$100k (as this was originally reduced with the 3% cuts)
 - e. A reduction in the National Base funding of \$50,000 was approved (this was part of the Regulations budget) The NZC made a decision NZC to no longer print regulation guides, but to have these provided as a link and a PDF only.
 - f. The \$50,000 reduction from the Regulations budget was approved to be used as a one off for the Scoping of the Digital licence for 2024/25.
 - g. The HR/HS position that was funded as a one off in 2023/24 was approved but at .6FTE rather than the .8 FTE that was originally applied for.
 - h. Governor Training and induction was approved at \$30,000.
 - i. The application for a .5 FTE for research was not approved.
12. There were two major projects that were considered by the NZC, that were not affordable within the Licence fee – these 2 projects were for the magazine \$235,000 and for the Regional RMA (Resource Management Act) Fund \$200,000. The NZC recognised the significance of these 2 projects – both have been approved as one offs for 2024/25 and will come from regional reserves.

The proposed budget for the 13 Fish and Game councils for 2024/25 (including funding from reserves) is \$13,255,720. Individual budgets are shown in the Table 3 below alongside the previous financial year (both shown as GST exclusive).

Table 3: National Approved Budget -DRAFT

	Base Funds 2024/25	Approved CF Licence Fee ongoing	Approved CF from Licence Fee - One off	Approved CF from Reserves - One off	Approved Budget 2024/25 (inc from Reserves)
Northland	581,107	10,974	0	0	592,081
Auckland/Waikato	881,824	0	0	0	881,824
Eastern	1,278,944	26,600	0	15,000	1,320,544
Hawkes Bay	380,624	54,000	0	100,000	534,624
Taranaki	419,692	8,124	21,209	0	449,025
Wellington	830,600	17,788	0	0	848,388
Nelson-Marlb	564,125	0	0	0	564,125
Nth Canterbury	973,187	36,748	29,000	30,000	1,068,935
West Coast	341,601	34,350	0	25,000	400,951
Central SI	850,235	95,000	23,750	29,601	998,586
Otago	1,240,967	0	0	23,000	1,263,967
Southland	803,632	19,427	0	136,775	959,834
NZC only	1,203,086	77,400	0	0	1,280,486
National 1	1,325,600	243,750	523,000	0	2,092,350
TOTAL	11,675,224	624,161	596,959	359,376	13,255,720

1

Research Fund Allocation

To avoid inflating the budget in any one year an allocation is made annually to the Research Fund. The annual Research Budget (\$155k) has been split between General Research (\$100k), the National Anglers Survey (\$30k) and the Research for PhD (Cawthron \$25k).

The National Research Budget was reduced by \$41,000 (to make the 3% savings) This was reinstated by the NZC within the CF approval process.

There were no applications to this Research Fund.

Staff Development Fund

A staff scholarship of \$10,000 is available annually for Fish and Game staff to apply for support from the organisation for national and international study, work experience or participation in events or conferences.

There were two applications to this fund for the 2024/25 year.

1. Hamish Stevens (CSI) \$2,500 – to attend the Biennial Bay Delta Science Conference in San Francisco
2. Beginner te Reo Māori online classes for 20x F & G staff \$6,600 (applied for by Maggie Tait)

¹ National issues include the cost of shared services benefiting the organisation nationwide, such as the special editions of the FISH AND GAME magazine, the FISH AND GAME NZ website, licence administration system, administration of elections, ranger health & safety training, etc.

Following the recommendations from the Managers, the application from Hamish Stevens was approved to the total value of \$2,500.

RMA/Legal Fund Allocation

The RMA/Legal fund receives budget allocations on a reimbursement basis. It covers payment of costs through a national fund rather than separate funding allocations in individual council's budgets where approved legal projects occur.

It was agreed that contestable funding of \$200,000 be allocated to the national legal pool fund for this 2024/25 year. This will be funded from reserves.

The NZC approved from the RMA fund

- \$10,215 to work on inputs control form the NPSFM (National Policy Statement Freshwater Management) project.
- \$30,000 for Hawkes Bay for Tranche 2.
- \$50,000 towards RMA reform and NPS _ FM.
- And 65,000 from Hawkes Bay Reserves for Tranche 2.

Licence Fee Recommendations

NZC Licence Fee Recommendation

At the February 2024 NZC meeting, the NZC indicated that they intended for the licence fee to remain at \$153 and \$113 as they believed that the minister would, be accepting of this price.

The NZC recommend that the 2024/25 licence fee be based on a sports fish adult whole season fee of \$153 and the game adult whole season licence \$113 (inclusive of the Game Bird Habitat Stamp) (GST inclusive) and for all other licence categories to increase proportionally. The Salmon licence \$5, the Designated Waters Licence \$5 for residents and \$40 for Non-residents. This represents no increase on last year.

The NZC recommended that the Sports Fish and Game licence categories be maintained at the same ratios as previous years.

Recommended licence fees are set out in the schedule 2 at the end of this letter.

Total income including interest is \$12,463,441. The Cost of Sales (COS) is the commission and bank transaction charges relating to the sale of licences is budgeted at 4.0% of licence income.

Table 4: Total Income Summary 2024/25

	TOTAL Licence Income \$		Net Licence		
	TOTAL F & G	Total COS \$	Income \$	Interest \$	Net Income
Northland	204,746	8,190	196,556	10,104	206,660
Auckland\Waikato	1,098,798	43,952	1,054,846	17,768	1,072,615
Eastern	1,372,688	54,908	1,317,780	34,340	1,352,120
Hawkes Bay	514,440	20,578	493,862	35,630	529,492
Taranaki	228,929	9,157	219,772	9,032	228,804
Wellington	701,100	28,044	673,056	10,984	684,040
Nelson-Marlb	656,710	26,268	630,442	7,419	637,861
Nth Canterbury	1,690,842	67,634	1,623,208	13,367	1,636,575
West Coast	316,886	12,675	304,211	15,470	319,681
Central SI	1,853,460	74,138	1,779,322	44,444	1,823,766
Otago	2,420,593	96,824	2,323,769	57,966	2,381,735
Southland	1,573,067	62,923	1,510,144	39,923	1,550,068
NZC only				40,025	40,025
National					
TOTAL	12,632,259	505,290	12,126,969	336,472	12,463,441

NZ Game Bird Habitat Stamp

The NZC recommended the Game Bird Habitat Stamp for 2023/24 remain at \$5.

Modification to Licence Categories and Ratios with whole Season Fees

The NZ Council agreed that the sports fish categories and ratios be maintained the same as previous years.

Overall Forecast Position and Use of Reserves

The recommendation for licence fee of \$153 and \$113, along with the recommendation of a total budget of \$13,255,720 creates an overall deficit of \$792,279.

Table 5: Overall Forecast Position for Fish and Game

For the Year ended 31 August 2025

Net Licence Sales				12,126,969
Interest				336,472
Total Income				12,463,441
Less Approved Budget				13,255,720
Total Surplus/(Deficit)				(792,279)

Approval for regions to use their reserves to cover one off projects for the year totals \$359,376. Additionally, regions are required to use their reserves to cover the shortfall of \$432,903. This latter amount represents an additional 3.36% use of reserves. (\$359,376 plus \$432,903 equals the total deficit of \$792,279).

Forecasts as at April 2024 suggest one region, North Canterbury may fall below the 20% reserves and require a top up of \$12,247 in the 2025/26 contestable funding round. This forecast however, is based

on Regions working within the 2023/24 budgets.

Conclusion

The NZ Council seeks consultation from Fish and Game regional councils on the following points:

1. **The licence fees and categories as set out in the appended schedule (Appendix 2) and specifically:**
 - a. **That the 2024/25 adult whole season sports fish licence fee is set at \$153 and that the adult whole season game licence is set at \$113 (inclusive of a \$5 fee for the Game Bird Habitat Stamp), with all proportional changes to remaining licence fees**
 - b. **The Licence LEQ of 72,826 (Fish) and 31,340 (Game)**

To enable the NZC to consider feedback and make recommendations to the Minister of Conservation at its 18 June 2023 meeting, responses to these changes are requested to be submitted by the close of business on **31 May 2024**.



Barrie Barnes
Chairman
New Zealand Fish and Game Council



Corina Jordan
Chief Executive
New Zealand Fish and Game Council



APPENDIX 1

Table 6 : Contestable Fund Applications Detail 2024-25 - 432,903																							
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	1 Not	2 Good To	3 Recommend	4 Essential Whole	5 Withdrawn	APPROVED Ongoing Licence Fee	APPROVED One Off Licence Fee	APPROVED Restore Reserves	APPROVED Capital EX	APPROVED from Reserves	
	Northland																						
	\$ 581,107																						
NTH 001		1910	Salaries	L		B			10,974	10,974	4	4				10,974		0	0	0	0	0	0
NTH 002		1984	Insurance	L		B			2,000	2,000	1	1	2,000					0	0	0	0	0	0
	TOTAL Northland								12,974	12,974			2,000	0	0	10,974	0	10,974	0	0	0	0	0
	Auckland/Waikato																						
	\$ 881,824		No CF bids						0	0			0	0	0	0	0	0	0	0	0	0	0
	TOTAL Auckland/Waikato								0	0			0	0	0	0	0	0	0	0	0	0	0
	Eastern																						
	\$ 1,278,944								0	0			0	0	0	0	0	0	0	0	0	0	0
EAST 001		1910	Salaries	L		B			26,600	26,600	4	4	0	0	0	26,600	0	26,600	0	0	0	0	0
EAST 002		1114	Lake Tarawera	R		O			15,000	15,000	4	4	0	0	0	15,000	0	0	0	0	0	0	15,000
	TOTAL Eastern								41,600	41,600			0	0	0	41,600	0	26,600	0	0	0	0	15,000
	Hawke's Bay																						
	\$ 380,624								0	0			0	0	0	0	0	0	0	0	0	0	0
HBAY 001		1910	Salaries	L		B			54,000	54,000	4	4	0	0	0	54,000	0	54,000	0	0	0	0	0
HBAY 002		1454	Education Centre Development	R		O			100,000	100,000	4	4	0	0	0	100,000	0	0	0	0	0	0	100,000
	TOTAL Hawke's Bay								154,000	154,000			0	0	0	154,000	0	54,000	0	0	0	0	100,000
	Taranaki																						
	\$ 419,692								0	0			0	0	0	0	0	0	0	0	0	0	0
TARA 001		1912	Continuation of Management	L		O			21,209	21,209	4	4	0	0	0	21,209	0	0	21,209	0	0	0	0
TARA 002		1911	Salaries	L		B			8,124	8,124	4	4	0	0	0	8,124	0	8,124	0	0	0	0	0
	TOTAL Taranaki								29,333	29,333			0	0	0	29,333	0	8,124	21,209	0	0	0	0
	Wellington																						
	\$ 830,600								0	0			0	0	0	0	0	0	0	0	0	0	0
WELL 001		1911	Salaries	L		B			17,788	17,788	4	4	0	0	0	17,788	0	17,788	0	0	0	0	0
	TOTAL Wellington								17,788	17,788			0	0	0	17,788	0	17,788	0	0	0	0	0
	Nelson/Marlborough																						
	\$ 564,125		No CF Bids	L		B			0	0			0	0	0	0	0	0	0	0	0	0	0
N/A									0	0			0	0	0	0	0	0	0	0	0	0	0
	TOTAL Nelson/Marlborough								0	0			0	0	0	0	0	0	0	0	0	0	0
	North Canterbury																						
	\$ 973,187								0	0			0	0	0	0	0	0	0	0	0	0	0
NC 001		1911	Salaries	L		B			31,748	31,748	4	4	0	0	0	31,748	0	31,748	0	0	0	0	0
NC 002		1161	Put & Take Fishery	L		B			23,000	5,000	4	4	0	0	0	5,000	0	5,000	0	0	0	0	0
NC 003		1232	Te Waihora Maimai Agt	L		O			9,000	9,000	4	4	0	0	0	9,000	0	0	9,000	0	0	0	0
NC 004		ARF	Asset Replacement Fund	L		O			40,000	20,000	4	4	0	0	0	20,000	0	0	20,000	0	0	0	0
NC 005		1112	Trout Fishery/Designated Wa	R		O			30,000	30,000	4	4	0	0	0	30,000	0	0	0	0	0	0	30,000
	TOTAL North Cant								133,748	95,748			0	0	0	95,748	0	36,748	29,000	0	0	0	30,000
	West Coast																						
	\$ 341,601								0	0			0	0	0	0	0	0	0	0	0	0	0
WC 001		1910	Salaries	L		B			34,350	34,350	4	4	0	0	0	34,350	0	34,350	0	0	0	0	0
WC 002		1910	Salaries	R		O			25,000	25,000	4	4	0	0	0	25,000	0	0	0	0	0	0	25,000
	TOTAL West Coast								59,350	59,350			0	0	0	59,350	0	34,350	0	0	0	0	25,000



Table 6 : Contestable Fund Applications Detail 2024-25 - 432,903																					
Summary of Decisions from NZC meeting																					
App No	Region Base Funding 2024/25	Project Code	Description	L	B	O	C	Additional \$ Sought	\$ amount \$ Adjusted	Staff Recommendation	NZC Recommendation	1 Not	2 Good To	3 Recommendde	4 Essential Whole	5 Withdrawn	APPROVED Ongoing Licence Fee	APPROVED One Off Licence Fee	APPROVED Restore Reserves	APPROVED Capital EX	APPROVED from Reserves
Central South Island																					
	\$ 850,235							0	0			0	0	0	0	0	0	0	0	0	
CSI 001		CAP	Electric Fishing Machine	R	C			29,601	29,601	4	4	0	0	0	29,601	0	0	0	0	29,601	
CSI 002		1910	Salaries	L	B			190,000	95,000	4	4	0	0	0	95,000	0	95,000	0	0	0	
CSI 002		1912	Staff Expenses	L	O			47,500	23,750	4	4	0	0	0	23,750	0	0	23,750	0	0	
TOTAL Central South Island								267,101	148,351			0	0	0	148,351	0	95,000	23,750	0	0	29,601
Otago																					
	\$ 1,240,967							0	0			0	0	0	0	0	0	0	0	0	
OTG 001		1700	Council Elections & Meetings	L	O			5,000	5,000	1	1	5,000	0	0	0	0	0	0	0	0	
OTG 002		1911	Advocacy/PR/Strategic Rela	L	B			115,000	115,000	4	3	0	0	115,000	0	0	0	0	0	0	
OTG 003		1321	Designated Waters Impleme	R	O			23,000	23,000	4	4	0	0	0	23,000	0	0	0	0	23,000	
TOTAL Otago								143,000	143,000			5,000	0	115,000	23,000	0	0	0	0	0	23,000
Southland																					
	\$ 803,632							0	0			0	0	0	0	0	0	0	0	0	
STH 001		1900	Salaries	L	B			10,427	10,427	4	4	0	0	0	10,427	0	10,427	0	0	0	
STH 002		1115	Maintain Te Anau House	R	O			61,500	61,500	4	4	0	0	0	61,500	0	0	0	0	61,500	
STH 003		1115	Maintain Angler Access Brigh	R	O			10,000	10,000	4	4	0	0	0	10,000	0	0	0	0	10,000	
STH 004		1115	Parrie and swan counts	L	B			9,000	9,000	4	4	0	0	0	9,000	0	9,000	0	0	0	
STH 005		1710	Salaries from DW Reserve	R	O			65,275	65,275	4	4	0	0	0	65,275	0	0	0	0	65,275	
TOTAL Southland								156,202	156,202			0	0	0	156,202	0	19,427	0	0	0	136,775
NZC																					
	\$ 1,203,086							0	0			0	0	0	0	0	0	0	0	0	
NZC 001		1700	Governance Forum Chairs/N	L	B			3,000	3,000	2	1	3,000	0	0	0	0	0	0	0	0	
NZC 002		1700	NZC Chair Travel	L	B			7,000	7,000	4	4	0	0	0	7,000	0	7,000	0	0	0	
NZC 003		1700	NZC Meetings	L	B			20,000	10,000	2	2	0	10,000	0	0	0	0	0	0	0	
NZC 004		1820	Financial Audit Fee	L	B			3,000	3,000	4	4	0	0	0	3,000	0	3,000	0	0	0	
NZC 005		1920	Staff Expenses	L	B			20,000	10,000	4	4	0	0	0	10,000	0	10,000	0	0	0	
NZC 007		1430	Advocacy for Fish & Game	L	B			37,400	37,400	4	4	0	0	0	37,400	0	37,400	0	0	0	
NZC 009		1700	Governance Advisor	L	B			20,000	20,000	3	4	0	0	0	20,000	0	20,000	0	0	0	
TOTAL NZC								110,400	90,400			3,000	10,000	0	77,400	0	77,400	0	0	0	



Table 6 : Contestable Fund Applications Detail 2024-25 - 432,903

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	1 Not	2 Good To	3 Recommend	4 Essential Whole	5 Withdrawn	APPROVED Ongoing Licence Fee	APPROVED One Off Licence Fee	APPROVED Restore Reserves	APPROVED Capital EX	APPROVED from Reserves
	National					0	0			0	0	0	0	0	0	0	0	0	0
	\$1,325,600																		
NAT 001	1614		Licence Audit Fee	L	B	2,500	2,500	4	4	0	0	0	2,500	0	2,500	0	0	0	0
NAT 002	1822		Maritime Compliance	L	B	10,000	10,000	4	4	0	0	0	10,000	0	10,000	0	0	0	0
NAT 003	1422		Information Technology - Nat	L	B	18,000	18,000	4	4	0	0	0	18,000	0	18,000	0	0	0	0
NAT 004	1240		RMA Fund	L	O	200,000	200,000	4	4	0	0	0	200,000	0	0	200,000	0	0	0
NAT 005	1711		Election Costs	L	O	15,000	15,000	4	4	0	0	0	15,000	0	0	15,000	0	0	0
NAT 005	1711		Election Costs	L	B	7,500	7,500	4	4	0	0	0	7,500	0	7,500	0	0	0	0
NAT 006	1332		Fish and Game Magazine	L	O	235,000	235,000	4	4	0	0	0	235,000	0	0	235,000	0	0	0
NAT 007	1170		Reg Guides	L	B	4,100	4,100	4	1	4,100	0	0	0	0	0	0	0	0	0
NAT 008	1630		Licence Production	L	B	40,000	40,000	4	4	0	0	0	40,000	0	40,000	0	0	0	0
NAT 009	1810		Managers meetings	L	B	33,000	8,000	3	4	0	0	0	8,000	0	8,000	0	0	0	0
NAT 010	1820		Health & Safety - Risk Mngt S	L	B	5,000	5,000	3	4	0	0	0	5,000	0	5,000	0	0	0	0
NAT 010	1820		Health & Safety - Risk Mngt S	L	O	3,000	3,000	3	4	0	0	0	3,000	0	0	3,000	0	0	0
NAT 011	1423		Website and Social Media	L	B	30,000	30,000	4	4	0	0	0	30,000	0	30,000	0	0	0	0
NAT 012	1430		National Liaison	L	B	40,000	10,000	4	4	0	0	0	10,000	0	10,000	0	0	0	0
NAT 013	1442		Marketing and Social Licence	L	B	80,000	20,000	4	4	0	0	0	20,000	0	20,000	0	0	0	0
NAT 014	1460		Research	L	B	41,000	41,000	4	4	0	0	0	41,000	0	41,000	0	0	0	0
NAT 015	1815		Co-ordination HR - travel	L	B	5,000	5,000	3	3	0	0	5,000	0	0	0	0	0	0	0
NAT 016	1820		Strategic Pay reports	L	B	6,000	3,000	4	4	0	0	0	3,000	0	3,000	0	0	0	0
			Reduction of Baseline - Regu	L	B	0	(50,000)	4	4	0	0	0	(50,000)	0	(50,000)	0	0	0	0
NAT 017	1620		Scoping of Digital Licence - U	L	O	50,000	50,000	4	4	0	0	0	50,000	0	0	50,000	0	0	0
NAT 018	1830		Consultant Amalgamation - F	L	O	10,000	10,000	4	1	10,000	0	0	0	0	0	0	0	0	0
NAT 019	1835		Cost optimisation follow up	L	O	20,000	20,000	4	4	0	0	0	20,000	0	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	20,000	0	0	0	0	0	0	0
NAT 021	1850		National H & Safety trainging	L	B	5,000	5,000	3	3	0	0	5,000	0	0	0	0	0	0	0
NAT 022	1100		Sports Fish & Game bird sta	L	B	5,000	5,000	4	4	0	0	0	5,000	0	5,000	0	0	0	0
NZC 006 NAT 023	1910		Salaries - HR/HS Advisor	L	B	85,000	63,750	4	4	0	0	0	63,750	0	63,750	0	0	0	0
NZC 008 NAT 024	1700		Governor Training and induct	L	B	30,000	30,000	4	4	0	0	0	30,000	0	30,000	0	0	0	0
NZC 010 NAT 025	1910		Salaries - Research	L	B	75,000	75,000	3	3	0	0	75,000	0	0	0	0	0	0	0
						0	0			0	0	0	0	0	0	0	0	0	0
			TOTAL National			1,075,100	885,850			14,100	0	105,000	766,750	0	243,750	523,000	0	0	0
			TOTAL			\$ 2,200,596	\$1,834,596			\$ 24,100	\$ 10,000	\$ 220,000	\$ 1,580,496	\$ -	\$ 624,161	\$ 596,959	\$ -	\$ -	\$ 359,376

APPENDIX 2

Schedule of FISH AND GAME NZ's proposed Licence & Fees for 2024/25 (inclusive of GST)

Sports Fish Licence		2023/24	2024/25	
Category of licence	Applicant Class	Current fee \$	Proposed fee\$	Fee difference
Whole season (1 Oct – 30 Sep)	Adult	153	153	Nil
	Junior	31	31	Nil
	Child	free	free	Nil
Family		198	198	Nil
Non-resident Whole season	Adult	264	264	Nil
	Junior	50	50	Nil
	Child	50	50	Nil
Winter (1 Apr – 30 Sep)	Adult	92	92	Nil
Loyal senior	Adult	130	130	Nil
Local area	Adult	122	122	Nil
Short break	Adult	55	55	Nil
Long-break	Adult	107	107	Nil
Day	Adult	24	24	Nil
	Junior	5	5	Nil
Non-resident Day	Adult	37	37	Nil
	Junior	22	22	Nil
	Child	22	22	Nil
Controlled period		free	free	Nil
Sea Run Salmon		\$5	\$5	Nil
Designated Waters-resident	Season	\$5	\$5	Nil
Designated Waters- non-resident	Day	\$40	\$40	Nil

Game Bird Licence*		2024	2025	
Category of licence	Applicant Class	Current fee \$	Proposed fee\$	Fee difference
Whole season (primarily 1st Sat in May to 31 Aug)	Adult	113	113	Nil
	Junior	26	26	Nil
	Child	5	5	Nil
Day (available from 2nd Monday of season)	Adult	26	26	Nil
	Junior	10	10	Nil



All licence category fees are set as a percentage of the fish or game adult whole season fee and rounded to the nearest \$, hence in some instances the fee difference remains nil.

*Game bird hunting licence fee includes the \$5 NZ Game Bird Habitat Stamp.

Notes:

- A junior means a person aged 12 years or over, but under 18 years at the start of the season.
- A child means a person aged under 12 years at the start of the season.
- Designated Waters, Sea Run Salmon and Controlled-Period licence entitles an adult or junior whole season or family fish licence holder to fish in specified waters or for specified species.
- Whole Season for sports fish extends from 1 October through to 30 September the following year.
- Whole Season for game birds can extend from the first Saturday in May to beyond the traditional closing dates for upland game hunting at the end of August due to special season conditions between February to April the following year for some species, e.g. Paradise shelduck and Pukeko.
- A Game Bird Habitat Stamp fee of \$5.00 (incl. GST) is payable on all categories of game hunting licence and is included in the fees shown in the game hunting licence table above.

Allocation of Salaries Contestable funding 2024/25

New Zealand Fish and Game Council Meeting 169 – 18th & 19th of June 2024

Prepared by: Adrienne Murray, HR Advisor, NZ Fish and Game Council

Summary of considerations - Kōrero taunaki

Purpose - placeholder

This report to the New Zealand Fish and Game Council provides background for the:

Approval of Regional allocation of Contestable funding applications based on the May Strategic Pay report for the 2024/25 Budget.

Financial considerations

Nil Budgetary provision / Unbudgeted

Risk

Low Medium High Extreme

Background

As part of the budget process approved in the April meeting 168, the REM Contestable funding applications were approved in principle, however there was need for a peer review by the HR advisor before the final amounts are allocated to ensure parity across the organisation.

This is a holding paper as the NZC office has not received all of the information back from the Regions regarding the REM allocation at the time of writing this report.

Once all information has been received and REM budgets analysed the updated report will be sent to the NZC for approval within the 169 Meeting.

CEO Recommendations - Ngā taunaki

CEO recommends the following motion:

That the New Zealand Fish and Game Council:

1. Receive the information.
2. Approve the allocation of REM CF's for the 2024/25 Budget.

Allocation of Salaries Contestable funding 2024/25

New Zealand Fish and Game Council Meeting 169 – 18th & 19th of June 2024

Prepared by: Carmel Veitch, CFO, NZ Fish and Game Council

Summary of considerations - Kōrero taunaki

Purpose - placeholder

This report to the New Zealand Fish and Game Council provides background for the:

Approval of Regional allocation of Contestable funding applications based on the May Strategic Pay report for the 2024/25 Budget.

Financial considerations

Nil Budgetary provision / Unbudgeted

Risk

Low Medium High Extreme

Background

As part of the budget process approved in the April meeting 168, the REM Contestable funding applications were approved in principle, however there was need for a peer review by the HR advisor before the final amounts are allocated to ensure parity across the organisation.

This is a holding paper as the NZC office has not received all of the information back from the Regions regarding the REM allocation at the time of writing this report.

Once all information has been received and REM budgets analysed the updated report will be sent to the NZC for approval within the 169 Meeting.

CEO Recommendations - Ngā taunaki

CEO recommends the following motion:

That the New Zealand Fish and Game Council:

1. Receive the information.
2. Approve the allocation of REM CF's for the 2024/25 Budget.

Confirmation of Regions Budgets and Levies

New Zealand Fish and Game Council Meeting 169 – 18th & 19th of June 2024

Prepared by: Carmel Veitch, CFO, NZ Fish and Game Council

Summary of considerations - Kōrero taunaki

Purpose -

This report to the New Zealand Fish and Game Council provides background for the:

Approval of Regional Budgets, Levies and Grants and use of Reserves for
2024/25

Financial considerations

Nil Budgetary provision / Unbudgeted

Risk

Low Medium High Extreme

CEO Recommendations - Ngā taunaki

CEO recommends the following motion:

That the New Zealand Fish and Game Council:

1. Receive the information.
2. Approve the total Budget of \$13,255,720 for the 2024/25 Financial year
3. Agree that the Contestable funding approved for REM of \$194,011 will be peer reviewed by Adrienne (HR), consulted with the Regions and equitably distributed.
4. Agree that final Levies and Grants and 2024/25 year will be calculated upon the allocation of REM as per (3) above and approval of the Licence fee from the Minister.
5. Based on the licence fee of \$156 (Fish) and \$116 (Game), Approve the use of reserves of 1.34% (\$173,042) to be allocated on a pro rata basis to Regions.

Background - Takenga mai

1. The total budget approved budget at the NZC meeting 168 was \$13,255,720.

Table 1: National Approved Budget -DRAFT per meeting 168					
	Base Funds 2024/25	Approved CF Licence Fee ongoing	Approved CF from Licence Fee - One off	Approved CF from Reserves - One off	Approved Budget 2024/25 (inc from Reserves)
Northland	581,107	10,974	0	0	592,081
Auckland\Waikato	881,824	0	0	0	881,824
Eastern	1,278,944	26,600	0	15,000	1,320,544
Hawkes Bay	380,624	54,000	0	100,000	534,624
Taranaki	419,692	8,124	21,209	0	449,025
Wellington	830,600	17,788	0	0	848,388
Nelson-Marlb	564,125	0	0	0	564,125
Nth Canterbury	973,187	36,748	29,000	30,000	1,068,935
West Coast	341,601	34,350	0	25,000	400,951
Central SI	850,235	95,000	23,750	29,601	998,586
Otago	1,240,967	0	0	23,000	1,263,967
Southland	803,632	19,427	0	136,775	959,834
NZC only	1,203,086	77,400	0	0	1,280,486
National 1	1,325,600	243,750	523,000	0	2,092,350
TOTAL	11,675,224	624,161	596,959	359,376	13,255,720

- 2.
3. Within the licence fee consultation, Regions were notified that the CF's regarding Salaries were approved in principle, however, the final amounts allocated per Region would be determined following the Strategic Pay survey results in May 2024 and consultation with the regions to ensure parity across the organisation.
4. There has been a delay in this process as our HR advisor has been on sick leave and a number of regions have been slow in sending the appropriate information to her.
5. Final Approval of the 2024/25 Budgets, Levies and Grants and use of Reserves cannot be determined until the Allocation of Salaries for Contestable funding has been approved \$194,011 (Table 2) and approval of the licence fee from the Minister.
6. Contestable funding for REM- which has not yet been peer reviewed has been moved to the National Budget (as a place holder) until the final figures have been agreed by Adrienne (HR) and the Region.

Table 2: Contestable Funding for REM	
Not yet allocated - (holding in National Budget)	
Northland	10,974
Eastern	26,600
Hawkes Bay	54,000
Taranaki	8,124
Wellington	17,788
Nth Canterbury	31,748
West Coast	34,350
Southland	10,427
Total	194,011

7. The updated budgets is shown in Table 3. (CF for Rem above transferred to National budget)

Table 3: National Approved Budget -DRAFT - Adjusted for REM					
	Base Funds 2024/25	Approved CF Licence Fee ongoing	Approved CF from Licence Fee - One off	Approved CF from Reserves - One off	Approved Budget 2024/25 (inc from Reserves)
Northland	581,107	0	0	0	581,107
Auckland\Waikato	881,824	0	0	0	881,824
Eastern	1,278,944	0	0	15,000	1,293,944
Hawkes Bay	380,624	0	0	100,000	480,624
Taranaki	419,692	0	21,209	0	440,901
Wellington	830,600	0	0	0	830,600
Nelson-Marlb	564,125	0	0	0	564,125
Nth Canterbury	973,187	5,000	29,000	30,000	1,037,187
West Coast	341,601	0	0	25,000	366,601
Central SI	850,235	95,000	23,750	29,601	998,586
Otago	1,240,967	0	0	23,000	1,263,967
Southland	803,632	9,000	0	136,775	949,407
NZC only	1,203,086	77,400	0	0	1,280,486
National 1	1,325,600	437,761	523,000	0	2,286,361
TOTAL	11,675,224	624,161	596,959	359,376	13,255,720

8. Based on the Licence fee of \$156 for Fish and \$116 for Game, that the NZC are recommending to the Minister, and the forecast LEQ of 72,376 Fish (reduced by 450 for Hawkes Bay) and 31,340 Game, the forecast Net Licence income is \$12,329,235 plus interest income of \$336,472 – Total Income \$12,727,303.

9. The impact of this is a Deficit of \$532,417. See Table 4.

Table 4: Overall Forecast Position for Fish and Game	
For the Year ended 31 August 2025	
Net Licence Sales	12,329,235
Interest	336,472
Forecast Hawkes Bay Levy for additional Licences sold 2023/24	57,596
Total Income	12,723,303
Less Approved Budget	13,255,720
Total Surplus/(Deficit)	(532,417)

10. The Deficit is made up from approved Contestable funding from reserves \$359,376 plus a 1.34% use of reserves of \$173,042.

11. Note the increase of the Designated Waters (DW) to \$60 from \$40 for Non residents has no impact on the overall surplus/deficit as the DW licence income stays within the region that the licence is purchased for.

12. The Draft Levy/Grants per Region is presented in the table below – note that this is draft only and will be altered once the REM is distributed amongst Regions.

13.

Table 5: Budgets/Levy/Grants for 2024 25 -Draft				1.34%		
CF for REM still be be distributed						
Region	Forecast Total Income	Approved base Funds 2024 25	Approved CF Reserves	Less use of Reserves %	Levy/ (Grant)	Forecast Surplus/ (Deficit)
Northland	\$211,647	\$581,107	\$0	7,797	(\$361,663)	(\$7,797)
Auckland/Waikato	\$1,098,099	\$881,824	\$0	11,832	\$228,107	(\$11,832)
Eastern	\$1,379,998	\$1,278,944	\$15,000	17,161	\$118,215	(\$32,161)
Hawkes Bay	\$481,802	\$380,624	\$100,000	5,107	\$106,285	(\$105,107)
Hawkes Bay Levy for excess Fish LEQ 2023/24					\$57,596	(\$57,596)
Taranaki	\$233,903	\$440,901	\$0	5,916	(\$201,083)	(\$5,916)
Wellington	\$699,617	\$830,600	\$0	11,145	(\$119,838)	(\$11,145)
Nelson-Marlb	\$650,844	\$564,125	\$0	7,569	\$94,288	(\$7,569)
Nth Canterbury	\$1,670,286	\$1,007,187	\$30,000	13,514	\$676,613	(\$43,514)
West Coast	\$325,912	\$341,601	\$25,000	4,584	(\$11,106)	(\$29,584)
Central SI	\$1,860,324	\$968,985	\$29,601	13,002	\$904,341	(\$42,602)
Otago	\$2,430,204	\$1,240,967	\$23,000	16,651	\$1,205,888	(\$39,651)
Southland	\$1,583,047	\$812,632	\$136,775	10,904	\$781,319	(\$147,679)
NZC adj for HB 23/24	\$40,025	\$1,280,486	\$0	17,181	(\$1,280,876)	\$40,415
National inc RMA	\$0	\$2,286,361	\$0	30,678	(\$2,255,683)	(\$30,678)
TOTAL	\$12,665,707	\$12,896,344	\$359,376	\$173,042	(\$57,595)	(\$532,417)

14. Note that based on these calculations no regions reserves should fall below 20%.

Table 6: Reserves Forecast as at 31 August 2025 - Based on Fish \$156 and Game \$116							
	Forecast Reserves Aug 2024	Surplus / (Deficit)	Forecast Reserve 31/8/25	Reserves required 20% of Budget	Top up Required to achieve 20% Reserves	Adjusted Reserves to no less than 20% 31/8/24	Reserves % of Base Fund
Northland	201,388	(7,797)	193,591	116,221	0	193,591	33%
Auckland/Waikato	354,140	(11,832)	342,308	176,365	0	342,308	39%
Eastern	684,429	(32,161)	652,268	258,789	0	652,268	50%
Hawkes Bay	710,136	(162,703)	547,433	96,125	0	547,433	114%
Taranaki	180,020	(5,916)	174,104	88,180	0	174,104	39%
Wellington	218,925	(11,145)	207,780	166,120	0	207,780	25%
Nelson-Marlb	147,873	(7,569)	140,304	112,825	0	140,304	25%
Nth Canterbury	266,415	(43,514)	222,901	207,437	0	222,901	21%
West Coast	308,343	(29,584)	278,759	73,320	0	278,759	76%
Central SI	885,820	(42,602)	843,218	199,717	0	843,218	84%
Otago	1,155,321	(39,651)	1,115,670	252,793	0	1,115,670	88%
Southland	795,714	(147,679)	648,035	189,881	0	648,035	68%
NZC/NAT	797,735	9,736	807,471	713,369	0	807,471	23%
15. TOTAL	6,706,259	(532,417)	6,173,842	2,651,144	0	6,173,842	

16. If the Licence Fee is not approved by the Minister and the \$153 (Fish and \$113 Game fee is maintained a Deficit of \$792,158 across the organisation and each region would be required to draw 3.6% of reserves \$432,783. In this scenario one region would require a top up of reserves and 3 other regions have reserves 23% and under.

Next actions - Ngā mahinga e whai ake nei

- 17 If agreed, The CF's for salaries will be agreed upon with the Regions and once the Minister has given approval for the 2024/25 licence fee the final Budgets/Levies/Grants and use of reserves will be communicated with the Regional Councils.

Sports Fish Licence Fees and Forms Notice & Angler Notice Recommendations

New Zealand Fish and Game Council Meeting 169 – 18th & 19th of June 2024

Prepared by: Richie Cosgrove, Deputy CE, NZ Fish and Game Council

Summary of considerations - Kōrero taunaki

Purpose - placeholder

This report to the New Zealand Fish and Game Council provides background for the: Sports Fish Licence Fees and Forms Notice & Angler Notice recommendations from Regions

Financial considerations

Nil Budgetary provision / Unbudgeted

Risk

Low Medium High Extreme

Background

Region submissions for the Sports Fish Licence Fees and Forms Notice and the Anglers Notice are still being held so unfortunately this paper will be late as some regional fish & Game Council meetings are yet to be held.

This is a holding paper and the paper will be sent out as soon as they are provided to NZC and collated.

CEO Recommendations - Ngā taunaki

CEO recommends the following motion:

That the New Zealand Fish and Game Council:

1. Receive the information.

Sports Fish Licence Fees and Forms Notice submissions 2024

New Zealand Fish and Game Council Meeting 169 – 18th & 19th of June 2024

Prepared by: Richie Cosgrove, Deputy CE, NZ Fish and Game Council

Kōrero taunaki - Summary of considerations

Purpose

This report to the New Zealand Fish and Game Council seeks the council's support for the addition of designated waters in the Southland, West Coast and Nelson Marlborough Fish & Game Regions, and the addition of an experimental controlled fishery in the North Canterbury region for the next two seasons. This support or non-support will be forwarded to the Minister's Office alongside the Sports Fish Licence fees and Forms Notice submission.

Financial considerations:

Nil Budgetary provision / Unbudgeted

Risk

Low Medium High Extreme

Ngā taunaki - Staff Recommendations

NZC Staff recommend the following motion:

That the New Zealand Fish and Game Council:

1. Receive the information.
2. Vote on the recommendations included in the options section below.

Executive Summary - Whakarāpopoto

The Minister has yet to receive any proposals from the New Zealand Fish and Game Council (NZ Council) for new Designated Waters or Controlled Fisheries for the next fishing season, which begins on 1 October 2024.

The Minister has made it clear to DOC and the NZ Council staff that he expects any proposal to be supported by robust evidence, clearly identifying the fishery problems, and demonstrating why the proposal is the most appropriate solution.

He would also expect an assessment of the potential impacts on businesses. If a proposal cannot be adequately justified, I would expect the Minister will not approve it.

Below in the discussion are discussed the applications from four regions for either designated waters or experimental controlled fisheries.

Background - Takenga mai

The Designated Waters system relates only to the best 2% of trout fishing waters (no changes are proposed to the other 98% of waters). However, these 2% of waters are very important for NZ anglers, for overseas tourists, and for the finances of Fish & Game.

Overseas tourists provide only 13% of total fishing licence fee revenue, but utilise up to 79% of the capacity of the best 2% of waters. This is displacing NZ anglers, who are responding by fishing less and reducing the revenue they provide (by buying fewer or less costly short-term licences). This is leading to less revenue for Fish & Game, and in the longer term will lead to less fishery management. This in turn would lead to a decline in the trout fisheries, resulting in fewer NZ anglers, and fewer overseas tourists, reduced licence sales, and ongoing decreases in revenue.

The Designated Waters system requires additional licence fees from overseas tourists fishing in the best 2% of trout fishing waters, and places a limit on the number of days an overseas tourist can fish in the best fishing waters of a given region. The objective is to spread out the fishing effort of overseas tourists to a wider range of fishing waters, to allow NZ anglers to utilise 50% of the capacity of the best 2% of waters.

The Designated Waters system is an attempt to keep NZ anglers involved in trout fishing, sustain the revenue of Fish & Game, and help sustain the fishery long-term for the benefit of both NZ anglers and overseas tourists. Overseas tourists could lose the fisheries they come to visit if local anglers stop paying for the management needed to sustain them. The policy's effectiveness can be assessed by future monitoring of fishery use by Fish & Game.

Discussion - Kōrerorero

- 1 The inclusion of additional Designated Waters is done through the Sports Fish Licence Fees Notice and is decided by the Minister.
- 2 The Minister of Hunting and Fishing, under their powers in the Conservation Act must consider the scope and effect of any fishing licences and may ask advice from the New Zealand Council as his statutory advisor.
- 3 We are collecting all the submissions from the regions that want to add additional waters to the Designated Waters and Controlled Fisheries and providing them to the Council before forwarding them to the Minister's Office in advance of the Sports Fish Licence Fees and Forms Notice.
- 4 Staff have received the following Designated Waters submissions:
 - Southland Fish & Game - Application for two additional Designated Waters - (Upper Mataura and Waikaia River)
 - West Coast Fish & Game – Application for four additional Designated Waters - (Waitahu, Upper Grey, Rough Rivers, and Larry's Creek)
 - Nelson Marlborough Fish & Game - Application for one additional Designated Water – (Wangapeka River)
- 5 Staff have received the following Experimental Controlled Fishery submission:
 - North Canterbury Fish & Game – Application for an experimental Controlled Fishery for two Designated Waters – (Upper Hurunui North Branch and Upper Hurunui South Branch)

- 6 There is also an application from North Canterbury for the renaming of one Designated Water Fishery to reduce confusion for anglers.
- 7 Each Submission is discussed below and supporting documentation from each region is attached as appendices.
- 8 Also attached is the Policy advice for setting designated waters as agreed by the Minister of Conservation in 2022.

Southland Fish & Game Proposal

- 9 Southland Fish & Game are proposing adding the Upper Maitai River and Waikaiti Rivers as Designated waters fisheries for the months of February and March only.
- 10 Over the last decade, the Southland Fish & Game Council has received ongoing complaints from anglers regarding crowding by non-residents on the mid/upper Maitai and Waikaiti rivers which has displaced resident anglers and consequently impacted on fish catchability.
- 11 During the 2023/24 season, Southland Fish & Game initiated a monitoring programme to assess angler activity on the Maitai and Waikaiti rivers.
- 12 The objectives of this programme were to ensure compliance with licencing requirements and assess how much angling pressure these rivers receive and how much of that angling pressure comes from resident and non-resident anglers.
- 13 Compliance with licencing requirements was notably high (ca. 99%). A total of eight Fishing Without a Licence offences were detected, and non-resident anglers were responsible for seven of those offences.
- 14 Angling pressure varied by month, and was highest in January, February, and March. During these months, 61-73% of angling pressure was attributed to non-resident anglers.
- 15 Beat occupancy rates during February and March ranged from 0% to 90% and were affected by weather and river conditions.

- 16 Evidence suggests some particularly popular fishing beats experienced daily or almost daily angling activity raising concerns regarding the potential impact on fish behaviour, catchability, and subsequently, angler satisfaction. Interactions with anglers supported this proposition, revealing very low catch rates, and a degree of frustration and dissatisfaction amongst some anglers, particularly non-guided non-resident anglers.
- 17 Requiring anglers to have a Designated Waters Licence on these fisheries is likely to reduce pressure through the peak periods and cause some non-resident anglers to select alternate fisheries. This should reduce the displacement of resident anglers, improve the catchability and condition of trout, and ensure an improved angling experience for both resident and non-resident anglers.
- 18 Adding these waters as a designated waters for the months of February and March will not prevent resident anglers from fishing these waters over the summer holiday period, but will displace non-residents during the identified peak periods of February and March.
- 19 Southland Fish & Game have undertaken widespread consultation, and the result of their consultation is attached. Of note, there was a significant concern raised by fishing guides over the impact that a designated waters system would have on their businesses.
- 20 Over 50% were against the inclusion of the Mataura and Waikaia rivers as Designated Waters and believed (Designated Waters) would not work.
- 21 Local landowners were consulted, seven upper Mataura landowners have discussed with Southland Fish & Game concerns over angling pressure has led them to consider closing off access to fishing guides and non-resident anglers due to issues they were causing.
- 22 All landowners described problems they had encountered concerning poor angler behaviour. Their feedback primarily centred around frustrations with fishing guides, anglers excessively using certain access points on their property, and non-resident anglers disrupting farm activities (e.g., parking in gateways, turning off electric fences, disrupting livestock). Several

landowners expressed an intention or desire to close one or more angler access points on their property. One landowner had already banned fishing guides from his property, others expressed an interest in banning certain fishing guides and/or non-resident anglers.

23 Southland Fish & Game Staff undertook an angler usage study of these waterways over the 2024 season.

Table 1: Angler use by licence type

	Non-resident whole season licence	Non-resident day licence
Upper/mid Maitai River	99 (80%)	24 (20%)
Waikaiti River	167 (98%)	3 (2%)

	Resident whole season licence	Resident day licence
Upper/mid Maitai River	63 (100%)	
Waikaiti River	82 (99%)	1 (<1%)

24 Roughly 70% of anglers on these waterways are non-residents with most (90%) of non-residents full-season licence holders.

25 Only the Upper Maitai River had any actual day licence holders during the survey period.

26 Considering the Policy for Designated Waters agreed by the Minister of Conservation in 2023 the purpose is to reduce resident angler displacement.

27 The question therefore remains of whether a Designated Waters system will alleviate the angling pressure concerns on the Maitai and Waikaiti Rivers.

28 Surveys indicate that non-resident anglers intended to fish the Maitai River for an average of 3.3 days per season, with some fishing for up to a maximum of up to 15 days. For the Waikaiti River, it was an average of 4.6

days with some anglers indicating that they intended fishing for a maximum of up to 40 days.

- 29 Therefore, the introduction of a Designated Waters system for the peak periods of February and March should reduce angling pressure, increase fish catchability and displace non-resident anglers to other Southland waterways enabling resident anglers a fairer chance at fishing these waters.
- 30 A two-month Designated Waters season, as suggested, would also impact fishing guides the least (they would have from 1 October to 31 January and the month of April where their clients would not need an additional designated waters day licence to fish both rivers.
- 31 Whilst this may impact their business, guides will still have five months of the season on which there would be no restriction on anglers for a large portion of the season.
- 32 They also have access to a significant amount of other waters in the area to take clients.
- 33 It is important to note (as evidenced by the attached feedback plus advice from the Minister's Office) that there has been a significant amount of queries, concerns and/or pushback by certain local and overseas anglers and guides.
- 34 There has also been significant support from local anglers and landowners in the feedback.
- 35 It would be fair to say that this proposal has generated a large amount of debate and discussion in the area largely focussed on the appropriateness of the inclusion of the Mataura as a Designated Water.
- 36 Another possible option is to recommend an experimental Designated Waters fishery for the February/March period for the Mataura River so that the perceived benefits of reduced angling pressure on the fisheries concerned could be examined over two years to confirm that the

Designated Waters system is the appropriate control method for this fishery.

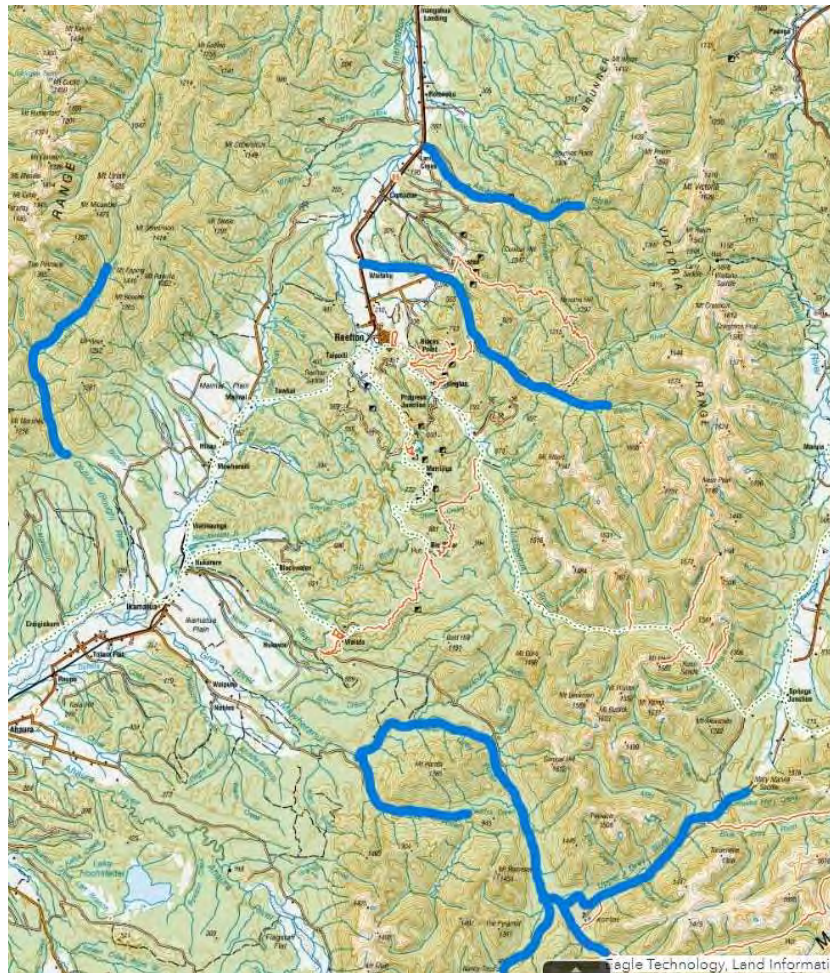
- 37 A Designated Waters determination is appropriate for the Waikaia River, but monitoring must continue to see if the two-month period is sufficient to manage angling pressure.
- 38 The two-month period applied for should also mitigate a fair amount of the impact on local fishing guide businesses.

West Coast Fish & Game Proposal

- 39 The West Coast Fish & Game Council is proposing adding four waters to the Designated Waters system.
- 40 These rivers are within a 70 km radius of Reefton, they are incredibly popular fisheries and have a high angler use which has deteriorated the catchability and experience for anglers who fish these waters.
- 41 Following feedback of an apparent decline in the fishery status, West Coast Fish and Game have been collecting data and consulting with anglers on the proposal to add these four fisheries as Designated Waters.
- 42 The Waitahu, Upper Grey, Rough Rivers, and Larry's Creek have for many years provided excellent angling opportunities for resident and visiting non-resident anglers.
- 43 It was initially proposed by the West Coast Fish & Game Council that these waters be included in the 2023 Sports Fish Licence Fees and Forms Notice.
- 44 Following feedback from the Minister of Conservation regarding the level of consultation required, the West Coast Fish & Game Council retracted the application and embarked on widespread consultation over the 2023/24 season.
- 45 The feedback from angler surveys indicates widespread resident angler support (80%) however non-residents were roughly split on opposing the proposal, (57% against to 43% supporting).

- 46 However, even with these four waters, there is a large amount of non Designated Waters available for anglers in the area around Reefton which should mitigate concerns from local guides and anglers.
- 47 Fishing guides were consulted, only two responded, one for and one against, the supporting fishing guide indicated that he enjoyed finding other non-designated waters in the recent season.
- 48 The West Coast Council believes non-resident angling pressure complemented by sufficient support from consultation warrants these rivers – the Waitahu, Upper Grey, and Rough Rivers, and Larry’s Creek - to become Designated Waters.
- 49 Whilst greater in number (of waterways) than some other proposals, these waterways are quite discrete and defined.
- 50 The West Coast Council opted to target rather than propose a vast area to be included. See Figure 1 below showing the proposed waterways in relation to the other available waters in the area.

Figure 1: West Coast Proposed Designated Waters



- 51 The area covered in the map above is approximately 55 x 75 kilometres and has a significant amount of fishing options that wouldn't be designated waters.
- 52 Of note is the close proximity to the Lewis Pass Designated Waters Fishery in North Canterbury enabling anglers to quickly access another premier fishery.
- 53 The inclusion of these waterways as designated waters should significantly reduce angling pressure and disperse non-resident angling efforts, it is predicted it will minimally impact fishing guides and local businesses.

Nelson Marlborough Proposal:

- 54 The Wangapeka River is a nationally significant trout fishery protected by the Motueka Water Conservation Order.

- 55 It is internationally recognised by anglers where it is regarded as a trophy trout fishery in its headwaters and has healthy fish numbers throughout its length.
- 56 It is highly valued by anglers, both locally and from overseas, as well as professional fishing guides.
- 57 The Wangapeka is currently not a Designated Water (DW) Fishery, however, the Nelson Marlborough Fish & Game Council convened in May 2024 and proposed to include this river in the Designated Waters framework.
- 58 There are currently three DW fisheries in the Nelson Marlborough region, the Travers River, Upper Wairau River (above Six Mile Creek) and Upper Matakītaki River (above Horse Terrace Bridge). Nelson Marlborough Fish & Game records indicate that 46% of non-resident anglers fished one or more of our DW fisheries in the 2022-23 season.
- 59 In the previous 'Backcountry Endorsement' system which Fish & Game operated, the Wangapeka was heavily considered for inclusion in this framework, however, the Council decided not to pursue this as they did not wish extra attention brought to the fishery than it was already experiencing.
- 60 If the Wangapeka River had been included then, it would now be a DW fishery.
- 61 In the 2022-23 season, Fish & Game staff carried out angler-use monitoring of the Wangapeka River, which showed in that year, a minimum of 50% of anglers were non-resident, either guided or fishing without a guide.
- 62 Prior to the Covid period, there is not an estimate of the non-resident resident angler usage split.
- 63 Several non-resident anglers that were spoken with fished the Wangapeka for multiple days, with one angler fishing the river for more than 10 days within a short period.

- 64 It is well known by anglers that the Wangapeka fish can become notoriously difficult to catch due to angling pressure. Staff field regular feedback mentioning high angler use for this river throughout its entire fishable length, the difficulty of catching fish, and common complaints about angling pressure from non-resident anglers and fishing guides
- 65 This feedback, along with recent survey data and angler use data showing a high proportion of non-resident use, validates support for including the Wangapeka River as a DW fishery.
- 66 Additionally, in Nelson Marlborough non-resident angler use has still not returned to pre-COVID levels. Since borders have re-opened, non-resident angler use in the Nelson Marlborough region is around 70-80% of what it was before the pandemic.
- 67 When non-resident angler levels return to normal pre-COVID levels as it is expected to do so, our pressure-sensitive fisheries such as the Wangapeka River are expected to receive even more non-resident angler use than they are currently experiencing.
- 68 Anglers were also consulted on the start point of this fishery with around 80% indicating a preference for upstream of the Motueka River confluence and staff have suggested the Newport Road bridge which is roughly 300 metres upstream of the confluence.
- 69 Currently with angler usage at 50/50 resident to non-resident, this waterway would not meet the criteria of displacement of resident anglers as demonstrated by other river systems.
- 70 However, this is a level of non-resident usage that is below 80% of pre-COVID levels, unfortunately, this system is boarding on meeting the criteria but without pre-COVID levels of usage data to compare against it would be wisest to defer this application till the angler displacement can be evidenced.

North Canterbury Proposal

- 71 Currently, the upper parts of both branches of the Hurunui River are their own separate Designated Waters fisheries.
- 72 They are the Hurunui River North Branch (HRNB) and the Hurunui River South Branch (HRSB).
- 73 The proposal is that both are made an experimental controlled period fishery for two seasons starting 1 October 2024.
- 74 With the first season of the Designated Waters system completed, it has become apparent that there has been angler conflict on the HRNB, but pressure and conflict has also increased on the HRSB.
- 75 It would be a reasonable assumption that because of the Designated Waters system, anglers expect not to find many anglers on the waters.
- 76 On the opening day of the 2023/24 season, we have anecdotal reports that guides heavily used the fishery.
- 77 On the HRNB, resident anglers have reported physical confrontations with guides dropping into the river in front of them (see Nick Moody and Andrew Young reports attached).
- 78 Landowner Jim Greenslade, Lakes Station, has reported a perceptible increase in anglers using the HRNB; it is important to note that anglers can only access the HRNB by foot from the Loch Katrine gate (Day trip) or by walking over the Hope Kiwi pass (Two-day trip), boat via the Loch Katrine Canal and via helicopter.
- 79 The degree of difficulty for access has meant that resident and non-resident anglers value this trip, and it would be fair to say that they view interactions with other anglers negatively.
- 80 The same access issues apply to the HRSB, either foot access upstream from the property boundary or vehicle access to parts of the system only after paying the landowner a road maintenance fee.
- 81 The landowner has also expressed concern about the high number of anglers not seeking vehicle access and just walking upstream from the property boundary.

- 82 The preliminary data from the North Canterbury Designated Waters angler survey indicates that despite the difficulty of access, the HRNB and HRSB accounted for 57% of Designated Waters angling effort (34% and 23% respectively).
- 83 The raw data indicates an overwhelming desire from these anglers to maintain current levels of access to all Designated Waters (and other fisheries) and not have further restrictions.
- 84 However, this survey was about all North Canterbury Designated Waters fisheries and the issues prevalent with the Hurunui River fisheries are the conflict with those anglers who have invested time and effort accessing these fisheries, only to find multiple angling parties who have already accessed the river by other means.
- 85 To reduce this conflict and provide some surety to anglers who are investing the time and effort to access the two remote Hurunui River fisheries, it is proposed that an experimental Controlled Period Fishery is run for two seasons starting 1 October 2024.
- 86 It is evident that the Designated Waters system alone is not enough to limit angling pressure, so a controlled period system is needed.
- 87 The reasoning for seeking an experimental fishery is to try two time periods (whole season, then part season), seek angler feedback, gather the data and then use that data to guide an appropriate recommendation to the Minister for a future management system for these waters.
- 88 The North Canterbury staff have recommended and the Council have ratified that for the whole of the first season, to have a controlled period fishery licence required.
- 89 The controlled period licence would be issued through a booking system using the existing system Fish & Game use for the Greenstone and Ettrick Burn Fisheries.
- 90 Anglers could book via the Fish & Game website on a first-come, first-served basis, with each time period opening a week in advance.

- 91 This would enable the gathering of data to see when the most popular parts of the season are so that a controlled period may be refined to only apply for peak angler use periods in the second season of the trial in order to manage the overall fishing pressure and angler experience.
- 92 The rivers' size and susceptibility to low flows over the summer indicate that there is only a maximum of eight kilometres of fishable water for anglers in the North Branch, and slightly more in the South Branch (~10km) during the peak of the fishing season.
- 93 Therefore, North Canterbury staff recommend a maximum party size of four anglers for each river – this is consistent with other regions' Controlled Fisheries.
- 94 Considering the degree of difficulty of access, the initial periods would be three periods per week – Period 1- Monday & Tuesday, Period 2- Wednesday & Thursday, Period 3 – Friday, Saturday and Sunday.
- 95 Successful anglers would, therefore, have the confidence to travel into these remote fisheries and also have the confidence that fishing pressure is controlled.
- 96 If fully utilised, the angler numbers on each river would be around 372 per season (this depends on the start and end date of the seasons and whether they fall mid-week or in the middle of a period).
- 97 Currently, the National Anglers Survey indicates that around 1700 anglers (+/- 500) use the Hurunui River above the confluence of the South Branch. It is safe to assume that at least half of these (more than 850 anglers) are fishing in the Designated Waters fisheries and the other half in the section below the Designated Waters fisheries.
- 98 If approved in the first year of the trial, and if all of the controlled period slots are fully utilised across both systems, then a maximum of 740 anglers could fish them.
- 99 This would be about a 13-15% reduction in angler usage from what the National Anglers Survey currently says occurs.

- 100 However, given the degree of difficulty around access, it is likely to assume that there will be a more significant reduction in angler usage, thereby increasing angler experience and increasing fish catchability.
- 101 Once the two years of the trial are completed, the North Canterbury Council would have the data to make an informed recommendation to the Minister about future management systems for those Rivers.
- 102 There is also an application from North Canterbury Fish & Game to change the name of the Hope River Designated Waters Fishery to the Lewis Pass Designated Waters Fishery.
- 103 This name change was suggested by DOC advisor Michael Gee when he reviewed the draft Sports Fish Licence Fees and Forms Notice last year to improve clarity for Anglers
- 104 This is because of the number of tributaries of the Hope River, and renaming the fishery will remove confusion for anglers.

Options- Ngā kōwhiringa

- 105 The Council advises the Minister of Hunting and Fishing that they do:
- a. Support / Not Support the Maitai River Catchment upstream of the Ardlussa Bridge becoming a Designated Water for the months of February and March each year.
- Or
- Support / Not Support the Maitai River Catchment upstream of the Ardlussa Bridge becoming an experimental Designated Water fishery for the months of February and March for two years.
- b. Support / Not Support the Waikaiti River catchment upstream of the confluence with the Maitai River becoming a Designated Water for the months of February and March each year.

Or

Support / Not Support the Wakiaia River Catchment upstream of the confluence with the Mataura River becoming an experimental Designated Water fishery for the months of February and March for two years.

c. Support / Not Support the Waitahu River catchment upstream of the State Highway 69 Bridge becoming a Designated Water.

d. Support / Not Support the Upper Grey River catchment upstream of the Clarke River becoming a Designated Water.

e. Support / Not Support the Larry's Creek catchment upstream of the State Highway 69 Bridge becoming a Designated Water.

f. Support / Not Support the Rough River catchment upstream of the confluence of Mirfins Creek becoming a Designated Water.

g. Support / Not Support the Wangapeka River catchment upstream of the Newport Road Bridge becoming a Designated Water.

h. Support / Not Support the Hurunui River North Branch Designated Water Fishery Bridge becoming an experimental Controlled Fishery for two seasons.

i. Support / Not Support the Hurunui River South Branch Designated Water Fishery Bridge becoming an experimental Controlled Fishery for two seasons.

j. Support / Not Support the renaming of the Hope River Designated Waters Fishery to the Lewis Pass Designated Waters Fishery.

Considerations for decision-making - Whai whakaaro ki ngā whakataunga

Financial Implications

106 Including additional Designated Waters has an impact on a region's budget because of the additional work required in managing these fisheries. However, the Designated Waters licence fees should enable this to be on a cost-recovery basis.

Legislative Implications

- 107 Requires Ministerial approval through the Sports Fish Licence Fees and Forms notice.

Section 4 Treaty Responsibilities

- 108 none

Policy Implications

- 109 Improving the opportunity for resident anglers to fish these waters should assist with the retention and reintegration of licence holders.

Risks and mitigations

- 110 Significant public pushback on Mataura River could be mitigated by an experimental trial of Designated Waters.

Consultation

- 111 Copies of the consultation are attached as a separate appendix

Next actions - Ngā mahinga e whai ake nei

- 112 If agreed, a paper reflecting this will be submitted to the Minister's Office

**RECEIVED****08 NOV 2022**

Office of Hon Poto Williams

Fish & Game New Zealand Submission

Date:	8 November 2022	File reference:	
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Minister of Conservation

Subject:	PROPOSAL TO MANAGE PRESSURE SENSITIVE FISHERIES AND ADDRESS DISPLACEMENT OF RESIDENT ANGLERS FROM PRIME FISHING WATERS BY OVERSEAS VISITORS
Action sought:	Note this proposal to manage pressure sensitive fisheries and address displacement of resident anglers from prime fishing waters by overseas visitors
Deadline:	25 th November 2022

Paper type:	Risk assessment:	Level of risk:	F&G priority:
Statutory	Negative angler/hunter or political reaction	Medium	High

Contact for telephone discussion (if required)			
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PROPOSAL TO MANAGE PRESSURE SENSITIVE FISHERIES AND ADDRESS DISPLACEMENT OF RESIDENT ANGLERS FROM PRIME FISHING WATERS BY OVERSEAS VISITORS

Summary


1. A small proportion of highly valued sports fisheries across New Zealand are currently subject to unsustainable levels of angling pressure, with this pressure coming disproportionately from non-resident anglers in peak summer periods. The result is that resident anglers are increasingly being displaced from their most preferred fishing resource.
2. Given that Fish & Game is funded solely by licence sales, and that approximately 87% of Fish & Game’s annual operating revenue for fisheries management comes from resident angler licence sales, it is critical that this displacement is addressed in order to sustain the fishery resource and for Fish & Game to be financially secure into the future.
3. The NZ Fish and Game Council is proposing to:
 - (a) Limit non-resident anglers to a maximum of four days fishing per year in the best 2% of waters for each Fish & Game region (after which they would need to fish other waters or change region); and
 - (b) Require non-residents to pay an additional daily fee, on top of their whole-season licence fee, when fishing in the best 2% of waters.
4. The NZ Council is about to consult with anglers and with key angler groups on this proposal and would be pleased to receive any comments you may have on this proposal.

Recommended Action

It is recommended that you:

Minister’s decision

- (a) **Note** the proposed approach to managing pressure-sensitive fisheries and addressing the displacement of resident anglers from prime fishing waters by overseas visitors

.....

 Corina Jordan
 Chief Executive
 New Zealand Fish and Game Council

..... / .. / ..
Hon Poto Williams
Minister of Conservation

Purpose

1. This paper is to notify you of Fish and Game's proposed approach to managing pressure sensitive fisheries in coming years, and specifically reduce the displacement of resident anglers from this resource.

Background

2. A small proportion of New Zealand sports fisheries, amounting to less than 2% of the total, are considered highly desirable to fish and these are now at risk of unsustainable angling pressure. These pressure-sensitive fisheries are being carefully managed by restricting daily take limits, and in some cases requiring anglers to book in advance before fishing some stretches of some rivers.
3. Fish & Game gets all its funding for managing sports fisheries from fishing licence sales – 87% from resident anglers, and 13% from non-resident anglers (overseas visitors).

Problems

4. Research undertaken by Fish & Game over the last four years (assisted by research undertaken by NIWA, the Cawthron Institute, and the University of Otago) has confirmed that pressure-sensitive fisheries are being fished close to sustainability limits, but also that the angling pressure comes disproportionately from non-resident anglers in peak summer periods.
5. Non-resident anglers provide only 13% of fishery management funding but are tending to target the best fishing waters, taking up to 79% of the capacity of the most desirable 2% of waters.
6. This targeting of the best fishing waters by overseas visitors has been displacing local anglers who are now –
 - a. fishing at less desirable times of year; or
 - b. fishing other rivers with less desirable fishing; or
 - c. ceasing fishing altogether.
7. The extent of this displacement was clearly demonstrated during Covid travel restrictions when, in the absence of non-resident anglers, fishing by resident anglers in some of the most desirable waters increased by up to 450%.
8. If local anglers give up fishing (or buy only short-term lower cost licences instead of whole-season licences) because they no longer have access to their preferred fishing waters, this deprives them of their recreational activity. It also results in Fish & Game having less income and less ability to manage the fisheries, which in turn risks a decline in the fishing resource and a further decrease in recreational angling by local anglers. This is unsustainable in the medium to long term.

Proposed solution

9. To address these problems, Fish & Game is seeking the following objectives:
 - a. To aim for more equitable (50/50) use of pressure-sensitive fisheries between resident and non-resident anglers; and
 - b. To place minimal restrictions on anglers not contributing to pressure in sensitive fisheries.
10. It is hoped that meeting these objectives will give local anglers adequate access to the resource funded primarily by them, and secure the financial future of Fish & Game.

11. The NZ Fish and Game Council (NZ Council) is therefore proposing to place limits on the number of days in a given year that a non-resident angler can fish in the best 2% of fishing waters.
12. Rather than non-resident anglers being able to fish continually for a couple of weeks in the best 2% of waters of a Fish and Game Region (as can occur currently) non-resident anglers would be able to fish a maximum of four days in the best waters of that region. They would then need to either fish in less desirable waters (with lower fishing pressure) or go to a different region to continue fishing.
13. Non-residents would also pay an additional daily licence fee of approximately \$50, on top of their existing whole-season fishing licence fee, when fishing in the most desirable 2% of waters. The rationale is to have non-resident anglers contribute a higher proportion of the management costs for fisheries that they are disproportionately using. Fishing licence fees form a small part of the total expenditure of overseas visitors coming to New Zealand for the purpose of sports fishing.
14. Overseas visitors fishing in the 98% of fishing waters outside these pressure sensitive areas would not have to pay this additional daily fee or be subject to any limits.

Consultation on proposal

15. The NZ Council will be consulting with anglers and with key national angler groups on this proposal in coming months as part of preparing the draft Licences, Fees, and Forms Notice and draft Anglers Notice for the 2023-2024 fishing season.
16. The draft Notices will be submitted to you for approval in about June 2023. Details of the outcome of the consultation will be provide to you at that time also.
17. If you or your colleagues have any concerns about this proposal, the NZ Council would be pleased to receive any comments you may have.

Designated Waters Licence Consultation – Southland Region

Date: Wednesday 31 May 2023

Background

On Monday 22 May 2023, a consultation email was sent to Southland Backcountry Licence holders¹ advising them of the Council's proposal to classify the following river reaches as Designated Waters (DW) for the 2023/24 sports fishing season:

- The Oreti River and all tributaries upstream of the Mossburn Bridge (State Highway 97).
- The Mataura River and all tributaries upstream of the Waikaia River confluence.

Anglers were asked the following questions:

1. Do you support the proposed implementation of DW licencing on the Oreti River upstream of the SH97 bridge near Mossburn? Please explain if you would like to.
2. Do you support the proposed implementation of DW licencing on the Mataura River upstream of the Waikaia River confluence? Please explain if you would like to.
3. Are there any other Southland rivers/river reaches, that in your opinion, the DW licence should be applied to? Please explain if you would like to.

Results

In total, consultation emails were sent to 7,659 resident and 2,313 non-resident (NR) Backcountry Licence holders. For resident anglers, 4,688 consultation emails were opened (63%), and of those anglers 363 (7.7%) clicked on the embedded link which provided the results from the New Zealand Fish & Game Council's national Designated Waters consultation. For NR anglers, 1,436 consultation emails were opened (63%), and of those anglers 185 (12.8%) clicked on the embedded link which provided the results from the New Zealand Fish & Game Council's national Designated Waters consultation.

¹All resident Backcountry Licence holders for the 2022/23 and 2021/22 seasons. All non-resident Backcountry licence holders going back to the 2018/19 season.

In total, we received 196 submissions (100 from resident anglers, 94 from NR anglers, 2 unknown), which is a response rate of 2%. The level of support/opposition by licence holder type (resident or non-resident) is outlined in Table 1.

Table 1: Levels of support and opposition from resident and non-resident anglers for the implementation of Designated Waters licencing on the upper Oreti and upper Mataura.

Angler	River	Support	
		Yes	No
Resident	Oreti	75%* (75)	14% (14)
Non-resident	Oreti	13% (13)	73% (67)
Resident	Mataura	65% (65)	25% (25)
Non-resident	Mataura	4% (4)	83% (78)

* Percentages may not total to 100% because some anglers did not answer our questions and their support/opposition of our proposal could not be determined.

Anglers were also able to provide reasoning for their support/opposition of the implementation of Designated Waters Licencing on the upper Oreti and Mataura rivers. See the summary of feedback below and/or consult the complete feedback document.

Summary of comments in support of the Southland Designated Waters Licence proposal.

- 1.) Some anglers, both resident and NR, commended F&G for trying to tackle the problem of overcrowding and agreed overcrowding was a problem, particularly on the upper Oreti.
- 2.) Both resident and NR anglers shared personal anecdotes on how they had been negatively affected by crowding and/or had been displaced.
- 3.) Some anglers commended F&G for taking this first step to manage angler pressure and suggested the DW system was a good starting point.
- 4.) Some resident anglers thought NR anglers should be charged more for their DW licence.
- 5.) Many anglers who did support the implementation of DW on the Oreti and Mataura were concerned about the flow on effects of increased pressure on other rivers.

Summary of comments in opposition of the Southland Designated Waters Licence proposal.

1. Some NR respondents find the additional cost of a DW licence (on top of their non-resident licence) excessive. Alternative fee structures were often suggested.
2. Some NR respondents suggested that Fish & Game were trying to raise revenue and that raising funds was the purpose of the DW licence.
3. Some NR respondents, particularly those from Australia, felt the DW system discriminated against them.
4. Some resident respondents did not approve of having to pay the \$5.00 DW licence fee.
5. There was some opposition to the proposal from NR anglers who owned property in Southland. They were concerned that their access to the river(s) would be restricted and felt they contributed to the local economy.
6. There were concerns regarding Fish & Game's capacity to enforce the DW licence regulations.
7. There were concerns that the DW restriction would put pressure onto other fisheries.
8. Respondents often commended the beat system on the upper Oreti, and suggested beat systems were sufficient to manage angling pressure.
9. Some respondents who opposed the implementation of the DW system on the Mataura expressed only partial opposition and suggested alternative boundaries for its implementation along the river. Suggestions for alternative boundaries ranged from the Pyramid Bridge to the Garston Rail Bridge.
10. A very common theme amongst the feedback was the perceived impact the DW licence would have on local tourism.
11. NR anglers mentioned the DW licence system would impact their future travel plans and they would elect to fish in other regions/countries.

12. Many anglers had concerns that the system would in some way benefit fishing guides.
13. Alternative regulations were often proposed including catch and release and weekends only for residents.
14. Some anglers argued that the Mataura was not pressure sensitive and that there was sufficient access along the length of the river to accommodate the angling pressure.

Other rivers

Some anglers suggested other rivers/river reaches that they would like the DW licence applied to (Table 2).

Table 2: Southland rivers/river reaches, anglers would like the DW Licence applied to.

River	Number of suggestions
Waikaia	16
Upper Aparima	10
Upper Mararoa	5
Clinton	8
Worsley	5
Eglinton	6
Orauea	4
Waimea	3
Hamilton Burn	3
Hollyford	1
Mavora Lakes	1
Whitestone	1
Other Lake Te Anau tributaries	2
Waikaia tributaries	1
Acton Stream	1
Cromel Stream	1
Irthing Stream	1

Non-Southland rivers	3
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Other notes

During the consultation process, some anglers expressed their disappointment with the short duration of the consultation period (nine days). We acknowledge that this short period was unfortunate and was not our intention. Staff had prepared to send out the Southland DW consultation email on May 15, 2023. However, we had to wait for approval from the MOC office before we could release the findings of the National DW consultation (which was included within the Southland DW consultation email). Additionally, the timing of our Council meeting on June 1 further limited the available time for consultation. Despite these constraints, we received the majority of our consultation feedback within 48 hours.

Pressure sensitive fisheries bankside survey – results

Survey background and focus

As part of our pressure sensitive fisheries monitoring program, staff interviewed non-resident anglers to gather information about their fishing intentions and the influence of the Designated Waters licence on their fishing intentions.

In total, staff conducted 173 bankside surveys with non-resident anglers across several Southland rivers: 72 on the Mataura River, 71 on the at Waikaia River, 12 on the Aparima River, 11 on the Hamilton Burn, four on the Whitestone River, two on the Mararoa River and one on the Mavora Lakes.

The key areas of questioning were as follows:

- Number of days they intended to fish on the Waikaia or Mataura River.
- Whether they had or planned to fish on a Designated Water during the 2023/24 season.
- Reasoning for not wanting to fish on a Designated Water.

Findings

Fishing plans

Non-resident anglers interviewed on the Mataura intended to fish an average of 3.3 days on the upper/mid-Mataura, with a range of 1-15 days (Table 1).

Non-resident anglers interviewed on the Waikaia intended to fish an average of 4.6 days on the Waikaia River (Table 1).

Table 1: Number of days non-resident anglers planned to fish on the upper/mid-Mataura and Waikaia Rivers.

Planned days	Average	Median	Range	N
Upper/mid Mataura	3.3	2.5	1-15	72
Waikaia	4.6	3	1-40	71

Designated Waters intentions

Of the anglers surveyed, 19 (11%) had fished a Designated Water prior to being surveyed. Thirty anglers (17%) planned to fish a Designated Water during the 2023/24 season and 30 anglers (17%) were unsure whether they would fish a Designated Water. Ninety-four anglers (54%) indicated they would not fish a Designated Water.

Reasons for not Fishing Designated Waters

For those 94 non-resident anglers who indicated they would not fish a Designated Water, further questioning revealed their reasons, outlined in Table 2. The main reason was the DW licence itself and the expense/inconvenience associated with obtaining it (28%) which suggests the DW licence is impacting angler behaviour. This may be why monitoring has shown a reduction in non-resident angler use of the upper Oreti River during the 2023/24 season.

Table 2: The reasons non-resident anglers provided for not wanting to fish on a Designated Water during the 2023/24 season.

Reasons for not wanting to fish a Designated Water	Number	%
Designated Waters Licence	26	28%
Take advice of guide	11	12%
Prefer other fisheries	9	10%
Fishing related factors (fish hard to catch, weather)	8	9%
Time constraints	8	9%
Not familiar with DW	8	9%
Pressure/overcrowding	6	6%
Personal factors (age, fitness)	4	4%
Other/no answer given	14	15%

	Non-resident whole season licence	Non-resident day licence
Upper/mid Mataura River	99 (80%)	24 (20%)
Waikaia River	167 (98%)	3 (2%)

	Resident whole season licence	Resident day licence
Upper/mid Mataura River	63 (100%)	
Waikaia River	82 (99%)	1 (<1%)

Southland Fish & Game Designated Waters Angler Consultation 2024 – Mataura and Waikaia Rivers

What was consulted on?

In May 2024, Southland Fish & Game consulted with anglers regarding proposed changes to fishing licence requirements for the mid/upper Mataura and Waikaia rivers for the 2024/25 season. Specifically, feedback was sought on whether anglers would support the implementation of a Designated Waters licence requirement on the upper/mid-Mataura and Waikaia rivers for the whole season, the peak angling period, or not at all. Anglers could also provide reasoning for why they support or oppose the implementation of a Designated Waters Licence requirement on these rivers. See Appendix 1 for a copy of the consultation survey.

Who was invited to comment and how was feedback collected?

For non-resident anglers, all Southland 2023/24 whole season, designated waters, and day licence holders were contacted directly via email and invited to submit feedback through a survey link. Resident anglers holding whole season licences and Southland Designated Waters licences were also contacted and invited to provide feedback through a survey link. These emails were sent on 23 May 2024.

In accordance with Fish & Game's privacy policy, survey links were emailed only to resident and non-resident anglers who requested to receive information from Fish & Game when completing their fishing licence purchase.

To ensure that non-Southland fishing licence holders, both resident and non-resident, had the opportunity to comment on the Designated Waters proposal, a survey link was made publicly available on the Fish & Game website and promoted via social media (Facebook). This link was publicised on 29 May 2024. Results from the website link were analysed separately as there was the potential for non-licence holders to fill out this survey.

To incorporate the views of landowners adjoining the rivers into the decision-making process, Southland Fish & Game staff contacted them directly via letter or in person and gathered their feedback.

The submission period closed on 12 June 2024.

How was feedback analysed?

All feedback was separated by residency status (resident or non-resident) before being reviewed. A separate analysis of feedback from fishing guides was also conducted.

Key themes were identified from the responses, and the frequency of the themes was assessed.

Special attention was given to determining whether the implementation of a Designated Waters licence requirement might have unforeseen impacts or whether proposed alternatives could better address angler pressure on the Mataura and Waikaia rivers.

Following publicising of the Designated Waters consultation survey, Fish & Game also received feedback via email, letter and in person from some stakeholders. This feedback was collated.

Results

Open rates

A total of 897 non-resident anglers were invited via email to participate in Southland Fish & Game's Designated Waters angler consultation. Of these, 784 emails were successfully delivered, with 508 (64%) opened. There were 141 clicks on the consultation survey link, and 133 non-resident anglers completed the survey, making the response rate approximately 17%.

For resident anglers, 4,117 Southland whole season licence holders were invited by email to participate in the Designated Waters angler consultation. Of these, 3,665 emails were successfully delivered, with 2,074 (57%) opened. There were 450 clicks on the survey link, and 248 resident anglers completed the survey, making the response rate approximately 7%.

The consultation survey link which was posted on the Southland Fish & Game Facebook page was widely shared across regional Fish & Game Facebook pages, reaching over 104,000 people. Through this link, 109 resident anglers and 104 non-resident anglers provided feedback.

Resident angler responses – email link

Total responses – 244 Mataura, 241 Waikaia.

248 Resident anglers responded to all/some of the survey questions.

Designated Waters support/opposition	Mataura	Waikaia
Support Designated Waters whole season	118 (48%)	119 (49%)
Support Designated Waters in peak periods	47 (19%)	44 (18%)
Do not support Designated Waters	79 (32%)	78 (32%)

General comments

Theme	Occurrence	Percentage (%) of responses
Concern about crowding, angling pressure, and etiquette	55	22%
Negative view of fishing guides	41	17%
Opposition to increased cost/complexity for local anglers	27	11%
Anglers identifying they have been displaced	19	8%
Concern for trout welfare/impact of pressure on trout behaviour	19	8%
View that crowding is not a problem on these rivers	17	7%
View that non-resident anglers should be charged more/have restricted access	13	5%
Proposed alternative management options	12	5%
General comments in support of Designated Waters	8	3%
Concern about the effect of Designated Waters on local tourism	7	3%
Positive about the beat systems	7	3%
Opinion that Designated Waters won't work	7	3%

Non-Resident angler responses – email link

Total Responses – 133 Mataura, 132 Waikaia

133 non-resident anglers responded to all/some of the survey questions.

Designated Waters support/opposition	Mataura	Waikaia
Support Designated Waters whole season	10 (8%)	9 (7%)
Support Designated Waters in peak periods	30 (23%)	25 (19%)
Do not support Designated Waters	93 (70%)	98 (74%)

General comments

Theme	Occurrence	Percentage (%) of responses
Concern about the impact of Designated Waters on the local economy/tourism	28	21%
Designated Waters would impact intention to fish in Southland/New Zealand	27	20%
View that crowding is not a problem on these rivers/trout can handle the pressure	27	20%
View that Designated Waters is too expensive	22	17%
Proposed alternative management option	21	16%
View that Designated Waters is discriminatory	16	12%
Opinion that Designated Waters won't work	11	8%
Concern about crowding, angling pressure, and etiquette	10	8%
View the Designated Waters is revenue gathering for Fish & Game	8	6%
View that beat systems are sufficient to disperse the pressure.	7	5%
Negative view of fishing guides.	7	5%
Concern for trout welfare/impact of pressure on trout behaviour	4	3%
Anglers identifying they have been displaced	2	2%

Resident angler responses – website link survey

Total responses – 109 Mataura, 108 Waikaia.

109 resident anglers responded to all/some of the survey questions.

Designated Waters support/opposition	Mataura	Waikaia
Support Designated Waters whole season	45 (41%)	49 (45%)
Support Designated Waters in peak periods	17 (16%)	16 (15%)
Do not support Designated Waters	47 (43%)	43 (40%)

General comments

Theme	Occurrence	Percentage (%) of responses
Concern about crowding, angling pressure, and etiquette	29	27%
View that non-resident anglers should be charged more/have restricted access	9	8%
View that crowding is not a problem on these rivers	8	7%
Negative view of fishing guides	8	7%
Positive about beat systems	7	6%
Opinion that Designated Waters won't work	5	5%
Anglers identifying they have been displaced	4	4%
View the Designated Waters is revenue gathering for Fish & Game	4	4%
Proposed alternative management options	4	4%
Concern for trout welfare/impact of pressure on trout behaviour	3	3%
Concern about the effect of Designated Waters on local tourism	2	2%
Opposition to increased cost/complexity for local anglers	2	2%

Non-Resident angler responses – website link survey

Total Responses – 104 Mataura, 104 Waikaia

104 non-resident anglers responded to all/some of the survey questions.

Designated Waters support/opposition	Mataura	Waikaia
Support Designated Waters whole season	6 (6%)	6 (6%)
Support Designated Waters in peak periods	6 (6%)	5 (5%)
Do not support Designated Waters	92 (88%)	93 (89%)

General comments

Theme	Occurrence	Percentage (%) of responses
Concern about the impact of Designated Waters on the local economy/tourism	18	17%
View that crowding is not a problem on these rivers/trout can handle the pressure	17	16%
View that beat systems are sufficient to disperse the pressure	9	9%
View that Designated Waters is too expensive	9	9%
View that Designated waters is discriminatory	9	9%
Designated Waters would impact intention to fish in Southland/New Zealand	8	8%
View that Designated Waters is too restrictive	7	7%
View that overcrowding/pressure is a problem	6	6%
View the Designated Waters is revenue gathering for Fish & Game	6	6%
View that Designated Waters won't work	6	6%
Proposed alternative management options	5	5%
Negative view of fishing guides	2	2%
Anglers acknowledging they have been displaced	2	2%
Concern for trout welfare or impact of pressure on trout behaviour	1	1%

When considering feedback received via the website survey link, please be aware that the Facebook post which shared this survey link was widely distributed on social media, reaching over 100,000 people. Consequently, it may have been filled out by non-licence holders. Additionally, during the consultation, we learned that a well-known fishing commentator in Australia was encouraging Australian anglers to participate in the survey if they ever intended to go fishing in New Zealand.

Fishing guide responses

Twenty-eight respondents identified themselves as fishing guides in the consultation survey, with all but three being resident guides. Just over one-third of these guides supported the implementation of the Designated Waters licence on the Maitara and Waikaia Rivers. The key themes in their feedback included concerns about crowding, angler pressure, and etiquette; a belief that the Maitara and Waikaia are not overcrowded and can handle the fishing pressure; and a view that the Designated Waters licence will not work and will instead add pressure to other fisheries.

Notably, we received some correspondence from fishing guides outlining that they avoid the Maitara and Waikaia during peak periods because of crowding. See Appendix 2.

Total responses – 28 Maitara, 28 Waikaia

Designated Waters support/opposition	Maitara	Waikaia
Support Designated Waters whole season	6 (21%)	7 (25%)
Support Designated Waters in peak periods	5 (18%)	5 (18%)
Do not support Designated Waters	17 (60%)	16 (57%)

Theme	Occurrence	Percentage (%) of responses
Concern about crowding, angler pressure, and etiquette	10	36%
View that the Maitara and Waikaia are not crowded	8	29%
View that Designated Waters won't work	6	21%
Positive about beat systems/beat system is an alternative	4	14%
Concern about non-resident guide behaviour	3	11%
Opinion that the Maitara and Waikaia don't meet the Designated Waters definition	3	11%
Proposed alternative management options	3	11%
Concern about the impact of Designated Waters on the local economy/tourism	2	7%
View the Designated Waters is revenue gathering for Fish & Game	2	7%
Concern about fishing pressure on adjoining landowner goodwill	1	4%

Other stakeholder feedback

Farmers and landowners

During the consultation period, nine landowners/land managers who own/manage property adjoining the Mataura and Waikaia rivers contacted Fish & Game regarding the Designated Waters proposal. One used the consultation survey link, two contacted Fish & Game by email, and six spoke to Fish & Game staff by phone or in person. There was some reluctance from landowners to make written submissions, preferring instead to speak with Fish & Game staff directly. Their feedback is summarised in the table below.

Landowner descriptor	Location	Comments
Forest manager	Upper Mataura	<ul style="list-style-type: none"> - Noted a marked rise in non-resident angler use of upper Mataura tributaries. - Anglers parking in gateways is a significant issue for forest operations. - As an angler himself, he has stopped fishing the area due to increased angling pressure (he has been displaced).
Farmer 1	Upper Mataura	<ul style="list-style-type: none"> - Provides access to upper Mataura tributary across his private land. - Very generous with access – this is a critical angler access point. - Observed heavy angler pressure on his property and provided us with an anecdote this season of 14 anglers on one stretch of river (less than 1.5km) at one time. - Has contemplated banning fishing guides from his property.
Farmer 2	Upper Mataura	<ul style="list-style-type: none"> - Provides access to upper Mataura across his property. - Very generous with access – public and private access to Mataura River. - Has become increasingly frustrated with poor angler etiquette (anglers tuning off electric fences) and fishing guides overusing his access points. - Has considered banning some fishing guides from his property and closing access points.
Farmer 3	Upper Mataura	<ul style="list-style-type: none"> - Provides access to upper Mataura across his property. - Very generous with access. Public and private access to the river. - Complained that this season observed access points being fished by three or more separate parties per day - For 2024/25 fishing season, is closing one access point due to non-resident anglers parking in his gateway.
Farmer 4	Upper Mataura	<ul style="list-style-type: none"> - Access to the Mataura River at multiple points on his property, both public and private access.

		<ul style="list-style-type: none"> - Experiences poor angler etiquette from non-resident anglers on a regular basis – disrupting stock and farm activities. - Frustrated, particularly with the amount of guided angling, and complained about a Lumsden-based Australian guide
Farmer 5	Upper Mataura	<ul style="list-style-type: none"> - Provides access to the upper Mataura River. - Regular issues with non-resident anglers parking in gateways.
Farmer 6	Mid-Mataura	<ul style="list-style-type: none"> - This farmer commented via our consultation survey. - Reports of non-resident anglers camping on his private property. - Attributes poor angler etiquette to non-resident anglers and fishing guides as he noted that during the covid lockdown, there were no issues. - Notes that farmers in the catchment may consider closing/restricting access. - We also dealt with a direct complaint from this farmer regarding anglers using a public access point which adjoins his property to access his private land. Fish & Game provided signage to help redirect anglers.
Farm manager 1	Waikaia	<ul style="list-style-type: none"> - Multiple access points on the Waikaia River across the farm he manages. - Increasing frustrations with non-resident anglers parking in gateways, and number of anglers
Farmer 7	Waikaia	<ul style="list-style-type: none"> - Has banned guides from his property.

All landowners described problems they had encountered concerning poor angler behaviour. Their feedback primarily centred around frustrations with fishing guides, anglers excessively using certain access points on their property, and non-resident anglers disrupting farm activities (e.g., parking in gateways, turning off electric fences, disrupting livestock). Several landowners expressed an intention or desire to close one or more angler access points on their property. One landowner had already banned fishing guides from his property, others expressed an interest in banning certain fishing guides and/or non-resident anglers.

Staff have also had to respond to poor angler etiquette this season, to retain angler access across private land. On the mid-Mataura (near Ardlussa), we worked with a local landowner to reopen an access point (providing two fishing beats) across private land after it had been closed for three seasons. Just weeks into the season, the landowner contacted us and informed us that he and his staff had to spend several hours moving stock because anglers had not put electric fence tapes back in place. This landowner was on the verge of closing the access again. Fortunately, Fish & Game staff were able to work with the farmer to preserve the access. However, it's clear that if there's one more incident, we will lose this access point and the two fishing beats it provides.

Hospitality providers

Three Waikaia-based accommodation providers provided feedback via email, expressing concerns that a Designated Waters Licence could negatively impact their businesses. Their submissions suggest a coordinated effort by some non-resident anglers to encourage local accommodation providers to submit feedback to Fish & Game. Additionally, it appears these accommodation providers may not fully understand or might be misinformed about the proposal. For example, one submitter mistakenly believed that the Designated Waters proposal would limit their customers to catching just five fish per season. See Appendix 3 for the email submissions from these hospitality providers.

Angler comments that illustrate the most important themes from the Designated Waters Consultation

Representative quotes from the four key themes – resident anglers

- Theme 1: Concern about crowding, angling pressure, and etiquette

“Man that river gets a hiding” [Waikaia]

“The fishery is getting too pressured. Something needs to be done to spread the anglers out over more fisheries. As a resident angler, I have become increasingly displaced from many waters by non-residents and the guiding industry.”

“I am resident in Queenstown and have fished the upper Mataura on a regular basis for 35 years. Over this time, and particularly in the past ten years there has been a serious deterioration in both the quality of fishing and the attitude of other fishermen (often guide accompanied) as pressure from offshore anglers understandably seeking to fish “iconic” NZ waters has increased.

We have to accept that our trophy waters can no longer sustain and provide the experiences of the past for both local and visiting anglers and we now have to manage them.”

- Theme 2: Negative view of fishing guides

*“Both rivers have become a total cluster**** over the past years. Kiwi anglers displaced by aggressive au anglers and guides. I’ve been fishing there for 30 years.”*

“I have fished the Mataura river all my life (for the last 50 years) and I particularly treasure my time on the upper Mataura - I have now stopped fishing this mystical piece of water as a direct result of crowding and the poor behavior of overseas (and some NZ) anglers and the guides that are often in attendance.

I would support any efforts to limit the pressure on this precious angling water.”

“Too many guides at access points with 2 or more clients”

- Theme 3: Opposition to increased cost/complexity for local anglers

“I have been a keen fisherman for coming 60 years and have fished all off these locations. I believe we need to encourage more people and get young kids more into fishing but putting restrictions on make it more harder for families as things are pretty costly without increasing licences cost.”

“As a fisherman I pay for a full season license and the cost of that alone is shocking. Tourists should pay more for a licence and people who live in New Zealand should pay less. I enjoy fishing as it’s a great way to unwind and relax, but as i said earlier the cost is shocking I understand you have people to pay ect , I don’t support the cost of another licence.”

- Theme 4: Anglers identifying they have been displaced

“I haven owned a crib at Nokomai for some years, I am an avid fly fisherman and have two teenage boys who are also learning to fly fish.

Although the beat system recently implemented is a fantastic concept, unfortunately it doesn’t alleviate the fishing pressure the upper Maitai receives, and I understand this was never its purpose. We are quite despondent around fishing this river due to constantly finding cars parked at the start of each beat and more often than not, are being displaced from the river to have to drive some distance in the hope of finding an available access at an alternate river. I firmly believe the ease of access for international fisherman is a key reason for this overcrowding, this was evident with the lack of fisherman/fishing pressure during COVID when borders were closed.

This overcrowding problem has been steadily getting worse over a number of years, which although may not be directly impacting the fishery it is most certainly impacting the local resident fisherman’s experience. If you are lucky enough to find an available beat the fish are certainly more difficult to approach due to recent pressure, often from only hours before.

I have heard guides say they would be happy to fish behind other fisherman in this stretch of water and that the river can handle the pressure, but we must acknowledge that these guides fish for a living and are very advanced in their techniques.

I fully support the DW licence for the entire season for non-residents in the hope that my boys can one day experience fishing this beautiful river the way we use to and hope they don’t ultimately lose their love for this fantastic sport.”

“As a Gore angler I feel displaced from this river when it is at its best because of heavy NR use. I did not fish this river this last season when the river was clear as it was overused by tourists.”

“I, like many other residents, have been displaced on many occasions by non-residents anglers (currently mainly Australians), fishing guides and their clients to the extent that I have left the river without taking the rod out of its case. My preferred section of the Maitai is Ardlussa up to Cattle Flat.”

Representative quotes from the four key themes – Non-resident anglers

- Theme 1: Concern about the impact of Designated Waters on the local economy/tourism

“As a non-resident there seems to be a big cost involved. We already pay some substantial amounts of money for the privilege of fishing there, heavily subsidizing the local anglers and not mentioning the amount of money we pump into the local economy. At what point do we say, “You know for that amount of money I could go elsewhere. I like trout fishing a lot and I love the scenery and the country, but its not the only place to go fishing.””

“Just another means to alienate foreign anglers! These anglers provide much needed income for the NZ economy and smaller communities. I would rather spend \$50 on food and accommodation than see it mismanaged by fisheries and the Government!”

“You're going to far. Fishing tourism puts a lot of money into your economy but I probably won't come back when you make me unwelcome.”

- Theme 2: Designated Waters would impact intention to fish in Southland/New Zealand

“F&G are making NZ fly fishing less and less attractive with its introduction of more and more licences and restrictions, not to speak of the obscenely expensive NR fees. My annual 2 weeks in NZ will soon be replaced by trips to the USA instead and you can keep it all for yourselves and go without the income that Australian FF tourists bring. That will help your struggling economy, guides, restaurants, car hire, motels etc for sure. Do what you like, you never listen to survey results anyway”

“The more restrictions F &G place on river fishing in NZ, the less attractive it becomes.”

“As a foreign fisher, its pretty clear that we're seen as a problem. We need to be managed. Out preferably. The current arrangements (a full year's licence to fish a few days, another \$250 and being limited to only five days) are a clear and powerful message. Received and understood. I'm not coming back.”

- Theme 3: View that crowding is not a problem on these rivers/trout can handle the pressure

“I have been to the Southland region every year in February since 2017 (except COVID-19 restrictions) and have never had an issue getting a beat to fish on that mid/upper Mataura river.

I fished this river for a week in January this year and while there were other anglers on the river it was always possible to find an unfished beat.

I fished the mid/upper Mataura in Feb 2024, I experienced no crowding on the marked beats. Indeed, most of the beats we passed had no-one using them.”

“I believe there is enough beats on the Mataura River along with many other rivers in Southland which have plenty of beats that can support both resident and non-resident anglers”

“The Mataura and Waikaia rivers have excellent stocks of trout and can support heavy angling pressure. They have been subject to heavy angling pressure for many many years and yet year after year they continue to provide excellent fishing for anglers.”

- Theme 4: View that Designated Waters is too expensive

"I believe that the area is getting too much pressure affecting the fishing experience however \$40 per day is too excessive. I think \$20 is more appropriate as travelling from overseas is already a major financial commitment."

"Too expensive and competing with bait fishers."

"I feel it is an unnecessary impediment to the fishing enjoyment of these rivers and just a money raising scheme. Nonresident anglers pay a premium as it is and I would have to consider other regions or countries if this scheme was implemented."

Appendix 2 offers a selection of detailed feedback received by email/letter, which support staff recommendations (page 14).

Recommendations

The Designated Waters Licence

The consultation process revealed that crowding is a significant issue for anglers on the Mataura and Waikaia rivers, causing temporal and spatial displacement, particularly for resident anglers but also for some non-residents. Staff consider the Designated Waters licence to be the best management option to reduce angler pressure on these rivers. However, the consultation highlighted several important considerations suggesting that requiring a Designated Waters licence only during peak periods (February and March) may be the best approach at this time:

- Burden on resident licence holders. Close to half of the resident angler opposition to the Designated Waters licence stems from added regulatory complexity and cost. Resident anglers prefer not to have extra costs or regulations to fish their local waters. Limiting the Designated Waters licence to two months will impact fewer resident anglers, especially those who holiday near these rivers over the Christmas/New Year period.
- Effect on non-resident angler tourism. Many non-resident anglers emphasised their contribution to the local economy, such as accommodation, rental cars, and hospitality. These anglers mentioned that a Designated Waters licence requirement would/may influence their decision to fish in Southland. If the Council elected to limit the Designated Waters licence requirement to part of the season, non-resident anglers may be encouraged to visit outside peak periods and therefore pressure could be redistributed to other months. This could potentially benefit local tourism as fishing guides and some accommodation providers are likely oversubscribed during the peak summer period.
- Effect on fish behaviour. Some anglers noted that during the peak period, trout behaviour was affected by angling pressure, making them difficult to catch. Reducing pressure during this time, when trout are typically most challenging to catch, may improve the angling experience for both resident and non-resident anglers.

Staff recommendation:

A Designated Waters licence requirement is implemented for the months of February and March for (1) the Mataura River and all tributaries upstream of the Ardlussa Bridge and (2) the Waikaia River and all tributaries upstream of the Mataura River confluence.

Alternatives to Designated Waters

Several alternatives to the Designated Waters licence were proposed by both resident and non-resident anglers. These included using voluntary beat systems as a sole management option, higher licence fees for non-residents, ballot/booking systems, local-only fishing days, and catch-and-release or fly-fishing-only regulations. Staff and Council have previously considered these suggestions and determined they are not suitable or sufficient for managing pressure on these fisheries or for Southland in general. No new alternative management options were received during the consultation.

Staff recommendation:

No further consideration is given to these alternative management options at this stage.

Beat systems

Many resident and non-resident respondents commended the upper Mataura beat system. Both groups expressed a desire to see expanded use of formalised beat systems, such as on the Waikaia, along with improved signage and beat boundary markers.

Staff recommendation:

Implement a voluntary beat system on the Waikaia River for the 2024/25 season, including enhanced signage, beat markers, and access stiles where appropriate.

Promotion of alternative fisheries

A small number of anglers offered an excellent suggestion: Southland Fish & Game should do more to promote alternative fisheries that offer a quality angling experience. Staff consider this an excellent idea and will make a concerted effort to promote and raise awareness of alternative fisheries that both resident and non-resident anglers might enjoy visiting.

Staff recommendation:

Council instruct staff to highlight alternative fisheries in media and communications with anglers.


Guides

Both non-resident and resident anglers as well as some landowners reported negative interactions with fishing guides and poor angler etiquette from fishing guides. Specific issues included guides dropping clients off at beats, using vehicles to occupy multiple beats, exhibiting aggressive behaviour during angler interactions and repeated use of certain beats.

Staff recommendation:

The Council instruct staff to develop information on beat etiquette for inclusion on our website, continue to work with the Guides Association and to encourage reporting of poor angler/guiding etiquette.

Appendix 1: Consultation survey



Consultation Survey: Proposed Designated Waters Licence for Fishing on the Mataura and Waikaia Rivers

The Southland Fish & Game Council is considering the implementation of a Designated Waters Licence requirement for fishing on the mid and upper Mataura River and the Waikaia River. If the Southland Fish & Game Council decides to proceed with this requirement, the costs for both resident and non-resident Designated Water Licences are expected to remain unchanged. Currently, the fee for a resident full-season Designated Waters Licence is \$5.00, while a non-resident Designated Waters day licence is \$40.00. Additionally, the number of non-resident Designated Water Licences an angler could purchase in Southland would be restricted to five per season, consistent with current regulations.

1.) Are you a resident or non-resident angler?

Resident

Non-resident

2.) Are you a fishing guide?

No

Yes

Next season, the Southland Fish & Game Council is considering implementing a Designated Waters Licence requirement for the Mataura River and tributaries upstream of either the Waikaia confluence, or the Ardlussa Bridge.

3.) Regarding the mid/upper Mataura River, which statement best represents your views?

I do not support the use of the Designated Waters (DW) licence on the mid/upper Mataura.

I support the use of the DW licence on the mid/upper Mataura during periods of peak usage only.

I support the use of the DW licence on the mid/upper Mataura for the entire season.

Please provide reasoning if you would like to

Next season, the Southland Fish & Game Council is considering implementing a Designated Waters Licence requirement for the Waikaia River and tributaries upstream of the Mataura River confluence.

4.) Regarding the Waikaia River, which statement best represents your views?

- I do not support the use of the Designated Waters (DW) licence on the Waikaia River.
- I support the use of the DW licence on the Waikaia River during periods of peak usage only.
- I support the use of the DW licence on the Waikaia River for the entire fishing season.

Please provide reasoning if you would like to

Thank you.

Submit

Powered by [Jotform](#)

Appendix 2 – a selection of detailed feedback received by email/letter which supports staff recommendations

From: Graeme Watson
Sent: Tuesday, May 28, 2024 1:58 PM
To: Zane Moss <zane.moss@southlandfishgame.co.nz>
Subject: DW

Southland Fish & Game Councillors.

I congratulate the council for addressing the fishing pressure on the upper Mataura and Waikaia by overseas anglers and guides. As a member of the NZPFGA (but retired from guiding recently) I've seen the fishing pressure increase significantly over the last 20 years .I fully endorsed the beat system and the Designated Water System on the Oreti and would approve the DW system on the upper Waikaia and Mataura during peak times.

Points to consider.

Fishing guiding is good for the local economy as long as Guides are respectful of the resource and landowners. Guides earn good money and can afford to drive an extra 30 min to the mid and lower reaches of our rivers.

Fish behavior has changed over the last 10 years because of pressure.

Farmers are getting increasingly agitated by poor etiquette from Australian guided groups .

We run the risk of losing access to certain rivers if this is not addressed.

From my experience, there has been an increasing demand for guided fishing so management changes on our rivers are needed.

When I was guiding I always asked my clients about our license fees and if they considered it good value. 90% of them said it was great value and probably too low in comparison to places like the US. I consider the DW cost is too low relative to their overall trip costs.

A similar scenario in the Tourism industry is playing out on the demand for our "Great Walks".

I'm fully in favour of management changes on the upper Mataura and Waikaia rivers during peak times.

Please consider our young anglers of the future, we don't want them disenfranchised from their local rivers.

Regards

Graeme Watson

From: David Lambroughton
Sent: Tuesday, June 11, 2024 9:35 AM
To: feedback@southlandfishgame.co.nz
Cc: Zane Moss <zmoss@fishandgame.org.nz>
Subject: Possible Reg Changes....

Hello Everyone;

Ever since your questionnaire came out on May 22nd I've been thinking about what this may mean for me plus lots of fishing friends that come to visit the Southland Waters every year. For me, it all began in 1980 and fishing the Mataura on my honeymoon. At the time I noticed lots of older anglers on it and now I'm one of them and it's easy to see why; easy waters to wade and cross, with nice access points and a tank of gas can often last an entire week. For anglers that have fished all over New Zealand for years and decades, the Mataura and Waikaia Rivers are a gravitational destination for us older guys and many come for lengthy stays and rent the same places every year as part of their annual routine. Some will come for a couple of weeks, many for 3-4 months like I do, and some even longer. So having our available fishing days cut down to 5 per season would be a disaster for us, not to mention the ripple effect for the various businesses in Kingston, Garston, Athol, Mossburn, Lumsden, Riversdale, Waikaia, and to some extent, Gore.

For me and my visiting buddies, we've been renting two cottages in Waikaia for the past 18 years from an older couple for about 3 months a year and they really rely on that income. So if we got limited to only 5 days a year, it wouldn't be worth returning and I'm sure this scenario would be repeated all over the Mataura Drainage. So if you extrapolate this for just us older overseas anglers that I would think it would easily add up to at least 150 of us during the entire season throughout the drainage, who would average, I would guess, a one month stay and would spend, like my gang does, about \$150 Kiwi Per Day for accommodations, food, car rentals, gas, etc., it would easily take about a half million dollars away from all the local businesses that service this area.

So on your end, I can see the need to regulate the angling traffic that has slowly grown over the years but last year was an anomaly on the Waikaia. The Mataura was very slow in clearing during January and the worst fishing conditions my fishing friend and station owner Ray Keown, whose family station at Cattle Flat goes back 100+ years, had ever seen. This in turn pushed lots of anglers and fishing guides onto the Waikaia way more than normal in January and February and I've been following this for years now. When I drive to Gore or Lumsden for gas and groceries once a week or to a golf course, or for my own fishing, I make it a point to check out all the access points to monitor the angling traffic. So I can honestly say that I don't have any problem finding beats to fish in December or March. It's only the months of January and February this past season that it could be an issue on some days.

Another crowding factor and maybe the biggest fly in the ointment, was the Kiwi Fly Shop opening in Lumsden who started to pack in the Aussie Anglers after N.Z. reopened after the Covid Years. It was like "Factory Guiding." They hit the Cattle Flat Section so hard that the station owners immediately all got together and simply banned all access. Then I started to notice lengthy messages posted on the bulletin board in Waikaia about someones bad experience on the river after being bullied off it or simply just cut right in front of by a guide from the Kiwi Fly Shop and his clients and these were not just some isolated incidences. For

the local anglers and us overseas guys, this sort of thing has become the predominant topic when we run into each other and it's one horror story after another of a day that got ruined with their bad behaviour. So I took the Kiwi Fly Shop and their guides to task over this with a large posting on The Complete Anglers Facebook Page, which is the largest source of N.Z. info for both resident anglers and overseas anglers, that caused a firestorm and a half dozen Aussies Spit the Dummy over it. But more importantly, the Kiwi Response was extremely positive with tons of "Likes" and positive comments. The hatred generated by the Kiwi Fly Shop and their guides is pretty much universal, unless you're an Aussie.

Moving on....so where do we go from here? I know you people who are making the decisions on the new possible regs are caught in the middle so here are a few ideas to consider for both now and in the future as the need for fisheries management continues to evolve. First off, I would hope you could consider, if you have to, having the Waikaia and Maitai (upstream of their confluence) become Designated Waters for just the months of January and February, their busy months. This would leave us overseas anglers a chance to cobble together a bit of a season by utilizing the early or late season more. It would also help people like the elderly couple I rent from every year and other businesses to adjust a bit to the new regs instead of such an abrupt disruption with their cliental. Another thing to think about is that the 5 Day Limit for Designated Waters is pretty brutal on such a vast amount of water and may make more sense for some rivers, like the unique Oreti, than others. So this "one size fits all" approach might not be the best option and you can always tighten up and fine tune the regs later when and where needed. Or maybe just having the option on non resident full season licensing to include fishing D.W. both by the day (\$40) or week (\$250) or by the season (\$500+) and that would save lots of time on the computer/phone as well and cut the traffic down. Another idea, for the long range suggestion box, is to have "Kiwi Weekends" on D.W. during January and February as a number of my Kiwi Angling Friends have lamented that their favourite stretches/beats on the upper Maitai, in particular, are always taken. Here in British Columbia where I live, when our Famous Steelhead Rivers in the Skeena Drainage were getting loved way too much by non resident anglers, our Ministry of the Environment responded with certain rivers and sections of other rivers, were set aside for B.C. Residents only on weekends and it has worked well. So I think this is something worth considering for Designated Waters during their busiest months and it's only fair. January is the big Kiwi Vacation Month already and many Kiwis are largely weekend anglers because many are still working. That seems only fair to me. It's their country and they deserve a better crack at the favourite waters.

So good luck finding an equitable solution through all this and I know it won't be easy. I've been coming to N.Z. for 44 years, minus the 2 Covid Years, and many were for full seasons and I got to fish both islands top to bottom and coast to coast. I've had a wonderful "Kick at the Can" as they say and after traveling all over the world, New Zealand has always helped me to renew my faith in humanity with its people and kindness. I feel incredibly lucky and thankful for it all and hope that future visitors are fortunate enough to experience more of the same.

Thank You,

David Lambroughton

29 May 2024

Southland Fish & Game Council
17 Eye Street
Invercargill 9840

Dear Southland Fish & Game Council,

I am writing to express my opinion on applying the Designated Waters Licence requirement to the upper Mataura River and on the Waikaia River.

I have lived in Southland for 59 years, fished recreationally for 54 years and guided for 28 years.

My work time is split between guiding and working in the rural sector. I realise that this is an unusual and unlikely pairing, however it does provide unique insights into both realms.

Last year, I did NOT support the SFGC when you sought to classify both the Mataura and Waikaia Rivers above their confluence, for the entire season. I thought this was too heavy handed – too much and too quickly.

However, this season I support the implementation of the DW licence on them both but only for the peak of the season, say February & March.

In no particular order, here are my reasons why

- From my home base in Lumsden there are 40-50 rivers, streams, creeks & springs within an hour's drive. If three of them (ie. the upper Oreti, upper Mataura & Waikaia) were to have limits for my non-resident clients, the reduction in the opportunities available to me would be insignificant.
- I already avoid the upper Mataura. I guess I am one of the 'displaced' anglers. I fish late in the season above Nokomai.

The fish numbers are still good, there are some big specimens and they are in good condition. Although I hear there is often always a beat available, it is the pressured fish behaviour that specifically puts me off.

- In Feb/March all the reputable guides in Southland are booked solid. As an industry, we are over-subscribed during this time. Guides will be able to use the DWL requirement for these months to encourage anglers to come at other times when things aren't as busy (ie Oct, Nov, Dec & April). This

will allow guides to increase their potential revenue by spreading the demand out over more months of the season.

In Feb/March, I deliberately don't book clients, although I still guide one or two. I do this because the rivers are busy enough and the experience of my clients is compromised. Instead, I use the time to fish for myself in Southland's more obscure fisheries.

I have been able to talk all of my clients into coming during other months as it gives them more options as it is less busy. They have all agreed to my recommendations, so I haven't lost a single booking.

- The cost is negligible. The majority of my clients would be prepared to pay a lot more for a season licence and an extra \$40 is so insignificant, that it wouldn't even be factored into their decision making.
- Let the clients choose. If Fish & Game impose the DWL then it will be up to guides to inform their clients of the regulations and its implications, and then let the client choose what they want to do.

A good guide will have plenty of options up their sleeve and they will already factor in the weather conditions, river conditions, the time of the season, hatches, events, a client's budget, wants and fitness etc. So, having to factor in regulatory changes as well will not be an overwhelming factor in their decisions.

I think the ability to tailor an experience to fit the clients wants, within the constraints listed above, is what separates a good guide from a simply keen angler who charges to take someone fishing.

- During Covid when our borders were closed, we/the wider NZ had an opportunity to rethink how we managed tourism and our tourist experience. We should not be employing a 'McDonalds' model - where we cater for as many as possible, ensure the beats are full, guides diaries are full etc while clients are rushed through and simply take what they can get.

We should be aiming for repeat, high value clients that are having the very best experience of NZ as possible. The majority of my clients are repeaters and I don't advertise. That puts pressure on me to give them a great fishing experience and to ensure they are contributing to wider Southland & NZ.

- Landowners. My other side of my working life is with farmers and the rural community. While this has provided me with greater access to some waters than the majority of anglers, it has also given me insights into their collective frustrations with anglers – guides and tourists in particular.

Most landowners see guides as getting a free run at the fisheries, charging an unreasonable amount for what they do and they come across as very entitled.

Their frustrations with tourists stem from a lack of farm knowledge or etiquette - this results in rental cars parking in gateways, not securing gates, agitating stock, putting pressure on fences and

walking through the middle of paddocks in a straight line back to their car. Not to mention camping in their paddocks to save a few dollars.

I know quite a few landowners who are fed up with it. They aren't the type to voice it. One day they'll snap and will just put up a sign stopping access - and there won't be any negotiating afterwards.

I think this is a significant enough risk in itself to warrant greater limits on non-resident anglers, especially unguided ones.

Thanks for considering my input and all the best for your deliberations.



Daryl Paskell

Member of the *New Zealand Professional Fishing Guides Association*

From: Alan & Shelia Petrie
 Sent: Monday, May 27, 2024 10:20 AM
 To: Feedback <feedback@southlandfishgame.co.nz>
 Subject: PROPOSED DESIGNATED WATERS LICENCE, UPPER MATAURA RIVER

Thank you for the opportunity to comment on F&G's proposal. I support the full season option. Personally I consider that the Upper Mataura can be divided into two fishing seasons, the first is before Christmas when there are fewer anglers around and the trout are both less wary and selective in their food source (soft bait being the most productive method of fishing.) After Christmas moving into the peak of the fly fishing season the trout perhaps have already seen various artificial patterns and perhaps have even been caught making them exceedingly shy, with fewer fish being sighted in the shallow water until after dusk. Fishing becomes harder, even for the most experienced angler.

From my personal observations there have also been major changes in the pressure on this finite natural and recreational resource. A decade ago the first anglers arrived down the Nokomai Valley at their chosen destination no earlier than 10am. During the past two-three seasons the car parking has been occupied at the most sort after beats well before 8am. Typically, each vehicle contains at least two anglers and quite often accompanied by a professional guide. If the fishing group departs about 3pm, frequently other anglers will arrive and fish this "dirty water", and their likelihood of sighting fish in shallow water is minimal. Expanding on this statement, most fishing guides are both competent and experienced anglers (the various standards in angling etiquette will not be addressed.). However, their clients are frequently low skilled or even once-in-a-lifetime anglers, and their fly presentation through lack of casting practice will often disturb several fish in a pool. More often than not, spooked fish will run upstream through the pool and frighten trout stationed above it. During the peak of the fly fishing season, on some days trout will make contact with at least four anglers. Furthermore, from my own observations many boot marks made by anglers are too close to the river's edge - brown trout are extremely sensitive to on land movement and move quickly into deeper water until dusk (mid summer 10pm) when they will start feeding again in shallow water and foam lines.

Angler pressure, not the overcrowding like the pre-beat system, is a major concern. However, from perusing my own fishing diary that extends over the last forty years of fishing the Upper Mataura, there has been a steady decline in both size and quantity of trout netted. During the 1980s five fish weighing above 3lb was common, however during their last season I caught one trout over 3lb. I consider the steady deterioration in the fishery is not solely because of angling pressure, but major changes in the inherent traits of the river. Once where there were stable single channels featuring a sequence of pools and riffles with an abundance of aquatic invertebrates there are now multi channels containing high volumes of mobile gravel and sediment. The fine sediment is particularly damaging to aquatic life. I have fond memories of stalking large trout along cutty grass banks that have now been replaced by expanses of sterile gravel. In 2007 I wrote to ranger Stuart Sutherland about my concerns of the loss of this natural riverine feature:

"One of the characteristics of the Upper Mataura that is nearly lost are the continual cutty grass banks. Inherently stable banks, covered in a mixture of Carex grasses, short tussock and pasture grasses which were the natural haven for terrestrial insects such as the dragon fly, red-coated damsel fly and various tussock moths. Numerous large brown trout waited downstream of obstacles or natural slumps to feed on surface prey, especially on hot windy afternoons."

Additionally, I consider flooding has changed. Historically they were both slow lifting and receding and now they are more flashy, scouring out the bank substrata. These changes to

flooding could possibly be due to the more intensive farming practices in the river's headwaters.

As stated, I support the F&G proposal to introduce a DWL for the Upper Mataura for the whole season. However, I am somewhat hesitant that this proposal will improve the quality of fishing simply because the river has become a commercial/tourist fishery, with some guided clients quite happy just to spot a brown trout in its natural habitat. Lastly, pressure will remain on this finite resource whilst it is promoted in magazines such as The Fly Fisherman as a "blue ribbon" river where the fishing needs to be experienced to be believed.

Tight lines, Alan Petrie.

From: dougal Rillstone
Sent: Thursday, June 6, 2024 12:07 PM
To: Feedback <feedback@southlandfishgame.co.nz>
Cc: Ben Febery <bfebery@fishandgame.org.nz>
Subject: Feedback regarding possible Designated Water regulations for the Mataura and Waikaia Rivers.

I wish to provide feedback on the proposal to introduce Designated Water Regulations for the mid and upper sections of the Mataura River, and the Waikaia River.

Background

My name is Dougal Rillstone. I was born in Gore, in 1949, just a long stone throw from the Mataura River.

I have a treasured photograph of me as a baby, up to my shoulders in the Mataura River, on the north edge of Gore, because the river was where we swam and played through all of my early years. I caught my first trout in the Mataura when I was four. I was mesmerised by the river in my early life, and my love of it has stayed with me.

I fished the river using a worm when I was a boy, and with threadlike gear in my youth. I first fished it with a fly rod when I was thirteen. My early fishing was mostly restricted by the distance I could cycle from our home in East Gore, although kindly neighbours drove me south, towards Wyndham, once in a while. Apart from three years spent overseas in the early 1970's, I have been closely connected to the river throughout my life.

In 2017 I walked the length of the Mataura River, from the ocean at Fortrose, into the Eyre Mountains, where the incipient Mataura begins its journey. In 2021 I published *Upstream On The Mataura, A Fly Fisher's Journey to Source*. The book was described by the poet, Kevin Ireland, as a unique, devoted and illuminating record of a pilgrimage, an adventure into memory, a detailed discourse on aspirations, reflections, activities and surroundings, and a passionate plea for the protection of our rivers. I wanted to leave a record of what the Mataura had meant to me, and make a plea for its protection.

During the 1970's and 80's I was a member of the Otago Acclimatisation Society Council and the Otago Fish and Game Council.

In my lifetime, I believe I have fished the Mataura and Waikaia Rivers over 1,500 times, and spent many more days swimming and playing in, and beside, the river.

Submission

In the last couple of decades I have noticed a significant increase in the number of anglers fishing the middle and upper reaches of the river. The pace of this change has appeared to accelerate in recent years, and I believe this change is supported by evidence gathered by Fish and Game surveys. The majority of this increase can be attributed to anglers from overseas. The impact of this increase in angling pressure is, in my view, beginning to negatively affect the fishery, and the overall angling experience.

My response to these changes has been to retreat from parts of the river I have previously enjoyed, mostly because the solitude I valued was increasingly lost. For a time, the *beat* system reduced the risk of my angling day being diminished by crowding. I have though become increasingly concerned that the almost constant stream of anglers fishing both rivers during the peak tourist season was negatively impacting this wonderful wild trout fishery.

What I see happening on the two rivers under discussion is a modern day playing out of *The Tragedy of The Commons*. Our forebears fought to allow the rivers in New Zealand to be open to all— to fish and for recreation. The idea that the best rivers be reserved through

ownership for the wealthy was an anathema to them. In effect, they saw our rivers equivalent to a *common*, available to all. This bedrock feature of access to our river has served anglers and others well for over a century, but appears less well suited to deal with the impact mass tourism, and the commercialisation of angling.

The close proximity of the upper Mataura and Waikaia Rivers to international airports puts them in an especially vulnerable position to over-angling. These fisheries are already facing the challenges of both land -use changes and the likely impact of a more volatile climate. Both the fishery and the angling experience are finite, and fragile things. I am concerned that a failure to act now to curb the angling pressure on these waters, will, in time, leave them and the experience they offer, seriously degraded.

I support the introduction of Designated Water restrictions on the rivers being considered. It looks the least imperfect of the possible ways to deal with over-angling, and has the potential to be an important start in protecting these delicate fisheries, and the angling experience.

I believe we have to look beyond the possible short term economic impacts of restricting use of these fisheries, in order to protect them into the future. This stance hasn't been easy for me to recommend, because I have overseas friends who fish these rivers, and love them as I do. I take some comfort though from knowing they will have many wonderful places to fish, without DW restrictions.

Thank you for the opportunity to have an input into this important matter.

Dougal Rillstone

Appendix 3 Email submissions from hospitality providers

From: Joan Hayward
Sent: Thursday, June 13, 2024 11:12 AM
To: Feedback <feedback@southlandfishgame.co.nz>
Subject: NEW REGS DECISION

If this decision to limit fishermen to catch only 5 fish a season, from the Waikaia and upper Maitai, would affect this small community of Waikaia in many ways. I own and manage a Bed and Breakfast, Willowdene Lodge in Waikaia. Without the contribution the overseas fisherman make to this small community, the few small businesses won't be viable with the excessive rising costs. Limiting the fishermen to a catch of 5, will determine whether they will come from France, Canada, America, England and Australia.

Yours sincerely
 Joan Hayward
 Willowdene Lodge

Hello Southland Fish & Game

My name is Pamela Rogers and I have a family holiday home in Waikaia.

I had this email below sent to me from one of my Airbnb clients re you –

“getting ready to make a decision on whether to include the Waikaia and the Maitai upstream of the Waikaia confluence, as Designated Waters, which would limit us overseas anglers to a maximum of 5 total fishing days for the entire 7 month season and this is cumulative. So 2 days on the Maitai would leave only 3 days for fishing the Waikaia.”

My clients are Australian, American, UK and Canadian who have been coming for the last 7 years since us doing Airbnb, and would stay from one week up to one month fishing. These people bring in revenue for the upkeep of our family crib and without them I would be lost.

Your proposed change would have huge impact on businesses in Waikaia and surrounding towns like Riversdale, Balfour, Lumsden, Garston, Athol with Airbnb, renting, B&B, Dairy's, Motels, supermarkets and hotels bars/restaurants. We are all recovering from the Covid experience and effects on our businesses and now you want to put this onto us. I implore you not to make this decision as it will have a disastrous effect on a lot of peoples businesses.

Regards
 Pamela Rogers

Email received -

As you may know, Southland Fish and Game is getting ready to make a decision on whether to include the Waikaia and the Maitai upstream of the Waikaia confluence, as Designated Waters which would limit us overseas anglers to a maximum of 5 total fishing days for the entire 7 month season and this is cumulative. So 2 days on the Maitai would leave only 3 days for fishing the Waikaia. So you can imagine the effect this will have on those of us with a long history of coming for lengthy stays and I would guess that over the entire season there would be at least 150 overseas anglers come to Southland to fish these waters. Some would come for a couple of weeks, some would come like I do for 3-4 months, and some even longer. But to calculate the economic input of this group, I'd guess that an average stay

would be one month and from my history I'd guess that these anglers would spend about \$150 per day when you add it all up; cottages, motels, pubs, grocery stores, car rentals, etc. So if you crunch the numbers; \$150 x 30 x 150 turns into \$670,000. So I would think be safe to say that at a minimum the new possible regs would cost Southland Businesses at least a half million dollars annually when it's all added up.

So what to do? I think contacting everyone who has some skin in game is imperative right now; Motel Owners, other people who rent out various other forms of accommodations, restaurant owners, pubs, city council members/Mayors in Waikaia, Riversdale, Lumsden, Athol, Garston, Mossburn, and anyone else you can think of whose livelihood will be affected by this likely change in the regs. They need to make their thoughts of feelings heard by sending them to: feedback@southlandfishgame.co.nz as soon as possible because the overseas long term visiting anglers will have no reason to return for having such few days they would be able to fish.

Hi there,

My name is Kelly and my husband and I are born and bred Southlanders as are our parents and grandparents and their parents before them.

I was pretty shocked to see the below email sent to me by guests of ours that air Bnb our wee family cottage in Waikaia bringing about the revenue we need to upkeep the property and help to keep businesses such as the pub and dairy going in Waikaia.

I can't quite understand Southland Fish and Games thinking on it, this is such a drastic decrease from what fish days fisherman are currently allowed. Of all the years we have had the fisherman come they have been so respectful and appreciative of our country and areas I wonder what more could Southland want from tourists, and we want tourists because it is a huge revenue for us, I mean do I really have to refer to the Covid days where businesses were shutting down left right and centre because no one was coming to NZ to spend money?

I am literally begging you not to make such a rash decision impacting hugely on local businesses. I mean all we really want to do is preserve our family home and share with others, we keep our prices down to just cover costs and keep it affordable in this ever price increasing world we live in.

All I see authorities doing in making more restrictions and hiking prices up and it's just depressing for families. Please don't make life harder.

Warm regards

Kelly

As you may know, Southland Fish and Game is getting ready to make a decision on whether to include the Waikaia and the Mataura upstream of the Waikaia confluence, as Designated Waters which would limit us overseas anglers to a maximum of 5 total fishing days for the entire 7 month season and this is cumulative. So 2 days on the Mataura would leave only 3 days for fishing the Waikaia. So you can imagine the effect this will have on those of us with a long history of coming for lengthy stays and I would guess that over the entire season there would be at least 150 overseas anglers come to Southland to fish these waters. Some would come for a couple of weeks, some would come like I do for 3-4 months, and some even longer. But to calculate the economic input of this group, I'd guess that an average stay would be one month and from my history I'd guess that these anglers would spend about \$150 per day when you add it all up; cottages, motels, pubs, grocery stores, car rentals, etc.

So if you crunch the numbers; \$150 x 30 x 150 turns into \$670,000. So I would think be safe to say that at a minimum the new possible regs would cost Southland Businesses at least a half million dollars annually when it's all added up.

So what to do? I think contacting everyone who has some skin in game is imperative right now; Motel Owners, other people who rent out various other forms of accommodations, restaurant owners, pubs, city council members/Mayors in Waikaia, Riversdale, Lumsden, Athol, Garston, Mossburn, and anyone else you can think of whose livelihood will be affected by this likely change in the regs. They need to make their thoughts of feelings heard by sending them to: feedback@southlandfishgame.co.nz as soon as possible because the overseas long term visiting anglers will have no reason to return for having such few days they would be able to fish.

Insights from the 2023/24 angler monitoring program: upper Mataura and Waikaia rivers



An angler crossing an access stile at the Rocky Beat on the upper Mataura River, Southland.

Summary

Over the last decade, the Southland Fish & Game Council has received ongoing complaints from anglers regarding crowding on the mid/upper Mataura and Waikaia rivers.

During the 2023/24 season, Southland Fish & Game initiated a monitoring programme to assess angler activity on the Mataura and Waikaia rivers.

The objectives of this programme were to ensure compliance with licencing requirements, assess how much angling pressure these rivers receive and how much of that angling pressure comes from resident and non-resident anglers.

Compliance with licencing requirements was notably high (ca. 99%). A total of eight FWL offences were detected, and non-resident anglers were responsible for seven of those offences.

Angling pressure varied by month, and was highest in January, February, and March. During these months, 61-73% of angling pressure was attributed to non-resident anglers.

Beat occupancy rates during February and March ranged from 0% to 90% and were affected by weather and river conditions.

Evidence suggests some particularly popular fishing beats experienced daily or almost daily angling activity raising concerns regarding the potential impact on fish behaviour, catchability, and subsequently, angler satisfaction. Interactions with anglers supported this proposition, revealing very low catch rates, and a degree of frustration and dissatisfaction amongst some anglers, particularly non-guided non-resident anglers.

Requiring anglers to have a Designated Waters Licence on these fisheries is likely to reduce pressure through the peak periods and cause some non-resident anglers to select alternate fisheries. This should reduce displacement of resident anglers, improve catchability and condition of trout, and ensure an improved angling experience for both resident and non-resident anglers.

Introduction and background

In response to an increasing number of concerns raised by anglers regarding crowding on some Southland fisheries, a focused effort has been underway to understand and address the issue. This endeavour has involved systematic attempts to quantify angler use of, and displacement from pressure-sensitive fisheries as well as comprehensive angler surveys aimed at understanding angler perceptions around crowding and opinions regarding potential management mechanisms. A significant outcome of this work was the establishment of the Designated Waters Licence for the 2023/24 season and its application to the upper Oreti trout fishery as a mechanism to reduce angling pressure and therefore crowding.

In Southland, two fisheries that have received increasing numbers of angler complaints regarding crowding are the mid/upper Mataura River (hereafter upper Mataura) and the Waikaia River. To assess the veracity of these complaints, in 2018, the Southland and Otago Fish & Game Councils commissioned Dr Stu Hayes and Professor Brent Lovelock (Centre for Recreation Research, Department of Tourism, University of Otago) to undertake a comprehensive angler survey to assess angler displacement to and from selected pressure-sensitive fisheries in Southland and Otago. One of those selected fisheries was the upper Mataura. Hayes and Lovelock (2019) also assessed anglers' willingness to pay for management mechanisms to control angler pressure (crowding) on the upper Mataura.

Hayes and Lovelock (2019) found that temporal, spatial and absolute angler displacement was occurring because of crowding and poor angler etiquette and among users of the upper Mataura fishery, there was broad support for management mechanisms to control crowding. Among resident anglers, 78% either supported or were neutral about management mechanisms to control crowding, while among non-resident anglers, this figure was 72%. With regards to paying for management mechanisms to control crowding, 57% either supported or were neutral about paying for management mechanisms to address crowding. In general, resident anglers, particularly Southland residents, did not support having to pay for management mechanisms to control crowding on the mid/upper Mataura. Overall, Hayes and Lovelock (2019) determined the effects of crowding on angler displacement to be of 'moderate' concern for the mid/upper Mataura River.

To complement the data collected by Hayes and Lovelock (2019), during the summer of 2020, Southland Fish & Game also undertook an assessment of angler origins on the upper Mataura River (upstream of the Nokomai Gorge). Eighty-two percent of anglers encountered were non-resident. By way of comparison, during the summer of 2001, it was found that 68% of anglers on the upper Mataura were non-resident which suggests increasing non-resident angler pressure and/or resident angler displacement.

Following the findings from the Hayes and Lovelock (2019) angler displacement study, which highlighted concerns regarding crowding and support for management mechanisms to address crowding on the upper Mataura, Southland Fish & Game introduced a voluntary beat system for the 2023/24 season. This approach was adopted because it would assist with managing angler pressure by influence angler behaviour and thereby reducing conflict. The upper Mataura River (Ardlussa Bridge to the Roberts Creek confluence) was split into 43 beats ranging in length from 0.8km to 4.2km. With this system, anglers park next to a beat sign to indicate to other anglers they will be fishing on a particular beat.

Recognising the importance of pressure-sensitive fisheries management in Southland, the Southland Fish & Game Council has prioritised pressure-sensitive fisheries monitoring and management and have instructed staff build upon the existing work that has already been conducted. Specifically, the Council instructed staff to develop monitoring programmes for both the mid-to-upper reaches of the Mataura River and the Waikaia River to gain deeper insights into angler behaviour. The 2023/24 upper Mataura and Waikaia monitoring programme aimed to:

- 1.) Ensure a high level of angler compliance with licencing requirements.
- 2.) Determine the origin of anglers who fish on the upper Mataura and Waikaia rivers to evaluate non-resident and resident angler use.
- 3.) Monitor beat occupancy rates to determine the degree of angling pressure on each river.

Methods

The monitoring programme commenced in October 2023 on the upper Mataura River and in January 2024 on the Waikaia River.

Angler Compliance

To assess angler compliance with fishing licence requirements, staff checked angler fishing licences according to standard procedures, with all licence checks recorded by date, fishery, and licence type. Whole-season compliance rates were determined for each fishery and by licence category (resident or non-resident angler).

Angler Origins

During fishing licence checks, staff recorded the origin (resident or non-resident) of each angler. At the end of each month, they compiled all licence checks and calculated the percentage of checks that were from resident and non-resident anglers. This enabled staff to

assess differences in both resident and non-resident angler pressure on these rivers over the course of the season.

Beat Occupancy

Beat monitoring data was collected during normal angling hours (10am-4pm), as this is when overcrowding is most likely to occur. When arriving at a beat location, the status of the fishing beat (occupied or not occupied) was recorded.

On the Mataura, 43 signposted fishing beats have been established: 31 above Nokomai Gorge and twelve below Nokomai Gorge. Given the impracticality of visiting all Mataura beats in a single day, only a portion of the beats were checked on any given day. Occupancy rates are calculated based on the total number of beats inspected on a given day.

The Waikaia River was split into thirteen 'monitoring beats' that were associated with typical angler access points. On most monitoring days, all thirteen beats were checked for anglers.

The proportion of beats occupied is expressed as a percentage (%) and was used as an index of angler pressure. For example, a 50% occupancy rate means 50% of the beats checked on a given day were occupied by an angler.

Beat occupancy rates were also determined for individual beats over the peak angling period of January-March. As such, if an individual beat has an occupancy rate of 50%, this meant that of the visits staff made to that beat over the peak angling period, there was an angler fishing on the beat on 50% of those visits.

Results and Discussion

Angler Compliance

Throughout the 2023/24 fishing season, a total of 353 licence checks were carried out on the upper Mataura River, while 256 checks were conducted on the Waikaia River. Five anglers were found fishing without a licence (FWL) on the Mataura River and three on the Waikaia River. Seven of these FWL offences were attributed to non-resident anglers. The overall compliance rates were ca. 99% for both the upper Mataura and Waikaia rivers indicating a very high level of angler compliance throughout the 2023/24 season.

Angler Origins

Analysis of angler origin data revealed disparity in angling pressure between non-resident and resident anglers across the monitored fisheries and months (Table 1, 2). Earlier in the season (October and November), a higher proportion of total monthly angling pressure came from

resident anglers (Table 1). However, during the peak angling period of January-March, between 61% and 73% of angler use was by non-resident anglers (Table 1, 2).

These angler origin results show that non-resident anglers are contributing most of the angling pressure during the peak summer period. On the Mataura River, this level of non-resident angler activity is not yet comparable to the pre-2020 Covid-19 boarder closure. In the summer of 2019/20, 82% of angling activity on the upper Mataura was from non-resident anglers. When interpreting these results, it's noteworthy that non-resident angler licence sales have not yet returned to pre-covid levels. In 2018/19, Southland sold 1,170 whole season non-resident adult licences and 1,567 non-resident adult day licences. This season (2023/24), Southland sold 751 whole season non-resident adult licences and 1,419 non-resident adult day licences. Because we have not yet reached pre-covid levels of non-resident angler tourism, it's likely angling pressure on these fisheries will be higher next season.

Table 1: The origin (resident or non-resident) of anglers found fishing on the upper Mataura River during the 2023/24 season.

Mataura River	Total checks	Resident	Non-resident
October	22	14 (64%)	8 (36%)
November	34	16 (47%)	18 (53%)
December	22	8 (36%)	14 (64%)
January	49	19 (39%)	30 (61%)
February	110	38 (35%)	72 (65%)
March	81	25 (31%)	56 (69%)
April	35	16 (46%)	19 (54%)

Table 2: The origin (resident or non-resident) of anglers found fishing on the Waikaia River during the 2023/24 season.

Waikaia River	Total checks	Resident	Non-resident
January	76	23 (30%)	53 (70%)
February	139	43 (30%)	96 (70%)
March	41	11 (27%)	30 (73%)

Beat Occupancy

Monitoring of angler fishing activity along both the Mataura and Waikaia rivers revealed distinct peaks in usage. Throughout the peak summer months of January-March, which aligns with heightened levels of non-resident angler activity, beat occupancy rates varied from approximately 0% to 70% on the Mataura and approximately 10% to 90% on the Waikaia. Instances of lower beat occupancy rates (< 20%) during these months typically coincided with unfavourable fishing conditions due to river discolouration or weather which was unsuitable for fishing. Figures 1-3 outline occupancy rates by river reach.

Analysis of pressure exerted on individual fishing beats revealed exceptionally high levels of angler activity on certain favoured beats. For instance, on the Mataura River, the Athol Bridge beat saw an occupancy rate of 92% while other favoured beats such as Rocky, Naylor's, Beehive and Cattleyard had an occupancy rate of at least 70% (Table 3). Staff also received a report from Bill Gordon (landowner near the Brightwater spring), that on one occasion, there were fourteen angling parties on the Brightwater at one time. On the Waikaia River, the Block Road access point saw an occupancy rate of 91% (Table 3) during the peak period. Similarly, other popular access points including the Block Road Bridge and Piano Flat Bridge had an occupancy rate of at least 60% (Table 4). These results show that it is likely that some popular fishing beats are experiencing angling pressure at least every second day, if not daily, during the peak January-March period.

The very high levels of pressure some beats experience raises concerns about the effect of angling pressure on the fishery itself. It is well established that intense angling pressure can affect trout behaviour and catchability (Young and Hayes 2004; Askey et al. 2006; Koeck et al. 2019; Lovén Wallerius et al. 2019). For example, a study conducted by Young and Hayes (2004) assessed the influence of angling pressure on two New Zealand brown trout fisheries with contrasting characteristics: the Ugly River and the Owen River. The Ugly River was characterised as a remote fishery with low angling pressure and provided a quality angling experience. In contrast, the Owen River was an accessible fishery with higher angler pressure but also offered a quality angling experience. Young and Hayes (2004) found that compared to the remote Ugly River, trout in the Owen River were more prone to spooking, harder to catch, and less visible to anglers, which they attributed to the heightened angling pressure. Similarly, Askey et al. (2006) assessed the impact of daily angling pressure on rainbow trout catch rates in small lakes in British Columbia. Askey et al. (2006) found that over the course of their study, catch rates in the heavily fished lake dropped significantly relative to control lakes (those that received less angling pressure).

Given that some beats on the Mataura and Waikaia are receiving daily or almost daily angling pressure, it's highly probable that the elevated levels of angling pressure these beats receive is impacting fish behaviour and consequently the angling pressure may be compromising the angling experience. Our interactions with anglers supported this proposition, revealing very low catch rates, and a degree of frustration and dissatisfaction amongst some anglers, particularly non-guided non-resident anglers. It is also worth noting that during the Covid-19 boarder closure, angling pressure was significantly reduced on fisheries such as the Brightwater and upper Mataura and direct observations of staff during drift-dive surveys as well as anecdotal reports from anglers, suggested that the physical condition of trout was significantly improved during this period (Figure 4). This implies that trout behaviour and feeding patterns are being influenced by the degree of disturbance they are presently exposed to. While it is acknowledged that this is supposition, it is consistent with findings from international studies (Young and Hayes 2004; Askey et al. 2006; Koeck et al. 2019; Lovén Wallerius et al. 2019).

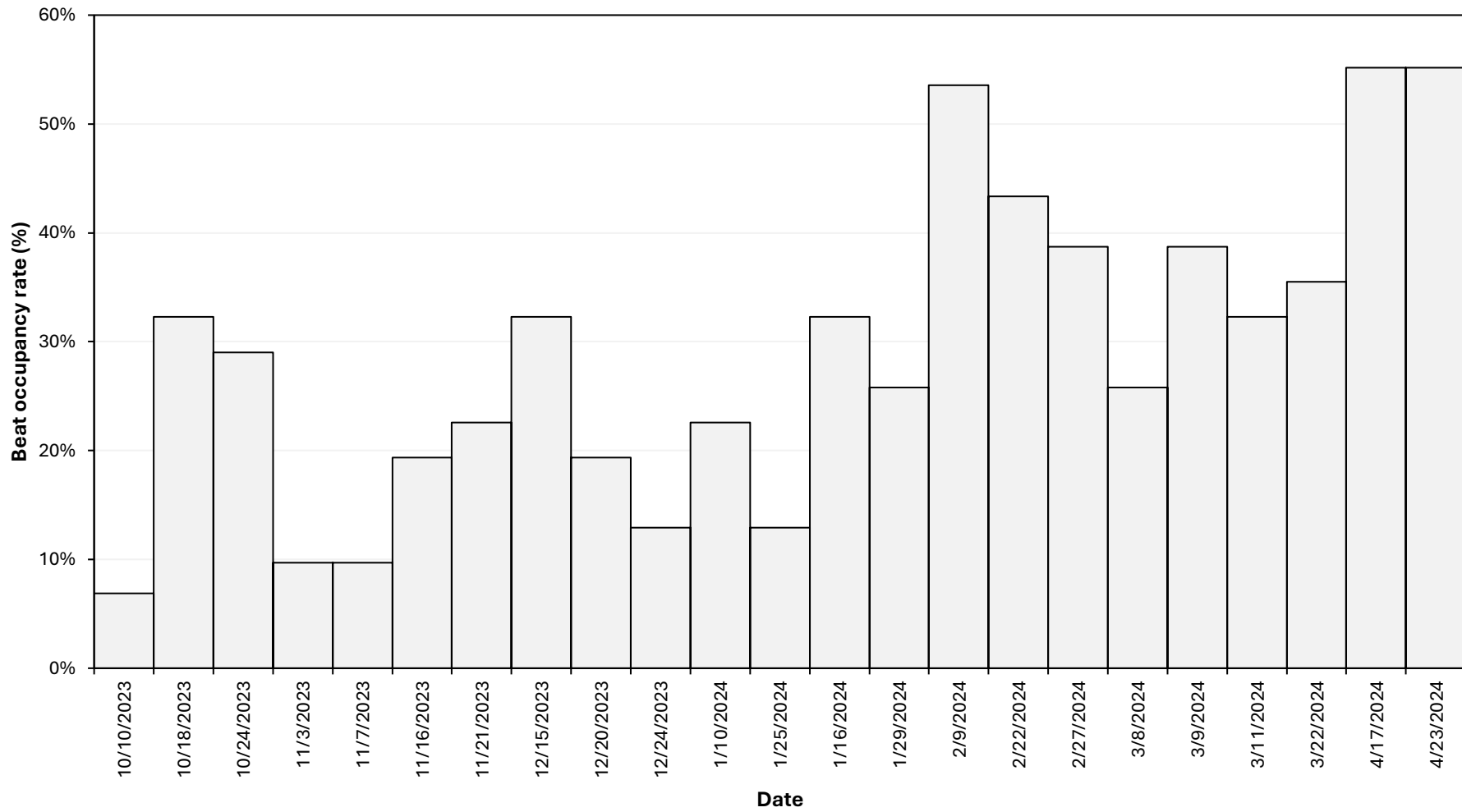


Figure 1: Beat occupancy rates for the upper Mataura River above Nokomai Gorge (October 2023-April 2024).

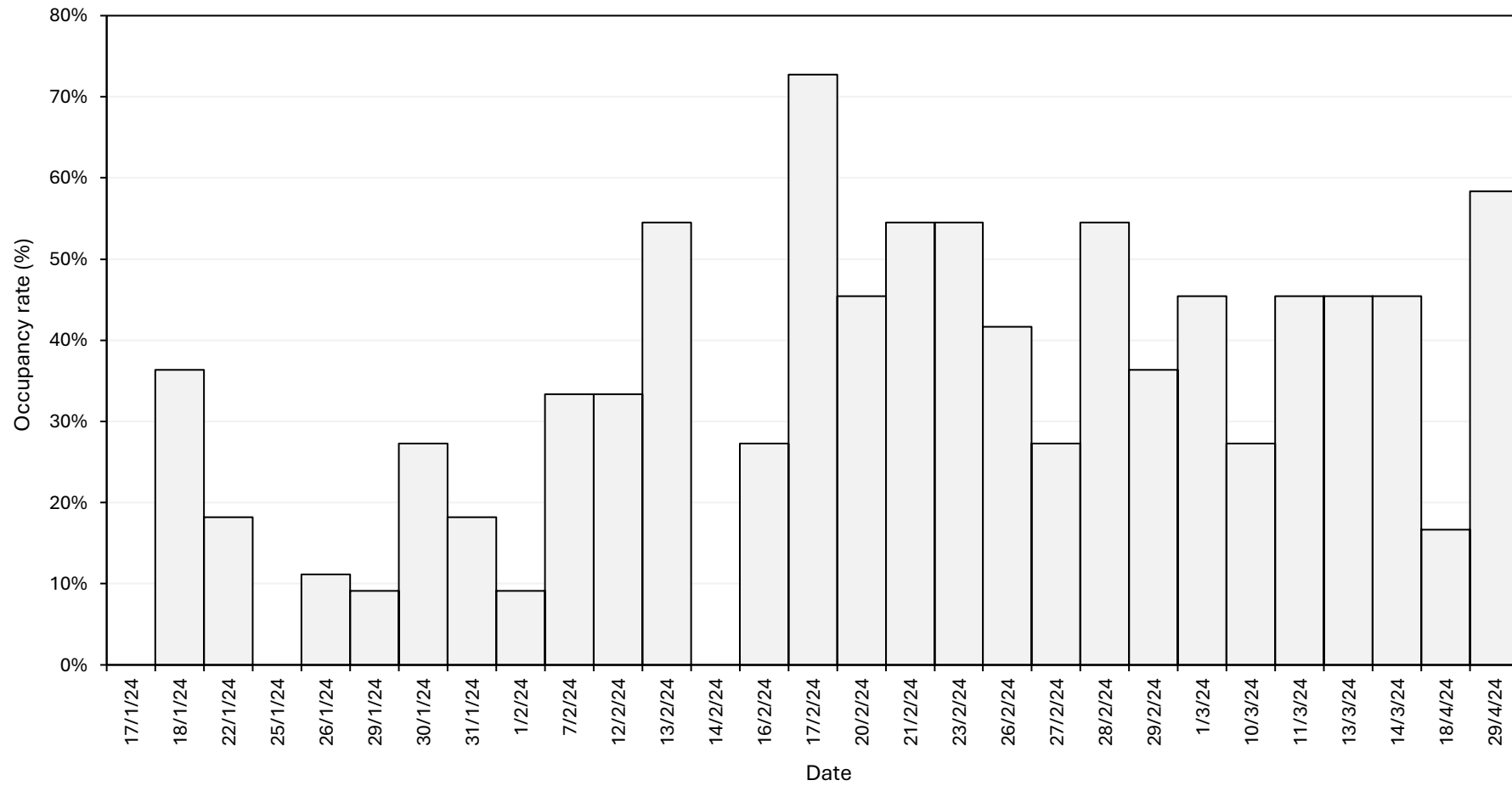


Figure 2: Beat occupancy rate for Mataura River between Ardlussa and Nokomai Gorge (January 2024-April 2024).

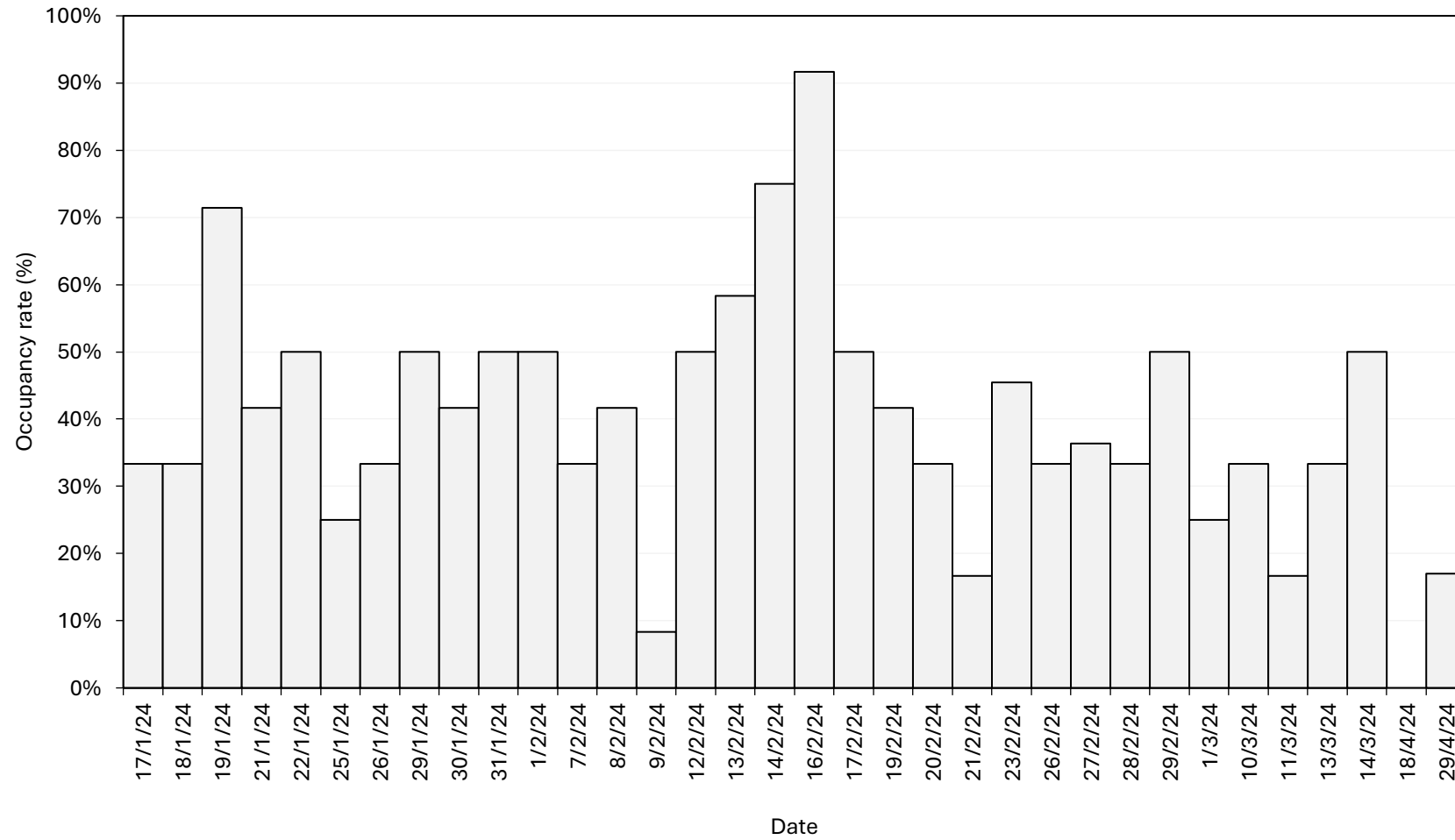


Figure 3: Beat occupancy rate for the Waikaia River (January 2024-April 2024).

Table 3: Occupancy rates for individual fishing beats on the Mataura River during January-March 2024.

Beat	Occupied	Not occupied	Occupancy rate (%)
Pig Creek	0	11	0%
Futtah	0	11	0%
Upper Fairlight	0	11	0%
Fairlight	1	10	9%
Fairlight	0	11	0%
Diggers Creek	4	6	40%
Above Brightwater	2	8	20%
Scott's	5	6	45%
Garston Bridge	4	8	33%
Garston	1	10	9%
Homestead	4	8	33%
Beehive	7	4	64%
Cattleyard	7	3	70%
Naylors	9	3	75%
Athol Bridge	11	1	92%
Flagstaff	6	6	50%
East Road	9	3	75%
Athol	1	10	9%
Upper Paddy's	3	9	25%
Lower Paddy's	5	7	42%
Eyre Creek	4	8	33%
Parawa Creek	4	9	31%
Parawa Downs	1	11	8%
Nokomai Cabins	9	5	64%
Len's	7	7	50%
Petrie's	7	7	50%
Hores	8	6	57%
Rocky	10	4	71%
Nokomai Camping	2	11	15%
Nokomai Gorge	7	6	54%

Lower Nokomai Gorge	2	10	17%
Upper Cattle Flat	9	19	32%
Cattle Flat Beat	7	13	35%
Cattle Flat Cabins	6	14	30%
Young's Beat	9	11	45%
Glenlapa Beat	1	2	33%
Boggy Creek Beat	4	16	20%
The Elbow Beat	9	11	45%
Sheepwash Creek	11	9	55%
Above Tommy	12	8	60%
Below Tommy	5	14	26%
Tower Creek Beat	5	14	26%
Ardlussa Bridge	9	11	45%

Table 4: Occupancy rates for individual fishing beats on the Waikaia River during January-March 2024.

Beat	Occupied	Not occupied	Occupancy rate (%)
Waipounamu Bridge Road	8	24	25%
Pyramid-Waiparu Rd 1	9	23	28%
Pyramid-Waiparu Rd 2	11	21	34%
Maher's Beach	12	20	38%
Dome Burn Access	9	23	28%
Waikaia Township	3	29	9%
Block Road	29	3	91%
Steeple Burn Access	8	22	27%
Block Road Bridge	19	11	63%
Argyle Burn Access	14	15	48%
Gow Burn Access	15	15	50%
Piano Flat Bridge	18	12	60%



Figure 4: A well-conditioned brown trout from the Brightwater Spring, captured during the Covid-19 boarder closure period in 2021. Fishing guide Graeme Watson noted it was the best condition brown trout he had even seen on the Brightwater. *Photo credit Graeme Watson.*

Conclusion

Through our monitoring efforts, we have observed very high angler compliance with fishing licence requirements on the Mataura and Waikaia rivers. We have also found that angling pressure peaks on these rivers during the months of January, February and March and most of the angling pressure during these months is from non-resident anglers. Furthermore, we've identified that certain beats experience exceptionally high levels of angler activity during these months, raising concerns about their potential impact on the fishery and overall fishing experience. Considering these findings, management mechanisms such as the Designated Waters Licence may be necessary to help manage and redistribute angler pressure to ensure resident anglers are not displaced from these fisheries.

Staff recommendations

Based on the monitoring conducted this season, staff suggest there are two primary options the Council may like to consider.

Classifying the following river reaches as Designated Waters;

- A. For the entire season, or

B. During the months of February and March

- 1.) The mid/upper Mataura River and all tributaries upstream of Keowns Bridge Road (the Ardlussa Bridge).
- 2.) The Waikaia River and all tributaries upstream of the bridge on Waipounamu Bridge Road.

If Council elects to have these rivers classified as Designated Waters for part of the fishing season (e.g., option B), staff advise against designating the mid/upper Mataura and Waikaia rivers in January. This suggestion stems from our apprehension around introducing additional regulatory complexity for resident anglers, especially families holidaying near these rivers during the Christmas and New Year period. In recent years, the Council has made great progress simplifying the second schedule regulations and it is the view of staff that the Council should avoid any actions that might reverse the progress that has been made.

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WEST COAST PROPOSED DESIGNATED WATERS REPORT 2024

A summary of data and angler consultation for West Coast fisheries proposed as additional Designated Waters for the 2024-2025 Sports Fishing Season.

Baylee Kersten, Fish & Game Field Officer, May 2024.

Summary

The Waitahu, Upper Grey, Rough rivers, and Larry's Creek have for many years provided excellent angling opportunities for resident and visiting non-resident anglers. Following feedback of an apparent decline in the fishery status, West Coast Fish and Game have been collecting data and consulting with anglers on the proposal to add these four fisheries as Designated Waters. The Non-resident angling pressure complimented by sufficient support from consultation warrants the Waitahu, Upper Grey, and Rough rivers, and Larry's Creek becoming Designated Waters.

Background

At the West Coast Fish and Game Council June 2023 meeting the Council resolved *"That the West Coast Fish and Game Council recommends no change to the current sportfish regulations other than the West Coast region request that the Minister notify the following Designated Waters: Waitahu River, Larry's Creek, Rough River – upstream of Mirfins Creek, Upper Grey – upstream of Clarke Stream, Mokihinui – upstream of Rough & Tumble Creek, Karamea – upstream of Kakapo Creek."* However, advice from the Minister received in 2023 was that angler consultation was required on any proposed regulation changes before they would be implemented.

During the 2023/24 season the West Coast Fish and Game Council have undertaken additional compliance and angler monitoring in the Reefton Area to establish trends in activity on the proposed rivers to the Designated Waters list for the West Coast. At the April 2024 West Coast Fish and Game Council meeting, following the Council receiving the preliminary monitoring data on the proposed rivers, the Council resolved *"that the staff proceed to consultation with licence-holders for the proposed Designated Waters."*

Angler Monitoring and Field Surveys

Over the period of November to April, anglers were encountered at the four proposed additional designated waters during varying times of day and days of the week. Of these anglers, 38% were non-resident licence holders.

Summary of Angler feedback from surveys conducted:

- The most frequent responses to what most limited satisfaction when fishing in the Reefton area was angling pressure.
- Larry’s Creek was mentioned the most of all the West Coast fisheries that anglers plan to avoid due to angling pressure.
- On average non-resident anglers planned to spend 9 days fishing the Reefton area this season.
- Average angler satisfaction out of ten for the Reefton rivers were: Larrys Creek 7, Rough River 8, Waitahu 7, Upper Grey 7.
- When Anglers were asked how often they encountered other anglers in the Reefton area, 24% of respondents had over a 20% encounter rate with other anglers.

Occupancy rates were recorded while checking access points on the proposed waterways. The most popular access points on the Waitahu River, Larry’s Creek the upper Grey River exceed 50%, with some site’s occupancy was as high as 81%. The Rough River proposed section, upstream of Mirfins Creek, is frequently accessed by helicopter and therefore roadside data does not capture angling pressure adequately. Please note that data was collected this season, in a period when we have not experienced a beech forest mast for several years. Following a beech mast, Fish and Game typically observes a further increase in angling activity in the Reefton area.

Consultation

Consultation was achieved by emailing all West Coast sports fishing licence holders, including those that held a designated waters licence for the region. To further increase engagement with anglers, the survey was shared on both social media via the West Coast Fish and Game Facebook page and in the Fish & Game online fishing newsletter *Reel Life*.

208 angler responses were received, and their stance is captured in three graphs below.

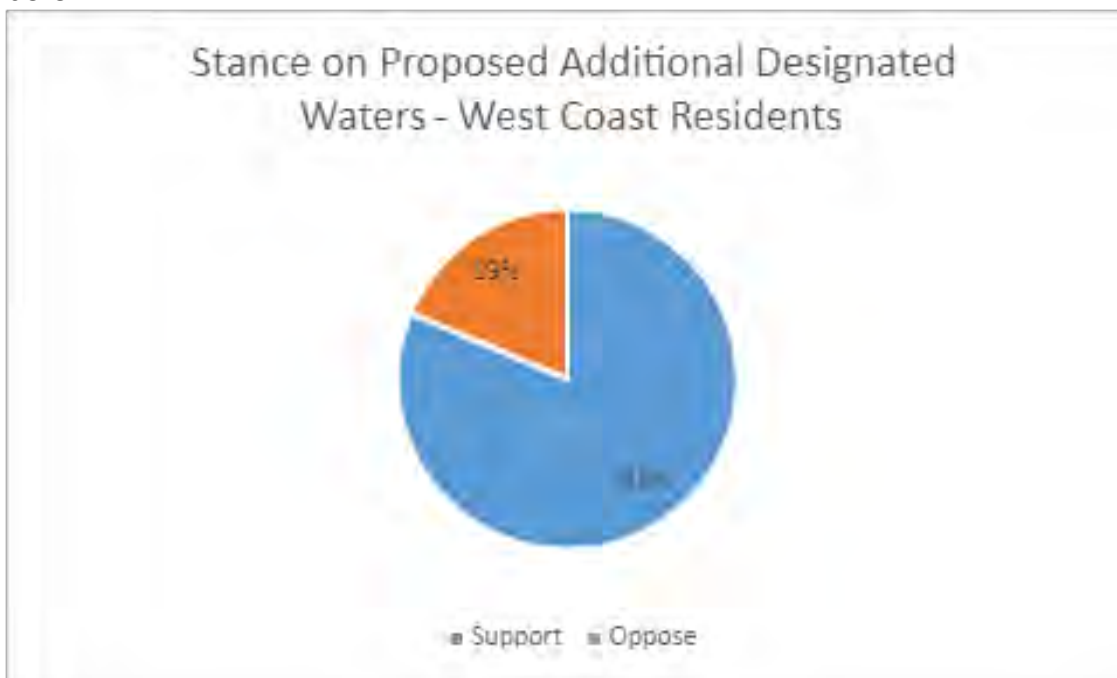


Figure 1: West Coast licence holders' stance on the implementation of the four proposed designated waters.

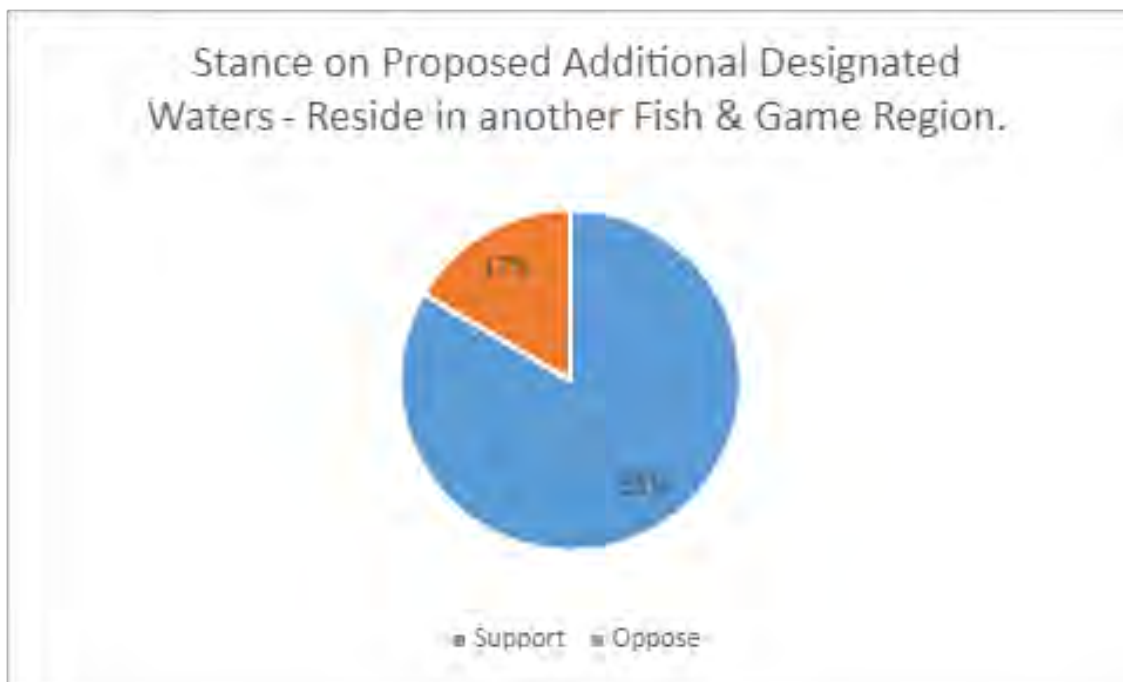


Figure 2: Resident licence holders from other region's stance on the implementation of the four proposed designated waters.

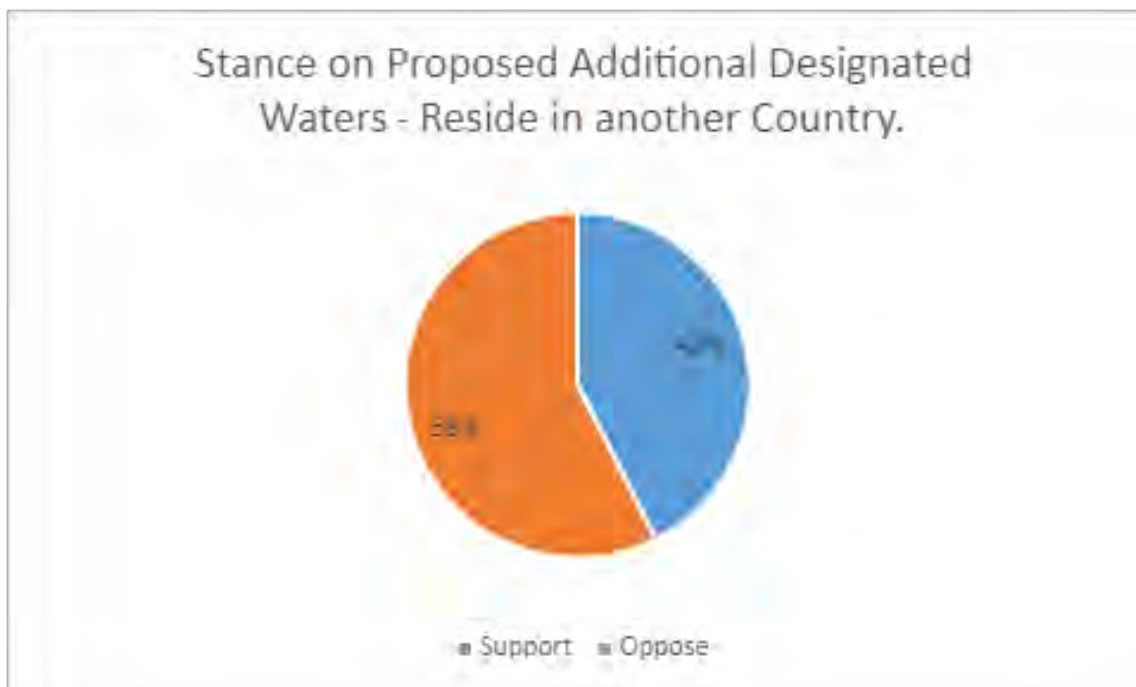


Figure 3: Non-resident licence holders' stance on the implementation of the four proposed designated waters.

Figure one and two confirm that there is strong support for addition of the proposed Designated Waters by resident anglers. Figure three displays that

non-resident anglers were not as supportive of the proposed designated waters, but this was anticipated as this management system does encourage non-resident anglers to spread their angling pressure creating opportunities for residents to enjoy some of our pressure sensitive fisheries.

A selection of fishing guides were also approached for comment. Two responded with one supporting the scheme and the other opposed to further additions to the scheme due to the possible impact on their business.

Staff Recommendation:

- That the West Coast Fish and Game Council recommends no change to the current sports fishing regulations other than request that the Minister notify the following Designated Waters:

Awarau (Larrys Creek) designated waters fishery meaning the Awarau River catchment upstream of the confluence with the Inangahua River.

Māwheranui (Grey) designated waters fishery meaning the Māwheranui catchment upstream of the confluence with the Clarke River.

Otututu (Rough) designated waters fishery meaning the Otututu River catchment upstream of the confluence with the Mirfin Creek.

Waitahu designated waters fishery meaning the Waitahu River catchment upstream of the confluence with the Inangahua River.



14 June 2024

The Minister of Hunting and Fishing
Private Bag 18041
Parliament Buildings
Wellington, 6160

Hon Todd McLay,

Please see our attached recommendations for change to the West Coast Region Designated Waters system.

Fish and Game through our angler and hunter council have the statutory responsibility to Manage, maintain and enhance the sportsfish and game resource in the recreational interests of anglers and hunters.

For a number of decades anglers have been making Fish and Game West Coast aware of deteriorating fishing experiences in a limited number of waters in the Reefton area. The main issues are fish becoming uncatchable, and reducing in condition, due to angler avoidance behaviour, particularly in stretches of these waters where access is good and camping is favourable.

In Beech seeding years with a bloom in mice populations these rivers are specifically targeted by non-resident anglers due to the prevalence of 'Trophy' trout. In these years pressure is high and it is not uncommon to observe non-residents camping and fishing the same water for a number of days. This results in angler conflict and avoidance by NZ Resident anglers.

In response Fish and Game recommends the inclusion of these water in the 'Designated Waters' system in an effort to re-distribute angling pressure across the multitude of other waters in the area and preserve the angling experience in these select waters.

2024-25 SPORTSFISH REGULATIONS

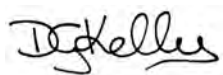
The Council received and reviewed the report regarding Designated Waters and the recommendations being made to the minister.

Motion proposed: That the Council has received consultation feedback on its designated waters proposal, considered this and remains committed to implementing the designated waters additions as originally proposed as a means to preserve/promote positive resident angler experience and that of non-residents and spread the load on the regional resource.

Proposer: J Derks **Seconder:** R Roney **Outcome:** Carried

Our Council has attached a summary of angler monitoring and consultation regarding the proposed changes.

Regards

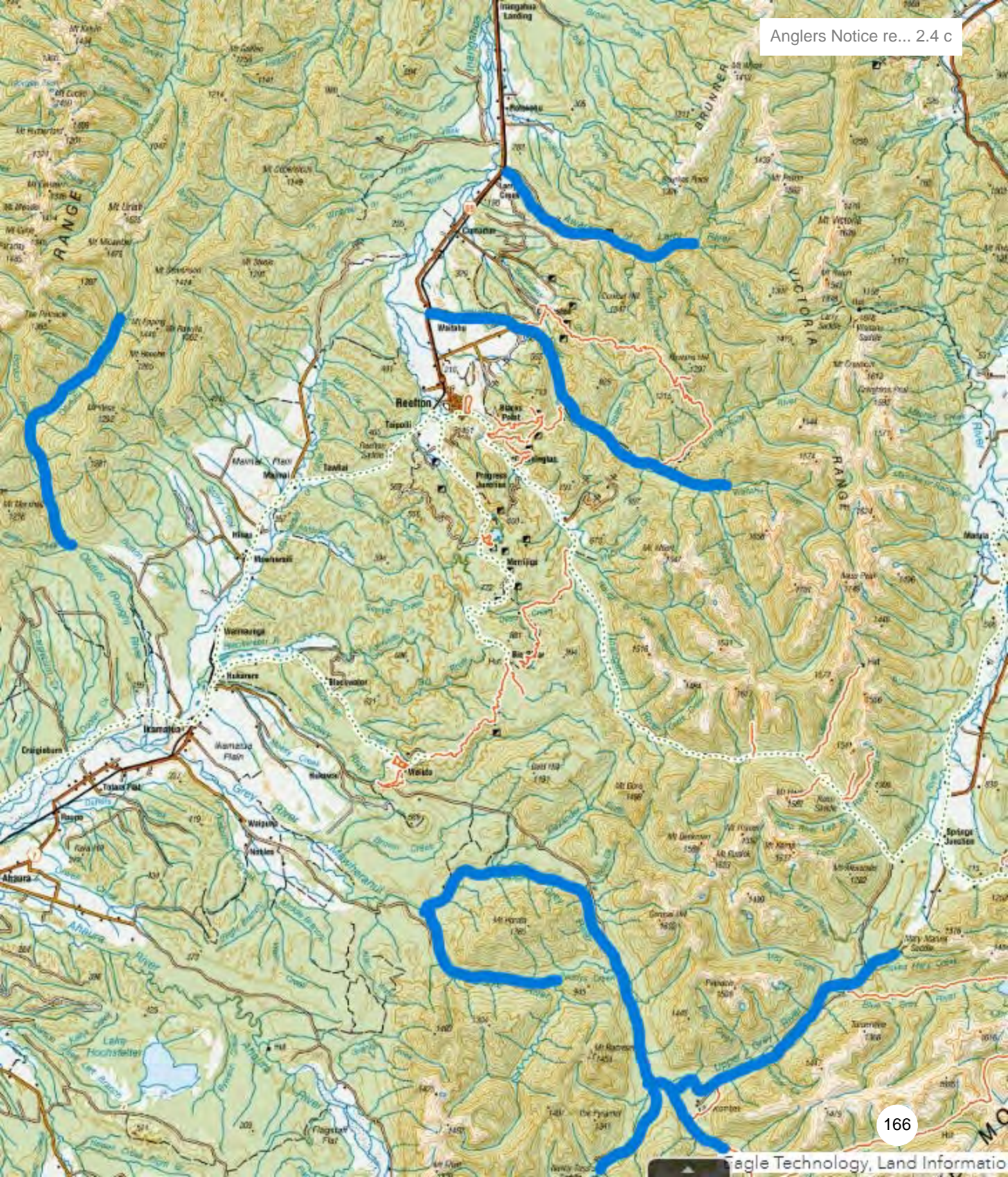


Dean Kelly

Manager – on behalf of

West Coast Fish and Game Council







WANGAPEKA DESIGNATED WATER PROPOSAL – NELSON MARLBOROUGH REGION SUPPORTING INFORMATION

The Wangapeka River is a nationally significant trout fishery protected by the Motueka Water Conservation Order. It is internationally recognised by anglers where it is regarded as a trophy trout fishery in its headwaters and has healthy fish numbers throughout its length. It is highly valued by anglers, both locally and from overseas, as well as professional fishing guides.

The Wangapeka is currently not a Designated Water (DW) Fishery, however, the Nelson Marlborough Fish & Game Council convened in May 2024 and proposed to include this river in the Designated Waters framework. There are currently three DW fisheries in the Nelson Marlborough region, the Travers River, Upper Wairau River (above Six Mile Creek) and Upper Matakītaki River (above Horse Terrace Bridge). Our records state that 46% of non-resident anglers fished one or more of our DW fisheries in the 2022-23 season.

In the previous 'Backcountry Endorsement' system which Fish & Game operated, the Wangapeka was heavily considered for inclusion in this framework, however, the Council decided not to pursue this as they did not wish extra attention brought to the fishery than it was already experiencing. If the Wangapeka River had been included then, it would now be a DW fishery.

In April 2024, a short survey was sent to around 6000 licence-holders who had purchased a licence for the Nelson Marlborough region. The survey asked for feedback on including the Wangapeka River in the DW framework. 182 people responded, which included non-resident anglers, Nelson Marlborough licence-holders and those who reside in other regions who purchased a Nelson Marlborough DW licence.

The key question was whether they supported or opposed the Wangapeka as a future DW fishery. If licence-holders elected their support for inclusion, four options were presented as a starting point for the DW boundary, from the Motueka confluence up to where the Conservation estate begins.

A full copy of the results is found attached to this document; however, a summary shows that:

- 78.5% of the total respondents supported including the Wangapeka as a DW fishery
- 46.4% of non-resident respondents supported the proposal
- 84% of resident respondents supported the proposal
- 56% of respondents supported the starting point to be from the Motueka River confluence
- 72% of respondents had fished the Wangapeka within the past five years.

In the 2022-23 season, Fish & Game staff carried out angler-use monitoring of the Wangapeka River, which showed in that year, a minimum of 50% of anglers were non-resident, either guided or fishing without a guide. Several non-resident anglers that were spoken with fished the Wangapeka for multiple days, with one angler fishing the river for more than 10 days within a short period.

It is well known by anglers that the Wangapeka fish can become notoriously difficult to catch due to angling pressure. Staff field regular feedback mentioning high angler use for this river throughout its entire fishable

length, the difficulty of catching fish, and common complaints about angling pressure from non-resident anglers and fishing guides. This feedback, along with recent survey data and angler use data showing a high proportion of non-resident use, validates support for including the Wangapeka River as a DW fishery.

Additionally, non-resident angler use has still not returned to pre-covid levels. Since borders have re-opened, non-resident angler use in the Nelson Marlborough region is around 70-80% of what it was before the pandemic. When non-resident angler levels return to normal pre-covid levels as it is expected to do so, our pressure-sensitive fisheries such as the Wangapeka River are expected to receive even more non-resident angler use than they are currently experiencing.

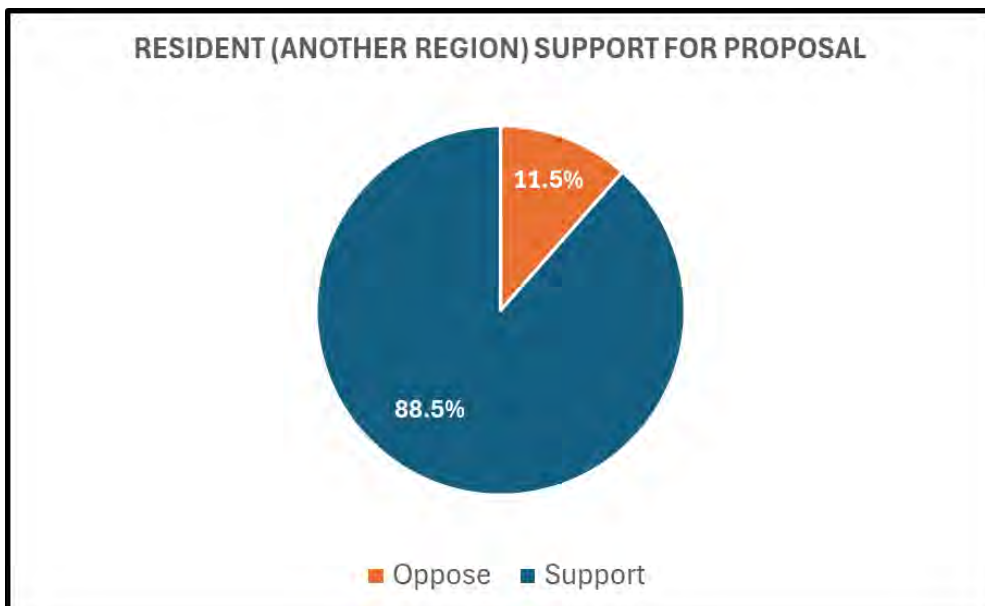
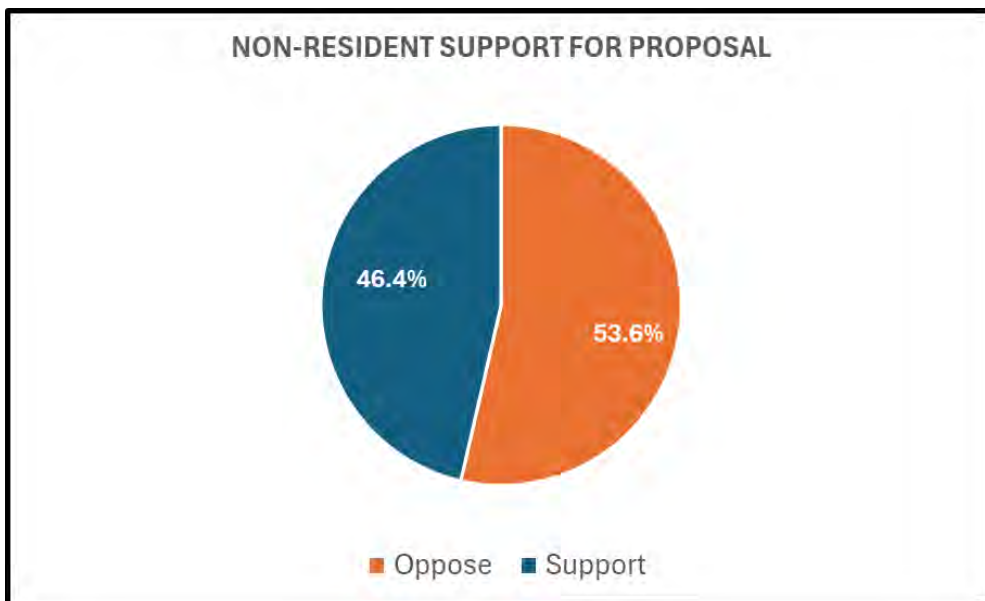
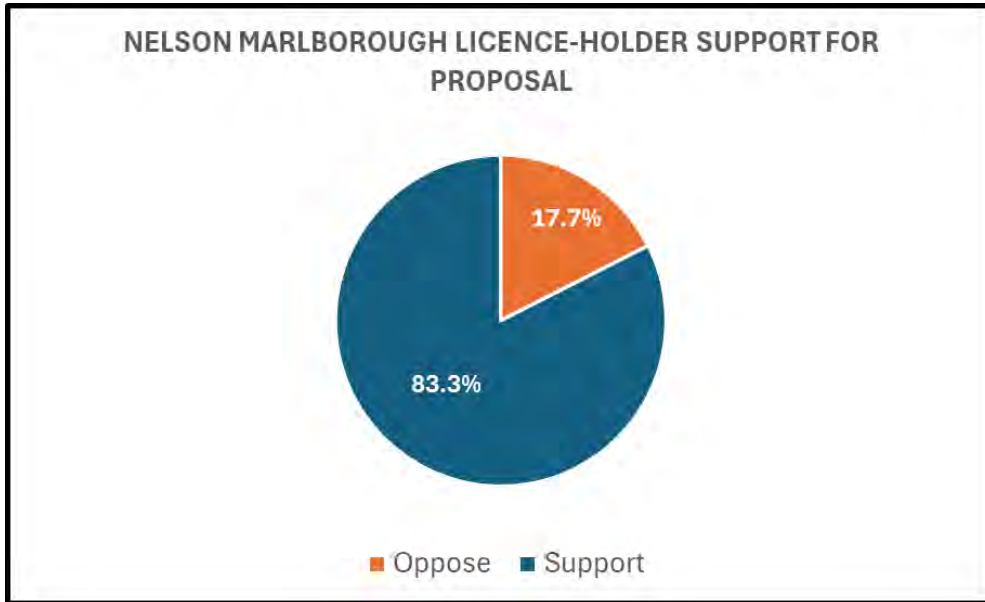
RECOMMENDATION:

The Wangapeka River Catchment upstream of the Motueka River confluence is included in the Designated Water framework for the 2024-25 freshwater fishing season.

SUPPORTING DOCUMENTS

- Breakdown of support from three licence categories surveyed (Non-resident; Nelson Marlborough licence-holder; Resident – another region)
- Summary of angler-use monitoring 2022-23
- A copy of the survey results summary

BREAKDOWN OF SUPPORT FROM LICENCE CATEGORIES SURVEYED



ANGLER USE SUMMARY 2022-23

	Total number of groups	Number non-resident parties	% Non-Resident	Number resident parties	% Resident	Number unidentified parties	% unidentified	Comments
Wangapeka	78	39	50.0%	28	35.9%	11	14.1%	1 day/week most of season, mostly during weekdays and some weekends.
Travers	76	61	80.3%	15	19.7%	N/A	N/A	Captured all anglers using boat service. % resident anglers would be slightly higher with other boat/walk in users.
Upper Wairai	30	14	46.7%	13	43.3%	3	10.0%	Low numbers of anglers, though little monitoring done from January to April. October-Dec likely higher % NR use with access arrangement/locked gate

Feedback on Future Designated Water Fisheries

182 Responses

05:45 Average time to complete

Active Status

1. What is your full name:
Please enter as it appears on your Fishing Licence.

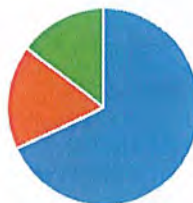
182 Responses

Latest Responses
"Gregory Charles Young"
"Katherine Ellen Trainor"
"Vincent John Jacobs"



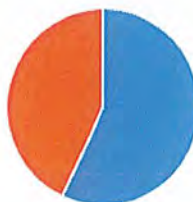
2. Where do you usually reside?

- I reside in the Nelson Marlboro... 124
- I reside in another NZ Fish & Ga... 31
- I reside in another Country. 27



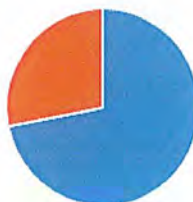
3. Did you fish any Nelson Marlborough Designated Water fisheries this season (Travers River; Upper Matakaitaki River; Upper Wairau River)?

- Yes 104
- No 78



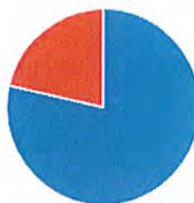
4. Have you fished the Wangapeka River Catchment in the past 5 years?

- Yes 131
- No 51



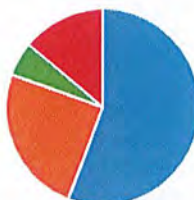
5. The Nelson Marlborough Fish & Game Council are considering including the Wangapeka River as a Designated Waters fishery, do you support or oppose this proposal?

- I **support** the addition of the W... 143
- I **oppose** the addition of the Wa... 39



6. If you Support the Wangapeka River Catchment as a Designated Water fishery, from what starting point should this be?

- The Wangapeka Catchment ups... 80
- The Wangapeka Catchment ups... 35
- The Wangapeka Catchment ups... 8
- The Wangapeka Catchment ups... 20



7. Are there any rivers that you feel require additional monitoring to manage angler pressure, or be considered for inclusion in the Designated Water Licence framework?

90
Responses

Latest Responses
 "No"
 "Owen River, Baton River"
 "No"

44 respondents (49%) answered **River** for this question.



FOR DECISION

To: North Canterbury Fish and Game Council

From: Richard Cosgrove

Date: 16 May 2024

Subject: Fishing Regulations Changes for 2024/25 season

Purpose: To recommend changes for the 2024/25 Anglers Notice for the North Canterbury Fish & Game Region.

Recommendations:

- 1) The Hope River Designated Waters Fishery is renamed the Lewis Pass Designated Waters Fishery.
- 2) Hacketts Creek is removed from the listed waterways covered in the Anglers Notice (duplicated elsewhere)
- 3) The White Posts are reinstated as the upper limit for Sea-run Salmon fishing on the Rakaia River.
- 4) The Hurunui River North Branch (HRNB) is made an experimental controlled period fishery for two seasons starting 1 October 2024.
- 5) The Hurunui River South Branch (HRSB) is made an experimental controlled period fishery for two seasons starting 1 October 2024.

Background:

Suggested changes were sent out to licence holders and wider through an email, our Weekly Fishing Report (38,000 subscribers), Monthly Reel Life ezine (140,000+ subscribers), and notified on the North Canterbury Facebook page.

We received a total of 20 submissions from the public: Six regarding the white posts and upper limit boundary on the Rakaia River, Five on Hurunui River options, but more broadly, these submissions commented on the Designated Waters System; Three submissions on other issues; And six that either weren't regulations review items (other general regulations questions) or not in our region (See attached Appendix 1).

A public meeting was held on Tuesday, 7 May 2024, for submitters to speak to their submissions if they wanted to and to receive any additional input from the public. The public meeting was attended by a total of three people - two councillors (Cr's Isitt and Musson) and former councillor Bill Southward.

Lewis Pass DW Fishery

For Recommendation 1: this name change was suggested by DOC advisor Michael Gee when he reviewed the draft Anglers Notice last year to improve clarity for anglers.

This is because of the number of tributaries of the Hope River, and renaming the fishery will remove confusion for anglers.

In the Anglers Notice, instead of saying "*Part of the Hope River Designated Waters Fishery*" of an affected river, it would state "*Part of the Lewis Pass Designated Waters Fishery*".

This minor change improves clarity for anglers fishing in these waters.

Hacketts Creek

For Recommendation 2: Hacketts Creek is a tributary of the Kowhai River; currently, in the Anglers for the Kowhai River, it states:

Kowhai River and tributaries	1 Oct - 30 Apr	FSB	2	Notes 1, 2
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Hacketts Creek is an ungazetted local name for a tributary of the Kowhai River; therefore, it is already covered by the above regulation.

Land use change has meant that there is very limited angler access available, if, in fact, even possible.

Hacketts Creek was a historic site for salmon ova planting by the NZ Salmon Anglers Association, but no ova have been planted there since 2018 as the ova being planted were primarily of commercial origin and would now breach Fish & Game National Policy on commercial origin salmon releases.

This change received no submissions from anglers.

Upper limit for Sea-run Salmon fishing on Rakaia River

For Recommendation 3: Currently, the Anglers Notice has:

Rakaia River	upstream of Coleridge Tailrace confluence	1 Oct - 31 Mar	FS	2	Notes 1, 2
	downstream of Coleridge Tailrace confluence	Trout: All year	FSB	2	Notes 1, 2
		Salmon: 1 Oct - 30 Apr	FS		Refer Note 12 Notes 1, 2, 12

This submission received the most responses, most of which were supportive of returning to the easily recognisable white posts.

With a large braided river system such as the Rakaia, the confluence of the tailrace with the Rakaia River can vary in location on a weekly basis.

This variance is the genesis of the largest number of phone queries staff receive from anglers as they are confused about where the waters meet.

Reverting to the white posts used up until around 2014 will provide an easily recognisable point for anglers and remove confusion.

The posts still exist and only require the reapplication of appropriate paint for the upcoming system.

Hurunui River experimental controlled period fisheries

For Recommendations 4 & 5:

Currently, the upper parts of both branches of the Hurunui River are their own separate Designated Waters fisheries.

With the first season of the Designated Waters system completed, it has become apparent that there has been angler conflict on the HRNB, but pressure has also increased on the HRSB.

It would be a reasonable assumption that because of the designated waters system, anglers expect not to find many anglers on the waters.

On the opening day of the 2023/24 season, we have anecdotal reports that guides heavily used the fishery.

On the HRNB, resident anglers have reported physical confrontations with guides dropping in to the river in front of them (see Nick Moody and Andrew Young reports attached in Appendix 1).

Landowner Jim Greenslade has reported a perceptible increase in anglers using the HRNB; it is important to note that anglers can only access the HRNB by foot from the Loch Katrine gate (Day trip) or by walking over the Hope Kiwi pass (Two-day trip), boat via the Loch Katrine Canal and via helicopter.

The degree of difficulty for access has meant that resident and non-resident anglers value this trip, and it would be fair to say that they view interactions with other anglers negatively.

The same access issues apply to the HRSB, either foot access upstream from the property boundary or vehicle access to parts of the system only after paying the landowner a road maintenance fee.

The landowner has also expressed concern about the number of anglers not seeking vehicle access and just walking upstream from the property boundary.

The preliminary data from the North Canterbury Designated Waters angler survey indicates that despite the difficulty of access, the HRNB and HRSB accounted for 57% of Designated Waters angling effort (34% and 23% respectively).

The raw data indicates an overwhelming desire from these anglers to maintain current levels of access to all Designated Waters (and other fisheries) and not have further restrictions.

However, this was about all DW fisheries and the issues prevalent with the Hurunui River fisheries are the conflict with those anglers who have invested time and effort accessing these fisheries, only to find multiple angling parties who have already accessed the river by other means.

To reduce this conflict and provide some surety to anglers who are investing the time and effort to access the two Hurunui River fisheries, it is proposed that an experimental Controlled Period Fishery is run for two seasons starting 1 October 2024.

It is evident that the Designated Waters system alone is not enough to limit angling pressure, so a controlled period system is needed.

The reasoning for seeking an experimental fishery is to try two time periods (whole season, then part season), seek angler feedback, gather the data and then use that data to guide an appropriate recommendation to the Minister for a future management system for these waters.

The staff recommendation would be for the whole of the first season to have a controlled period fishery licence required.

The controlled period licence would be issued through a booking system using the existing system we use for the Greenstone and Ettrick Burn Fisheries.

Anglers could book via the Fish & Game website on a first-come, first-served basis, with each time period opening a week in advance.

This would enable the gathering of data to see when the most popular parts of the season are so that a controlled period may be refined to only apply for peak angler use periods in order to manage the overall fishing pressure and angler experience.

The rivers' size and susceptibility to low flows over the summer indicate that there is only a maximum of eight kilometres of fishable water for anglers in the North Branch, and slightly more in the South Branch (~10km) during the peak of the fishing season.

Therefore, staff recommend a maximum party size of four anglers for each river, which is consistent with other regions' Controlled Fisheries.

Considering the degree of difficulty of access, the initial periods would be three periods per week – Period 1- Monday & Tuesday, Period 2- Wednesday & Thursday, Period 3 – Friday, Saturday and Sunday.

Successful anglers would, therefore, have the confidence to travel into these remote fisheries and also have the confidence that fishing pressure is controlled.

If fully utilised, the angler numbers on each river would be around 372 per season (this depends on the start and end date of the seasons and whether they fall mid-week or in the middle of a period).

Currently, the National Anglers Survey indicates that around 1700 anglers (+/- 500) use the Hurunui River above the confluence of the South Branch. It is safe to assume that at least half of these (more than 850 anglers) are fishing in the Designated Waters fisheries and the other half in the section below the Designated Waters fisheries.

If approved in the first year of the trial, and if all of the controlled period slots are fully utilised across both systems, then a maximum of 740 anglers could fish them.

This would be about a 13-15% reduction in angler usage from what the National Anglers Survey currently says occurs.

However, given the degree of difficulty around access, it is likely to assume that there will be a more significant reduction in angler usage, thereby increasing angler experience and increasing fish catchability.

Once the two years of the trial are completed, the Council would have the data to make an informed decision about future management systems for those systems.

Points of Information

Appendix 1: Submissions on Anglers Notice Review

Strategic Implications

Simplifying regulations for the first three recommendations will make it easier for anglers and applies to the council's priorities of increasing participation.

Enhancing the angling experience by a controlled fishery trial for recommendations 4 & 5 will also increase angler satisfaction.

FOR INFORMATION

To: North Canterbury Fish and Game Council
From: Heather Sanders Garrick
Date: May 2024
Subject: Designated Waters Angler Satisfaction Survey

Purpose

1. To update the Council on preliminary results from the 2024 North Canterbury Designated Waters Angler Satisfaction Survey.

Background

2. During April 2024, North Canterbury Fish & Game surveyed anglers who had purchased a North Canterbury Designated Waters licence. The goal of this survey was to evaluate angler use and satisfaction for Designated Waters in the North Canterbury region.

Points of Information

3. We received 542 valid survey responses. Of those, 28.2% fished a Designated Water in North Canterbury.
4. The Hope was the most fished Designated Water fishery with 307 reported angler days, followed by the Hurunui North Branch with 172 reported angler days.
5. On average, anglers reported they were satisfied with the angling experience in the North Canterbury Designated Waters and communications from Fish & Game regarding the regulation changes.
6. Anglers reported neutral or near neutral attitudes towards the number of fish caught and the difficulty of catch, as well as crowding on other backcountry rivers.

Strategic Implications

7. While results, on average, were positive, several anglers reported negative experiences. Additional analysis to identify underlying trends in positive vs. negative experiences will be undertaken in the coming months.
8. Results of this study support anecdotal reports from staff members that a more detailed understanding of angler expectations regarding catch rates is required to best serve North Canterbury anglers.



Preliminary Report

North Canterbury Designated Waters Angler Survey

April 2024

North Canterbury Fish & Game

H. Sanders Garrick

During the 2023/24 fishing season, North Canterbury (along with 6 other regions of Fish & Game) implemented the Designated Waters system. This system is aimed at reducing angling pressure on pressure sensitive fisheries, in particular pressure from non-resident tourist anglers. The objective of this survey is to evaluate angler use and satisfaction with the North Canterbury Designated Waters.

Methods

During April 2024, North Canterbury Fish & Game invited all anglers who had purchased a North Canterbury Designated Waters licence to participate in an online survey. Anglers were sent an initial email invitation, followed by three weekly email reminders, for a total of four emails. Additionally, two social media posts advertised the survey and encouraged licence holders to check their email for the survey link. The link was not supplied on social media to prevent spam entries. Both anglers who did and did not fish the Designated Waters system were encouraged to participate. To further encourage participation, valid submissions were entered in a drawing for a chance to win one of three \$100 gift vouchers.

North Canterbury sold 3,495 designated waters licences. Of those licence holders who consented to receive further contact via email, 2,118 unique email addresses were provided at point of sale. Emails were sent to each of the 2,118 email addresses with an invitation to participate in the survey. Surveys that were not linked to an email address from the North Canterbury Designated Waters licence database were excluded from analysis.

The survey questionnaire was designed using the online Survey Monkey platform. While all anglers were asked to participate in the survey, only anglers who reported that they went

fishing within the North Canterbury Designated Waters were asked questions regarding satisfaction. The full questionnaire can be located in Appendix A.

Results

We received 660 submissions to the designated waters survey. Eighty-seven surveys were submitted by people whose email address was not associated with a designated waters licence. An additional 22 surveys were duplicates (i.e., the same survey participant submitted their survey twice). Nine surveys were invalid (included no responses). As such, we were able to use 542 valid surveys for analysis, a response rate of 25.6%.

Only 4 responses were submitted by email addresses associated with non-resident licences (less than 1% of the sample). As a result, we will need to identify additional measures to survey our non-resident Designated Waters anglers.

Of those who responded, 176 said that they fished a North Canterbury Designated Waters during the 2023/24 fishing season. However, 23 anglers who said they fished the Designated Waters reported zero angling days for all North Canterbury Designated Waters. As such, the final reported participation rate was 28.2%.

The Hope fishery was the most utilized of the Designated Waters, with 45.7% of reported angler days. The Upper Waiau Uwha and Hurunui South Branch had similar reported use, 14.9% and 13.8% of reported angler days respectively (Figure 1). Fifty-one percent of anglers who said they fished in North Canterbury's Designated Waters reported fishing the Hope fishery, followed by 34.1% on the Hurunui North Branch, 27.8% on the Upper Waiau Uwha, and 23.3% on the Hurunui South Branch (Figure 2).

The median number of reported days fished was 3 (IQR 2 - 5). The maximum reported number of days fished was 31. Only 16 anglers reported fishing 10 or more days, and only 4 reported fishing more than 20 days.

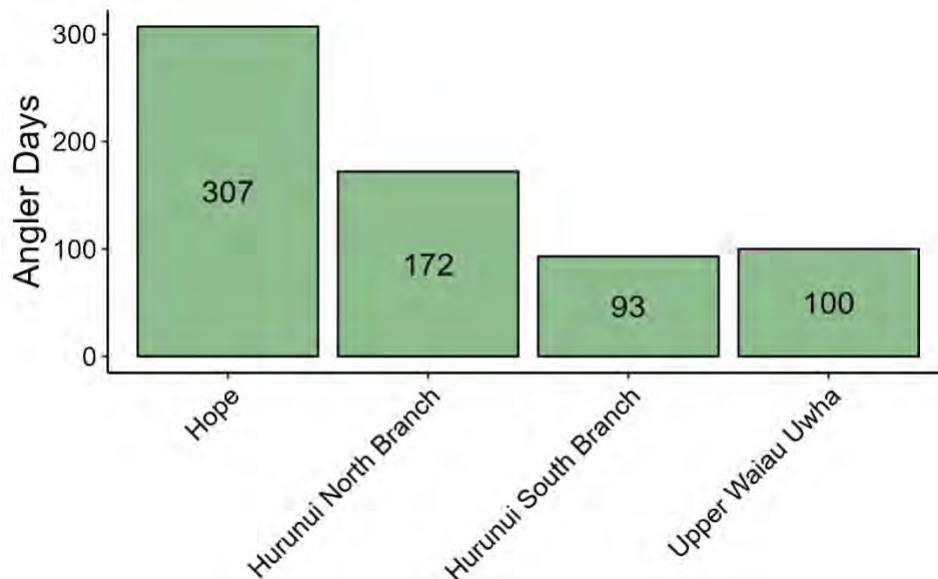


Figure 1. The number of angler days reported for each of the North Canterbury Designated Waters during the 2023/24 season.

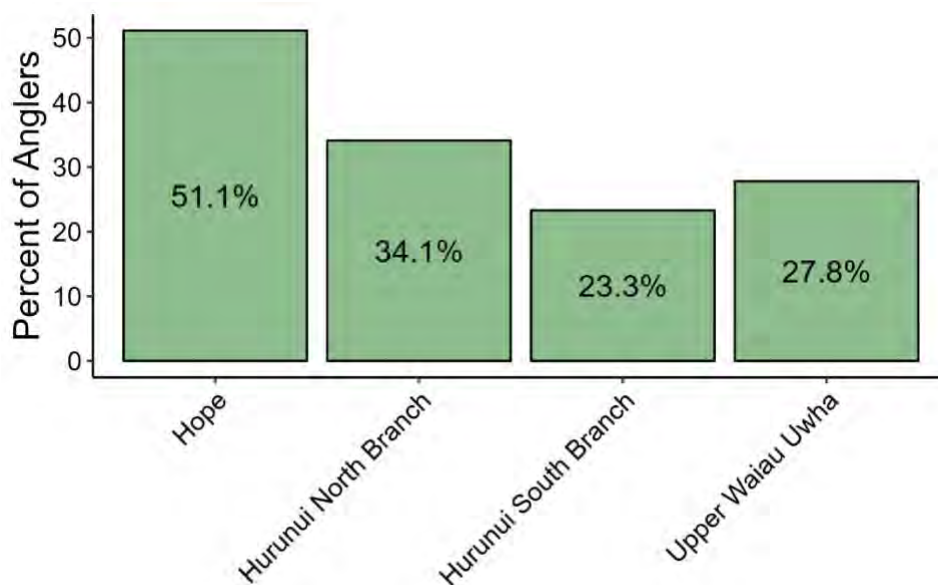


Figure 2. The proportion of anglers that reported fishing each of the North Canterbury Designated Waters during the 2023/24 season.

Method of Catch

The majority of anglers (78.4%) reported that they exclusively fly fished on North Canterbury Designated Waters. About 11.8% reported spin fishing and 9.8% reported using both techniques.

Fish Catch

The mean number of fish caught in designated waters across the season was 6.5. Just over a quarter of anglers reported catching zero fish in the North Canterbury Designated Waters. Number of fish caught was highly correlated with the number of days fished (Figure 3). Only 5 anglers reported harvesting any fish while fishing Designated Waters in North Canterbury.

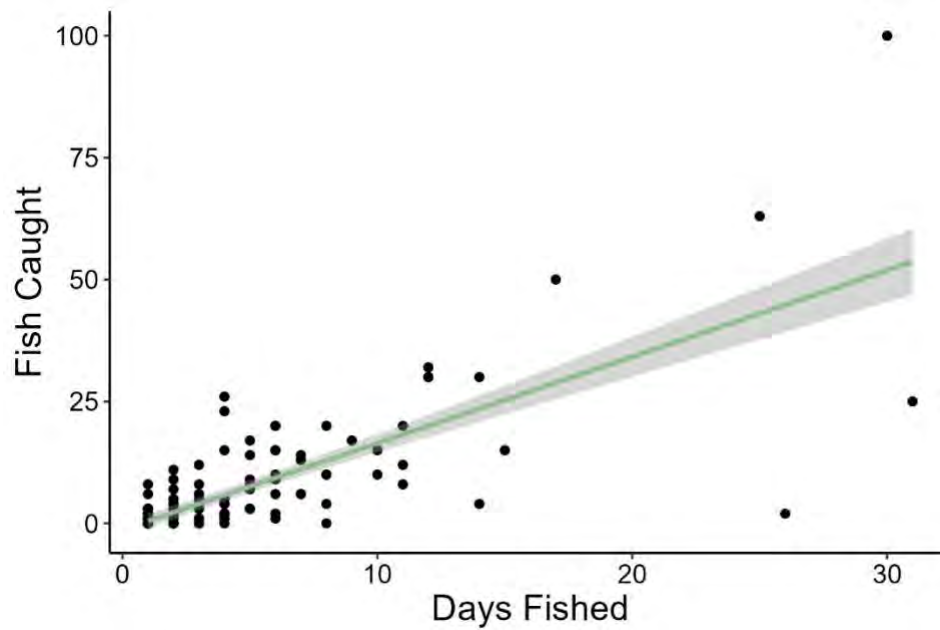


Figure 3. The number of trout caught by the number of days fished in the North Canterbury Designated Waters as reported by anglers during the 2023/24 fishing season.

Satisfaction: Experience

On average, anglers reported satisfaction with their experience fishing Designated Waters in North Canterbury (mean score: 3.9 +/- 0.1; Figure 4).



Figure 4. The mean satisfaction and 95% confidence interval of anglers who reported that they fished the North Canterbury Designated waters during the 2023/24 fishing season. Distribution of all answers is depicted in grey.

Anglers reported overall satisfaction with the solitude they experienced while fishing North Canterbury Designated Waters (mean score: 3.8 +/- 0.2). On average, anglers reported that they did not feel they had encountered too many other anglers while fishing Designated Waters (mean score: 2.6 +/- 0.2). Anglers reported strong satisfaction with the scenic fishing opportunities provided by Designated Waters in North Canterbury (mean score: 4.4 +/- 0.1). Anglers had neutral opinions about the number of fish they caught while fishing North Canterbury Designated Waters (mean score: 3.1 +/- 0.2). Similarly, anglers had neutral opinions on the difficulty they had catching fish in the North Canterbury Designated Waters (mean score: 3.1 +/- 0.1). However, anglers reported being slightly more satisfied than neutral with the number of fish they saw while fishing the Designated Waters in North Canterbury (mean score: 3.4 +/- 0.2; Figure 5).

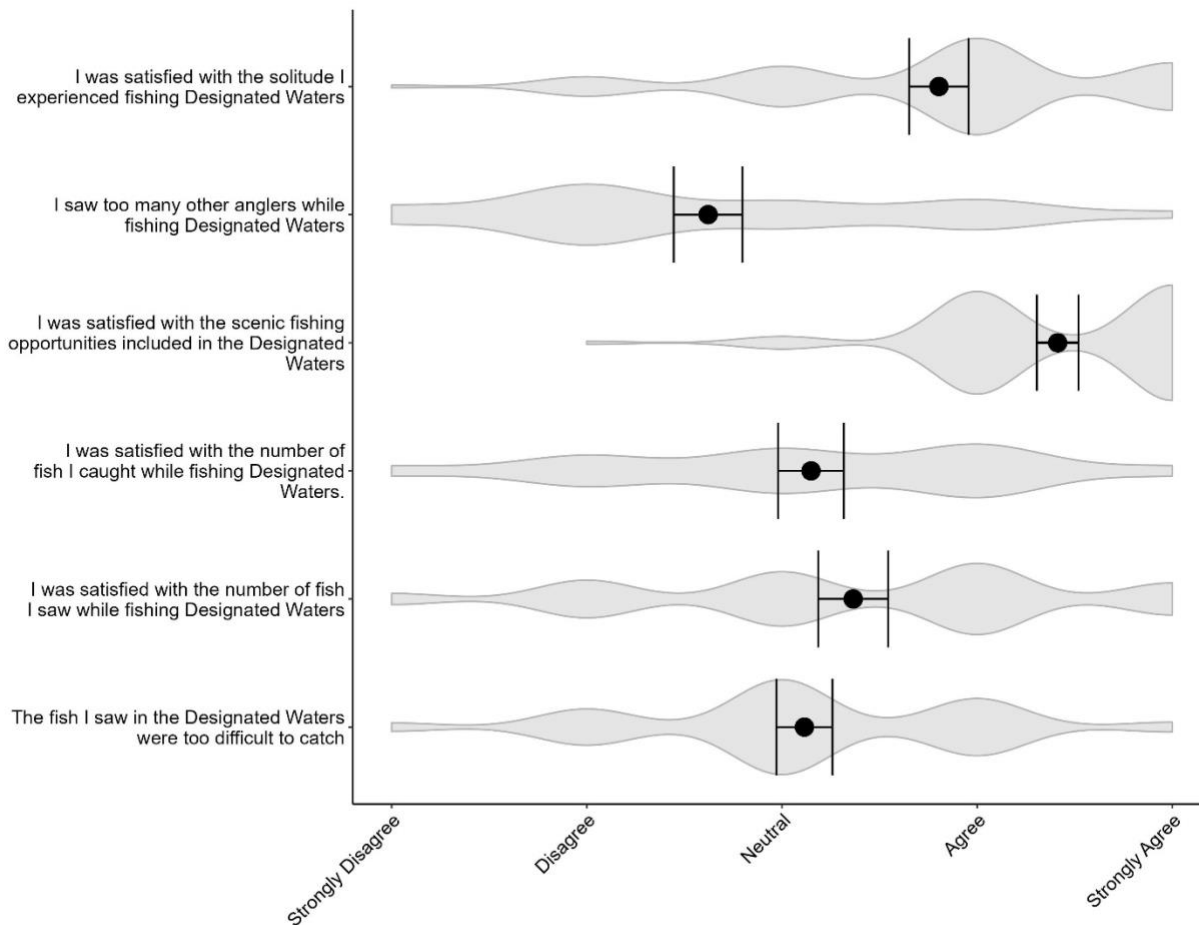


Figure 5. The mean satisfaction score and 95% confidence interval for questions regarding the angling experience of anglers who reported that they fished the North Canterbury Designated waters during the 2023/24 fishing season. Distribution of all answers is depicted in grey.

Satisfaction: Designated Waters System

On average, anglers agreed that the Designated Waters System did work to limit angler pressure on backcountry river (mean score: 3.4 +/- 0.2), and that the licence provided good value for the cost (mean score: 3.8 +/- 0.2). Anglers showed slightly higher than neutral support for the daily bag limit of 1 harvested fish on Designated Waters (mean score: 3.3 +/- 0.2), but, on average, do not support the harvest of trout within the Designated Waters (mean score: 3.4 +/- 0.2). Anglers were very satisfied with the flexibility provided by the designated waters licence (mean score: 4.3 +/- 0.1), and reported that they would not have preferred a blanket booking system in place of the Designated Waters system (mean score: 2.2 +/- 0.2; Figure 6).

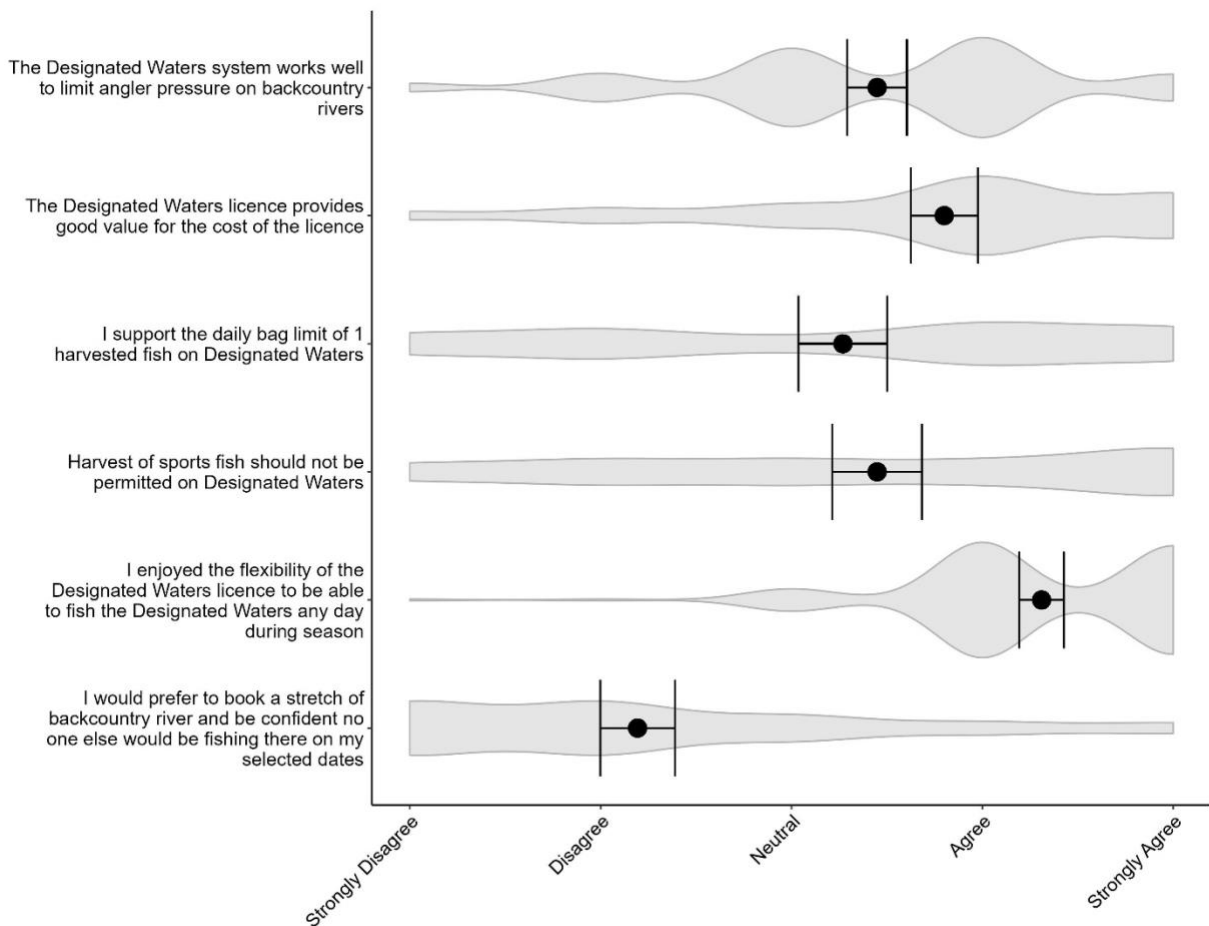


Figure 6. The mean satisfaction score and 95% confidence interval for questions regarding the Designated Waters system for anglers who reported that they fished the North Canterbury Designated waters during the 2023/24 fishing season. Distribution of all answers is depicted in grey.

When it comes to how well Fish & Game implemented the Designated Waters system, anglers reported overall satisfaction (Figure 7). Anglers felt that Fish & Game did a good job communicating which rivers required a Designated Waters licence (mean score: 3.9 +/- 0.1). Similarly, anglers were satisfied with the publications produced by Fish & Game to communicate the new regulations (mean score: 4.0 +/- 0.1). Finally, anglers reported that they understood the reasons Fish & Game chose to implement the Designated Waters system (mean score: 4.1 +/- 0.1).

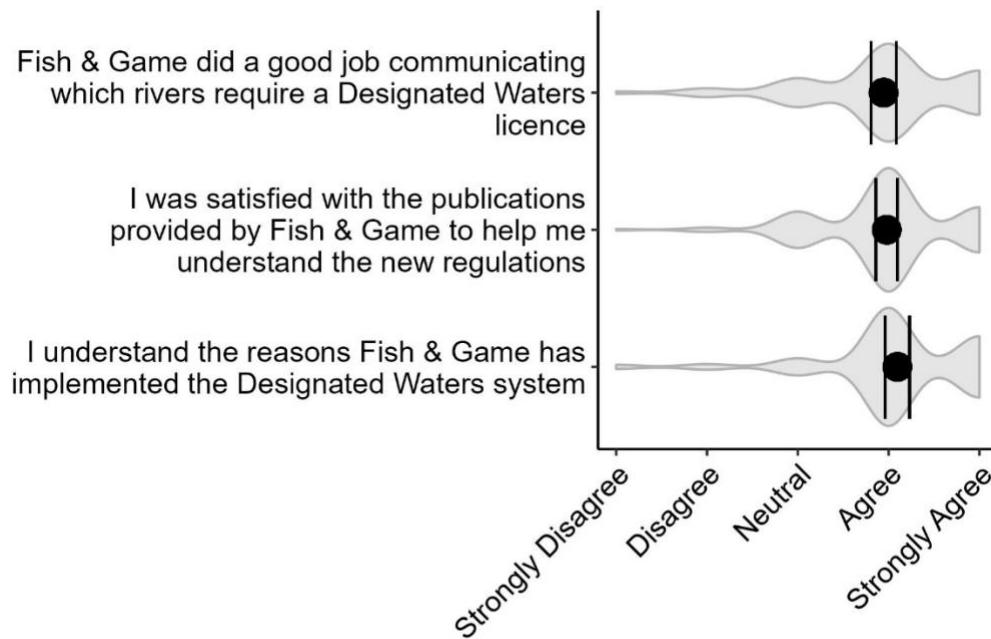


Figure 7. The mean satisfaction score and 95% confidence interval for questions regarding the communications from Fish & Game for anglers who reported that they fished the North Canterbury Designated waters during the 2023/24 fishing season. Distribution of all answers is depicted in grey.

Angler Displacement

Anglers felt largely neutral about displacement to other backcountry rivers (Figure 8). Anglers felt that there has been more pressure than normal on other backcountry rivers in North Canterbury (mean score: 3.3 +/- 0.1). However, anglers felt neutral about the effect of the Designated Waters system on all backcountry rivers, with a slight sentiment that Designated Waters has not reduced pressure on other rivers (mean score: 2.8 +/- 0.1). Similarly, anglers felt neutrally about the effect of the Designated Waters system on their favourite backcountry river, with a slight sentiment that their favourite backcountry river had not been negatively impacted (mean score: 2.8 +/- 0.1).

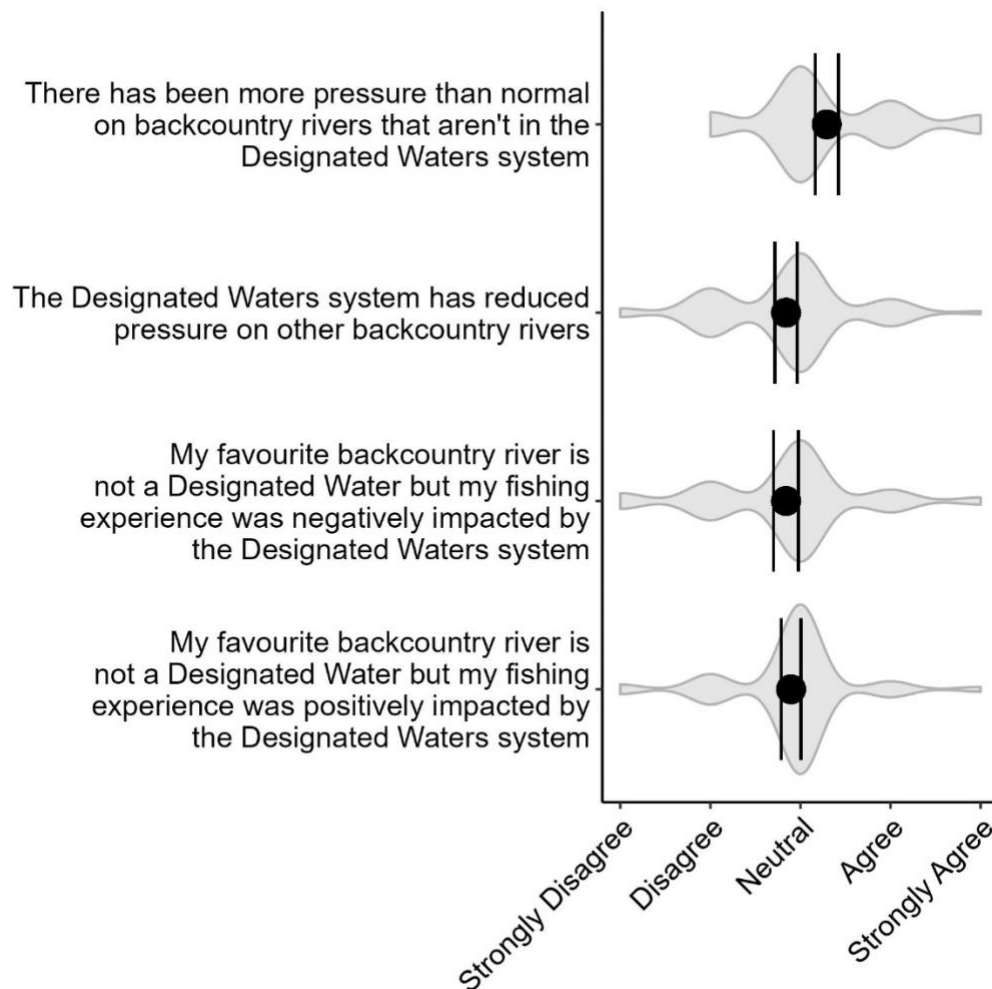


Figure 8. The mean satisfaction score and 95% confidence interval for questions regarding the opinions on angler displacement of anglers who reported that they fished the North Canterbury Designated waters during the 2023/24 fishing season. Distribution of all answers is depicted in grey.

Only 14.6% of anglers reported that their favourite backcountry river had been negatively affected by angler displacement from the Designated Waters system. Of those that felt their favourite backcountry river(s) had been negatively affected, the Poulter was the most commonly reported, followed by the Hydra Waters and Double Hill Stream (Figure 9). Additionally, several anglers reported negative impacts to backcountry rivers in other regions, including the Grey and Maruia.

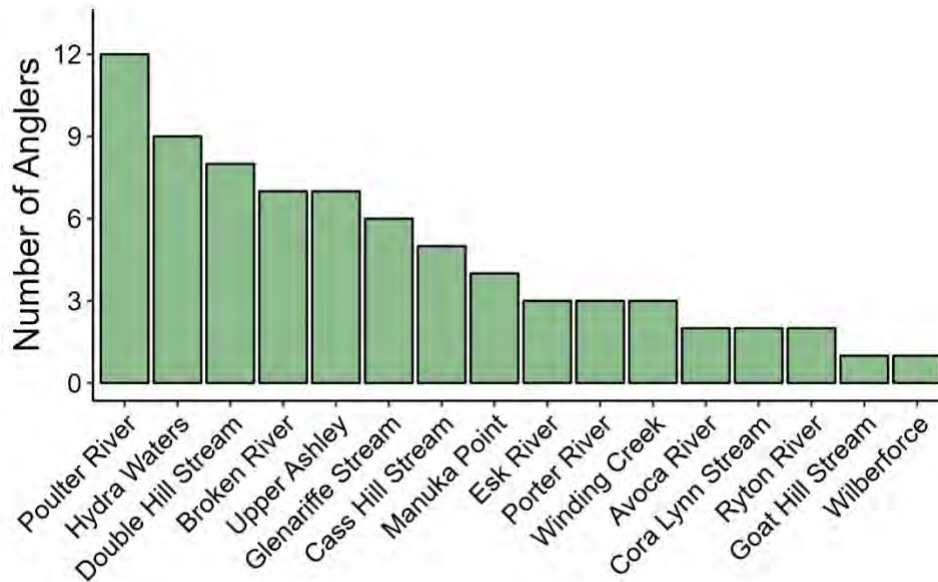


Figure 9. The distribution of responses for anglers who reported one of their favourite North Canterbury backcountry rivers has been negatively affected by the Designated Waters system during the 2023/24 fishing season.

Discussion

The overall responses indicate that anglers are satisfied with the Designated Waters system in North Canterbury. Anglers were happy with the communications received from North Canterbury Fish & Game regarding the regulations changes, and understood the reasons why Fish & Game chose to implement this system. Anglers reported they did not see too many other people while fishing Designated Waters, and that the system worked well to reduce angler pressure and provided good value for money. Further, angler sentiments regarding angler displacement to other backcountry rivers were largely neutral.

Anglers reported neutral or near neutral feelings about the number of fish seen, the number of fish caught, and the difficulty of catch. While not a negative result, it is

concerning that more anglers were not happy with the number of fish they caught. Further analysis to examine satisfaction against the reported number of fish caught may provide insight into these results. However, this result does highlight the need for a deeper understanding of angler expectations regarding catch rates.

While anglers do not support harvest of trout on Designated Waters, they do support the harvest regulation of 1 trout/day. As only 5 surveyed anglers harvested any trout while fishing Designated Waters in North Canterbury, angler behaviour is meeting angler expectations in this regard.

While the overall sentiment was positive, several anglers did report negative experiences. Additional analysis to evaluate variation in the responses by river fished may highlight localised problems with North Canterbury Designated Waters. Evaluating variation in responses by the number of fish caught and the number of days fished may provide additional insight.

It is important to remember the limitations of the dataset when interpreting the results of this study. Because we surveyed only a handful of tourist anglers, we cannot draw any conclusions about the opinions of non-resident anglers. Additionally, this survey only gathered responses from anglers who were both licenced and fished on North Canterbury Designated Waters. Thus, we cannot draw conclusions about anglers who purchased the licence but chose not to fish or those who would have fished these areas were the Designated Waters regulations not in place. For example, while anglers who did fish found communications from Fish & Game to be satisfactory, we cannot assume that anglers who chose not to fish Designated Waters felt the same way. As such, targeted surveys of these groups may provide deeper insight into ways the Designated Waters system might be improved.

Appendix A: Full Questionnaire

Q1. Please provide the email address associated with your Fish & Game fishing license.

Q2. Did you fish any of the Designated Waters in North Canterbury during the 2023/24 fishing season?

Yes

No

Q3. How many days did you fish the Hurunui South Branch Designated Waters fishery?

Q4. How many days did you fish the Hurunui River North Branch Backcountry Fishery?

Q5. How many days did you fish the Hope River Designated Waters fishery?

Q6. How many days did you fish the Upper Waiau Uwha River Designated Waters fishery?

Q7. What method(s) of fishing did you use while fishing the designated waters in North Canterbury during the 2023/24 fishing season?

Fly fishing

Spin fishing

Both

Q8. How many fish did you catch while fishing the Designated Waters in North Canterbury during the 2023/24 fishing season?

Q9. Did you harvest any fish while fishing the Designated Waters in North Canterbury during the 2023/24 fishing season?

Yes

No

Q10. Please indicate your level of agreement or disagreement for the following statements regarding **your experience fishing** the Designated Waters in North Canterbury during the 2023/24 fishing season.

I was satisfied with the solitude I experienced fishing Designated Waters.	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
I saw too many other anglers while fishing Designated Waters.	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
I was satisfied with the scenic fishing opportunities included in the Designated Waters.	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
I was satisfied with the number of fish I saw while fishing Designated Waters.	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
The fish I saw in the Designated Waters were too difficult to catch.	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
I was satisfied with the number of fish I caught while fishing Designated Waters.	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree

Q11. Please rate your overall satisfaction with **your experience fishing** Designated Waters in North Canterbury during the 2023/24 fishing season.

Answer Choices	Very Satisfied	Satisfied	Neutral	Dissatisfied	Very Dissatisfied
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Q12. Please indicate your level of agreement or disagreement with the following statements regarding **the Designated Waters system**.

The Designated Waters system works well to limit angler pressure on backcountry rivers.	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
The Designated Waters licence provides good value for the cost of the licence.	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
I support the daily bag limit of 1 harvested fish on Designated Waters.	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
Harvest of sports fish should not be permitted on Designated Waters.	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
I enjoyed the flexibility of the Designated Waters licence to be able to fish the Designated Waters any day during season.	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
I would prefer to book a stretch of backcountry river and be confident no one else would be fishing there on my selected dates.	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
Fish & Game did a good job communicating which rivers require a Designated Waters licence.	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
I was satisfied with the publications provided by Fish & Game to help me understand the new regulations.	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
I understand the reasons Fish & Game has implemented the Designated Waters system.	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree

Q13. Please indicate your level of agreement or disagreement with the following statements regarding **your experience on other backcountry rivers** in North Canterbury during the 2023/24 fishing season.

There has been more pressure than normal on backcountry rivers that aren't in the Designated Waters system.	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
The Designated Waters system has reduced pressure on other backcountry rivers.	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
My favourite backcountry river is not a Designated Water, but my fishing experience was negatively impacted by the Designated Waters system.	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
My favourite backcountry river is not a Designated Water, but my fishing experience was positively impacted by the Designated Waters system.	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree

Q14. If you felt that your favourite backcountry river was negatively impacted by the Designated Waters system, please specify. (Select all that apply)

- Not Applicable
- Avoca River
- Broken River
- Cass Hill Stream
- Cora Lynn Stream
- Double Hill Stream
- Esk River
- Glenariffe Stream
- Goat Hill Stream
- Harper River
- Hydra Waters
- Manuka Point
- Porter River
- Poulter River
- Ryton River
- Slovens Stream
- Wilberforce
- Winding Creek
- Upper Ashley
- Other:

Q15. Would you like to be entered into the drawing for a chance to win a \$100 gift voucher?

Yes

No

Infringement Notice System

New Zealand Fish and Game Council Meeting 169 – 18th & 19th of June 2024

Prepared by: Richie Cosgrove, Deputy CE, NZ Fish and Game Council

Kōrero taunaki - Summary of considerations

Purpose

This report to the New Zealand Fish and Game Council seeks approval for consultation around the implementation of the Infringement Notice system.

Financial considerations

Nil Budgetary provision / Unbudgeted

Risk

Low Medium High Extreme

Ngā taunaki - CEO Recommendations

CEO that the New Zealand Fish and Game Council:

1. Receive the information.
2. Agree to send this paper and the draft policy to the regions to seek their feedback.

Executive Summary - Whakarāpopoto

Over the last 12 months the National Compliance Policy has been reviewed and updated. This review coupled with recent complaints on our compliance functions and processes made to the Minister of Hunting & Fishing, has highlighted the inconsistencies of how the organisation handles offences under the Conservation Act and Wildlife Act.

Furthermore, the recent media attention on the compliance action by West Coast Fish & Game Council, has exposed Fish & Game to considerable negative public perception, and highlighted our options for dealing with offending is extremely limited.

.....Infringement system needed

Development of an infringement system would save time and cost to Fish & Game, and deal with lower-level offences at a level which is reflective of the overall degree of seriousness and keep less serious offenders out of the court system, and thereby saving court time and court costs.

Background - Takenga mai

In 2018, the Fish & Game New Zealand Council made submissions to the Parliamentary Select Committee on the Conservation (Infringement Systems) Bill.

Fish & Game submitted in support of the Bill and lobbied for Fish & Game councils to be included in the amendments to the Conservation Act to enable Fish & Game Councils to issue infringement notices for offences against the Conservation Act and Wildlife Act.

The Bill was developed primarily to enable the Department of Conservation to move to an infringement notice system in an effort to streamline and modernize their compliance and prosecution system.

The thrust of the submissions was that the ability to issue infringement notices would save time and cost to Fish & Game, and deal with lower-level offences at a level which is reflective of the overall degree of seriousness and keep less serious offenders out of the court system, and thereby saving court time and court costs.

Fish & Game submitted strongly that if able to issue infringement notices, that the fees from those notices should be retained by Fish & Game councils to offset costs of compliance and dealing with those matters, especially given that Fish & Game is user pays and not funded by Central Government.

Despite assurances, politicians were concerned about Fish & Game Councils using an infringement notice system for revenue collection.

As a result, if Fish & Game Councils were included in the Bill and allowed to issue infringement notices, a decision was made that the fines collected would be paid to the Crown Consolidated Account, not returned to the Fish & Game Council issuing the Infringement Notice.

The only other example of a non-departmental infringement system was the SPCA being able to issue infringement notices, however that is with considerable oversight from MPI.

It was agreed however in relation to Fish & Game that the ability to issue infringement notices would be desirable in order to keep lower-level offenders and offences out of the court system and that use of such a system would save significant prosecution and court costs and time. Subsequently Fish & Game was included in the Bill provisions, and legislation was passed to enable Fish & Game councils to issue infringement notices, once approved to do so by the Minister of Hunting & Fishing.

However, because of apprehension by some regions and management, including dissatisfaction at a situation where fines will not be paid to Fish & Game councils, the infringement notice system was put on hold indefinitely and the draft I.N and CLE policy was never put to the Minister for approval.

Thus, the first steps in being able to progress an Infringement Notice system never took place, despite Fish & Game having lobbied heavily at Select Committee level to be able to adopt such a system.

Discussion - Kōrerorero

Currently for minor level offending such as regulation breaches we have no mechanism for processing that offending except for either a formal warning letter (and no further action) or progress to court prosecution with the offer of diversion.

The offering of diversion has the risk that if the defendant does not accept the offer of diversion, then court action must proceed.

In many of these cases the amount offered as a diversion donation is only a couple of hundred dollars for a regulation breach and for a fishing without a licence range from \$400-\$1000.

Therefore, throughout the organization we also have a wide variety of differing amounts of diversion donation amounts being offered to offenders so a uniform consistent approach to dealing with offending would be desired.

The lack of consistency and uniformity across our compliance system as a whole is a risk for the organization.

Coupled with updated guidelines from both the Solicitor General's Office on Diversion and a legal opinion for Auckland Waikato Fish & Game that highlights using for diversion with only a monetary component without an additional making amends component is legally dubious.

For clarity the Solicitor General's guidelines state:

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.

Of note, Auckland Waikato Fish & Game do not use diversion and progress cases that are not a warning level to court.

Therefore, offering diversion for minor level offending with a monetary only component places the compliance system at risk, an additional option for processing those single offences is required.

The Infringement Notice system offers Fish & Game the ability to deal with those single offences quickly and more efficiently than laying charges and offering diversion.

For Fish & Game to use the Infringement Notice system, s 26HA of the Conservation Act requires Fish & Game NZ to develop an Infringement Notice and Compliance and Law Enforcement policy.

This policy must be approved by the Minister of Hunting & Fishing before any infringement system can be operated and specific Fish & Game Rangers authorized to issued infringement notices.

A policy as described has been drafted based on the DOC model, to be consistent with DOC processes, and peer reviewed by several agencies including Police, Fire and Emergency, MPI, SPCA, and DOC.

Work was carried out in 2019 on a draft MOU with the Ministry of Justice, to allow for a link with MOJ and electronic filing of notices when fines have not been paid, so that MOJ can deal with those matters as with any other unpaid fines, or where a hearing is requested by a person who has been issued an infringement notice.

Preliminary investigation was carried out regarding required technology to operate an infringement notice system, and at that point little progress was made.

There has been some advice that at a basic level the Xero system could possibly operate an infringement notice system, and at the other end of the scale there was apprehension that a suitable system could come at a significant and unaffordable cost.

The original draft policy did not exclude the possibility of some trained and approved staff issuing infringement notices in the field.

Several reasons support this change: the current systems to issue notices do not cater for field issue of notices, issue of a notice is a significant officer safety trigger point and issuing a **notice without a full assessment of the offence and offender, as required by the Solicitor-General's Prosecution Guidelines, may lead to errors.**

There is no disadvantage to later processing and issuing an infringement notice by post.

It would be advisable if these systems were improved so that in rare cases infringement notices could be issued in the field in exceptional circumstances such as short-term visitors to NZ.

Currently the draft policy states that infringement notices shall not be issued in the field. But we recommend that this should be amended to allowed for in the field infringement fines under a very narrow set of circumstances.

Managers have also raised concerns that the level of these fines is not high enough to be a deterrent.

For clarity, it is important to note that many overseas psychological studies indicate that it is not the amount of the fine that is a deterrent, but the process.

An interesting study close to New Zealand and the largest study of fines (as a deterrent) ever conducted in Australia has shown that higher fines do not reduce the risk of re-offending and could be argued the initial offending.

The study, carried out by the NSW Bureau of Crime Statistics and Research, identified 70,000 NSW persons who received a court-imposed fine for a driving offence between 1998 and 2000. Researchers then followed each offender for a period of five years to see whether they committed another driving offence.

After controlling for a wide range of other factors likely to influence re-offending, the Bureau found no relationship between the magnitude for the fine imposed and the likelihood of a further driving offence. Offending more dictated on the the other sanctions and the process involved.

However, Fish and Game must factor in the cost of a licence in relation to the fine, and whether the risk of getting caught outweighs the resulting fine in terms of how many times more than a licence the fine will be.

Deterrence is therefore achieved by high visibility, patrolling and publicizing effective compliance operations is much more of a deterrence as the perceived risk of getting caught is higher.

A belief that a higher fine amount will deter offending is therefore misplaced, a far better deterrent is our regions keeping up their compliance programs

The use of such a system will lead inevitably to significant cost and time savings to councils.

It is important to note that compliance activities should not be viewed as a revenue generating exercise.

If an Infringement Notice system was in use, it is likely that Fish & Game regional Councils will seek a review of this situation to allow for fines or at least a significant portion to be returned to Fish & Game councils.

However, this would require an amendment to the Conservation Act as Section 51Z stipulates that all infringement fees paid must be paid into a Crown Bank Account.

The matter of the cost of setting up an I.T system to issue and manage infringements is also something that needs investigation.

The Department of Conservation has an infringement notice issuing system operating based at Rotorua and it is possible that there may be an opportunity for Fish & Game to utilize that system for issue of infringement notices on behalf, rather than setting up a parallel system to do the same thing.

It is understood that the DOC system at this stage may have sufficient capacity in this system to allow the issuing of Fish & Game infringement notices.

DOC is open to having a collaborative system which Fish & Game would use to issue infringement notices.

Infringement fines are set by the Conservation (Infringement Offence) Regulations 2019, and the Wildlife Regulations 1955, by schedule, and Fish & Game (NZ Council) did make submissions to fine levels.

Fine levels as set by regulations range from \$200 to \$800 depending on the offence involved. Fishing without a licence, hunting without licence, breach of anglers notice, and breach of game notice offences are all set by regulation at \$400 fines.

While it is arguable that these fine levels are at the lower end of the scale compared to what some Fish & Game councils are requiring when operating diversion schemes, the purpose of infringement fines is to deliver what is essentially a 'short sharp shock' to offenders.

Along with the fine, gear seizure when the offence is dealt with that acts as a deterrent.

If an infringement notice system were adopted, it is suggested a comprehensive review of the anglers' notice should be undertaken to ensure that all regulations in force, which could be proceeded against be infringements, are necessary and of merit.

While legally Fish & Game councils can choose not to use an I.N system, if such a system is operating, it would be extremely desirable for credibility and consistency that all regions were dealing with offences in the same manner.

As such, it is recommended that NZC discharges its functions under 26C(1)(a) of the Conservation Act and the National Compliance Policy framework is reviewed to establish regional consistency on the use of the Infringement Notice system.

Options- Ngā kōwhiringa

- 1 The Council may seek to proceed with the development of an Infringement Notice System or decline
- 2 If the Council supports the development of the Infringement Notice system, then the council can choose to distribute the attached policy for regional feedback or decline to do so.

Considerations for decision-making - Whai whakaaro ki ngā whakataunga

Financial Implications

- 3 Initially no longer receiving revenue from some offences, but there may be software licencing costs if using the DOC system to issue in house or even a potential service charge if DOC was to issue them on Fish & Games behalf.

Legislative Implications

- 4 Ministerial approval will be required to implement this system.

Section 4 Treaty Responsibilities

- 5 None

Policy Implications

- 6 Currently in our National Compliance Policy there is reference to having an Infringement Notice System, but currently one does not exist.

Risks and mitigations

- 7 Loss of diversion donations for minor level offending

Next actions - Ngā mahinga e whai ake nei

- 8 If agreed, this will come back to Council for decision at the August Meeting.



Infringement Notice Compliance and Enforcement Policy

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1 Purpose

This policy is in accordance with the requirements of Section 26HA of the Conservation Act 1987, which relates to:

- The authorisation of specified Fish & Game rangers to issue infringement notices under Section 51W(2) of the Conservation Act 1987 and Section 70V of the Wildlife Act 1953;
- The procedure to be followed by authorised Fish & Game Ranger to issue infringement notices under Section 51W(2) of the Conservation Act 1987; and Section 70V of the Wildlife Act 1953; and
- The exercise of other powers of Fish & Game rangers used to enforce, or ensure compliance with, the Conservation Act 1987 and / or the Wildlife Act 1953, including any regulations made under those Acts.

In order for Fish & Game NZ regions to issue infringement notices this policy must be approved by the Minister of Conservation by notice in the Gazette. On approval of this policy by the Minister the Director of the New Zealand Fish & Game Council may authorise trained and approved Fish & Game rangers to issue infringement notices under the Conservation Act.

This policy includes:

- Training of specific Fish & Game rangers to issue infringement notices;
- Matters around exercise of other Conservation and Wildlife Act powers; and
- Training of Fish & Game rangers in regard to powers and procedures; and
- Annual reporting requirements.

The policy sets out the principles and guidelines which Fish & Game Regions will follow when assessing offences for resolution action and specifically around resolution of offences by issuing of infringement notices. The policy is to ensure that action taken by regions is:

- a. Consistent;
- b. Transparent;
- c. Fair; and
- d. Complies with best practice.

2 About this document

2.1 Amendments

Amendment date	Amendment details	Version	Amended by
27/02/2018	Draft -guidelines		AVD
Feb. 2019	Draft -I.N CLE policy		A van Dorp & J
Mar 2019	Format & edits	(2)	Smyth
05 August 2019	Following peer review	(3)	R Sowman
<u>May 2024</u>	<u>Review and updates</u>	<u>(4)</u>	<u>A van Dorp</u>

2.2 Terminology and definitions

CDG Compliance Decision Group

Made up of the Regional Manager, Region Compliance Coordinator, and National Compliance Coordinator, as required, and any other technical or legal expert as required. The NZ Council Director (CEO) has a role as an arbiter in cases where a decision is unable to be reached by the CDG. The purpose of a CDG is to ensure consistency across regions as to how more complex or serious offences are dealt with, including recidivist offending.

I.N Infringement Notice

Note: An infringement notice may only be issued by a Fish & Game employee (ranger) who is warranted specifically to do this - this is a separate warrant from those held by a Fish & Game officer or ranger.

Director

Means the Chief Executive of the New Zealand Fish and Game Council

Fish & Game NZ

The collective name given to the NZ Fish and Game Council and 12 regional Fish & Game Councils.

Fish & Game Council

Means a Fish & Game Council established under Section 26 P of the Conservation Act 1987.

3 Process

- 3.1 Offence detected.
- 3.2 Offence extremely minor or trivial – no action or a warning and education may be appropriate.
- 3.3 Offence suitable for formal processes and further action; Fish & Game offence notice issued in field. This is the notification to the offender of the alleged offence(s) committed and a receipt for any seized gear (as distinct and different from an 'Infringement notice').
- 3.4 ~~In some rare circumstances an I.N may be issued directly in the field by authorised Fish & Game employees – this is discussed further in this policy.~~
- 3.5 Offence file documentation provided to Region Compliance Coordinator by Fish & Game ranger.
- 3.6 National database checked, offence and offender entered in database.
- 3.7 Compliance coordinator recommends appropriate course to follow to Regional Manager, options include: warning and education, I.N, or consider prosecution, with or without diversion.
- 3.8 Regional Manager authorises I.N in straightforward and minor matters, as determined by the CDG offence checklist (attachment 1).
- 3.9 -More complex matters go to a Compliance Decision Group (CDG) for decision/peer review to determine whether the matter should be dealt with by issuing an I.N or whether a prosecution is the appropriate action to take.

4 Infringement System Guidelines

4.1 Infringement offences

- a. I.N's are intended as a means of dealing with offending which is not serious enough to warrant a full summary prosecution which may result in a criminal conviction.
- b. I.N's sit between warnings / education and prosecutions, so are considered to be an intermediate resolution in the enforcement toolkit.
- c. The use of I.N's and set infringement fees allows Fish & Game Regions (F&G) to quickly and simply resolve minor breaches of the law, while the seriousness of breaching the law is still conveyed to the offender, ensuring future compliance in many cases.
- d. The Conservation Act 1987 following amendment by the Conservation (Infringement System) Act 2018 provides for an infringement system to apply to the primary Acts the Department of Conservation (DOC) administers; and to the regulations, bylaws, and notices made under those Acts. This includes the Conservation Act 1987, the Wildlife Act 1953, Freshwater Fisheries Regulations 1983, Wildlife Regulations 1955, and the associated Angler and Hunting Gazette notices relevant to Fish and Game Councils.

4.2 Background on infringement offences

4.2.1 What is an infringement offence?

- a. Infringement offences are offences in respect of which an I.N can be issued.
- b. Infringement offences are listed within the Conservation Act 1987 and The Wildlife Act 1953.
- c. When an offence is detected, an I.N is a potential response to the offence. No action may be taken, a warning may be issued, an I.N may be issued, or the offence may be proceeded with summarily through the Court where court prosecution is warranted, either where the offence is of a type where an I.N does not apply as an option or where an I.N could apply to the offence type but in the circumstances an I.N is not the most appropriate outcome.
- d. I.N's are not to be issued to anyone under the age of 18 years old. (from 1 July 2019 the youth justice age – definition of Young Person- changed so that persons aged under 18 years old will be dealt with in Youth Court as Youth Offenders pursuant to the Oranga Tamariki Act 1989).
- e. Youth Offenders (those aged under 18 years as of 1 July 2019) are to be warned unless due to the seriousness of the offence and the nature and number of previous offences a warning is clearly inappropriate (Section 209 of the Oranga Tamariki Act 1989). Where a warning is clearly inappropriate, advice is to be taken as to appropriate resolution action.

4.2.2 Infringement fees

- a. Infringement fees for particular offences are set at prescribed levels pursuant to regulations made under the Conservation and Wildlife Acts.
- b. The fees cannot be altered or changed from that set for each offence by Regulation.
- c. If a defendant wishes to dispute the fee payable, a hearing must be held at a Court, and any money payable becomes a normal Court fine. A defendant who disputes the standard infringement fee payable is also likely to incur Court costs in addition to any fine imposed by the Court.
- d. Any financial penalty imposed by the Court (for example if the infringement offence is proceeded with summarily or an I.N is disputed) is called a fine rather than a fee.
- e. Infringement fees resulting from notices issued by warranted employees of Fish and Game Councils that have enforcement functions under the Conservation Act 1987 and Wildlife Act 1953 are payable into the Crown consolidated fund bank account.

4.3 Compliance/enforcement consistency

- a. The response to the level of offending must always be reasonable, transparent and proportionate and Fish & Game regions must act consistently and generally treat like cases alike.
- b. Where action more serious than warning/education is deemed necessary in regard to an alleged infringement offence, the issuing of an I.N is the first level of response and is to be the action taken unless there is reason not to..
- c. Reasons not to issue an I.N, but to consider filing charge(s) and pursue court prosecution include considerations as required by the Solicitor Generals Prosecution Guidelines including :
 - Seriousness of the offence;
 - That the offending involved actual or threatened violence against a Fish & Game ranger acting in the course of his or her duty;
 - The extent of any loss, harm or damage resulting from the offence;
 - Premeditation on the part of the offender and, if so, the level of premeditation involved;
 - The number, seriousness, date, relevance and nature of any previous relevant offending, including matters for which the offender is being sentenced or otherwise dealt with; and
 - Where it is necessary in the circumstances to seek a court order for forfeiture of the gear used in the commission of the offence; and
 - Commercial motivation for offending.
- d. If a matter proceeds to court prosecution that in itself does not prevent the possibility of offering the offender diversion in appropriate cases. Refer to the National Prosecution policy – diversion.
- e. Prosecution even with the option of diversion is not to be used in preference to issuing an I.N unless the intervention of the court is necessary **and** it is deemed that the I.N penalty in the circumstances is too low, and / or an order of forfeiture of seized gear is required.
- f. For non-infringement offences, the response and possible outcomes will be education / warning, or prosecution (with diversion consideration as appropriate).
- g. While every effort will be made to treat like cases alike, there will be situations where different responses may be appropriate. There will be occasions where the circumstances of a situation warrant no action being taken (e.g. the incident is reasonable or excusable in the circumstances and doesn't warrant compliance action). Decisions should be based on sound policy, and defensible judgments, and be in accordance with the Solicitor General's Prosecution Guidelines and the Fish & Game NZ National Prosecution policy. All matters considered for

prosecution (including issuing an infringement notice) must meet the Solicitor-Generals Prosecution Guidelines test for both evidential sufficiency **and** public interest in a prosecution.

4.4 Deciding the level of compliance/enforcement response

Fish & Game New Zealand has a range of options available to resolve situations where offences have been committed.

4.4.1 Advocacy, Education and Warnings

a. Advocacy & Education

- This type of response is appropriate for incidents of very minor non-compliance. The purpose of this response is to advise the alleged offender that non-compliance has been detected and promote the need for compliance to be observed in future and inform them of legal requirements. Resources such as leaflets or brochures may play a significant role in ensuring future compliance.
- Education is a valid and useful tool for use in minor matters where non-compliance was unintentional and / or trivial and educating the offender will achieve a desired outcome without the need for other compliance action. Education may extend to advising of the rules relating to the activity, providing alleged offenders with some understanding of the potential effects resulting from their actions.

b. Warnings

- There may be occasions when non-compliance has been detected but it is not appropriate to issue an I.N. This may occur where there has been a single instance of non-compliance, which was accidental, unforeseen or of a minor nature, but where there is a possibility of future non-compliance if some action is not taken by Fish & Game. A written formal warning advises the offender that they are in breach of the Act, regulation, or notice. It states what section of the Act, regulation, or notice has been breached and advises that no further enforcement action will be taken at this stage, but that the warning will be taken into account should they be involved in further offending against legislation enforced by Fish & Game New Zealand. For the avoidance of doubt, warnings should not be provided either orally and / or 'informally', i.e. all warnings should be formally issued in writing and a record made of it in the national compliance database. Warnings should only be issued where there is clear evidence of an offence having taken place, i.e. 'prima facie' evidence exists.
- A written formal warning is a document recording the non-compliance that can be taken into account by a Court should future non-compliance that results in court action occur.

4.4.2 Formal Options of Infringement Notice and Prosecution

The following options will be appropriate when an alleged offence has occurred, and there is a need to take action to avoid, remedy or mitigate adverse effects, ensure compliance, or provide deterrence and/or accountability. These options should also be accompanied by education and advocacy measures where practicable.

a. Infringement Notice

- An I.N is written notice that an offence is believed on reasonable grounds to have been committed. The I.N requires payment of an infringement fee within 28 days.
- A person subject to an I.N may; elect to pay the fee, write in to Fish & Game seeking withdrawal of the I.N, or dispute the alleged offence or the amount of the fee and seek to have the matter dealt with by a Court hearing.
- The use of I.N's and set infringement fees allows Fish & Game to quickly and simply resolve minor offending. The consequences of such offending are conveyed to the offender in a proportionate and efficient manner, and this will encourage future compliance in many cases.
- The infringement process is described in more detail in Appendix 1.

b. Prosecution

- Prosecution may be appropriate for more serious offending, or for repeat offenders.
- Any potential prosecutions must meet the Solicitor-Generals Prosecution guidelines test in that there must be a reasonable prospect of a conviction, and the prosecution is in the public interest.

4.5 Deciding what option to take?

Covering every contingency is difficult but the following factors will typically be taken into account in deciding on the response to offending:

- a. Seriousness of offending, including premeditation on behalf of the offender and if so, the level of premeditation involved;
- b. Purpose of offending – commercial, recreational, customary etc;
- c. The extent of any loss, damage or harm resulting from the offence;
- d. Explanation by the alleged offender;
- e. Degree of co-operation, remorse, contrition etc by the offender;
- f. Need for forfeiture of seized gear as a deterrent and or to remove illegal equipment and prevent re-use. (Forfeiture of seized property would not be a consequence of an I.N)

- g. Prevalence of the offending;
- h. Public interest factors in sending a deterrent message to the offender and like-minded individuals;
- i. Fish & Game's previous dealings with the offender, e.g. prior warning letters, prior infringement notices, and / or the offender's previous convictions.

4.6 Should an infringement notice be issued?

4.6.1 Warning/infringement notice/prosecution?

When making the decision whether to file a charging document, issue an I.N, or issue a formal warning the following issues will be considered:

- a. Is there credible, sufficient and admissible evidence that an offence has been committed by an identifiable individual?
- b. The degree of seriousness of this offending?
- c. The extent of any loss, damage or harm resulting from the offence?
- d. Has the person previously come to the notice of Fish & Game or other agencies for offences against the Conservation Act 1987 and / or Wildlife Act 1953, including any regulations made under those Acts?
- e. The nature of any explanation as to why they offended.
- f. Was the person co-operative and/or remorseful for their offending?
- g. Is forfeiture of seized property warranted for the offence?
- h. Is a prosecution or issuing an I.N in the public interest?
- i. Is the level of infringement fee for the circumstances appropriate?
- j. Is there anything else that may be relevant?

4.6.2 Infringement notice or prosecution?

When making the decision to issue an I.N rather than bringing a summary prosecution the same questions will be asked:

- a. Within the range of offending is the offence at the less serious end?
- b. Is the person a first offender or a recidivist offender?
- c. Has the person given an explanation of why they offended?
- d. Is the person co-operative and contrite?

- e. Is forfeiture of seized gear necessary for deterrence or to ensure illegal equipment is not able to be re-used?
- f. Is there anything else that may be relevant?

It may still be appropriate and preferable to issue an I.N in many cases, even if it is not a first offence that is being dealt with.

4.6.3 Scoring Processes

A numerical scoring system (appendix 2) has been devised that will give an indication of the severity of the offending, and assist decision making. If the score is low consideration may be given to either warning or issuing an infringement notice. If the score is mid-way, it may be appropriate to issue an infringement notice. If the score is high, it may be appropriate to take a prosecution. The scoring process should be seen as a guide only to assist decision making.

4.7 Who makes the decision?

4.7.1 Decision making roles

- a. Designated warranted Fish & Game employees who have received training in the infringement notice system and relevant legislation and have qualified may receive a further warrant to issue infringement notices for offences. This warrant will be issued by the Director of the New Zealand Fish & Game Council. In most cases this will include the Region Compliance Coordinator, the Regional Manager, and may also include some senior experienced compliance staff as required to ensure the region has adequate capacity to issue infringement notices when required. NB: only a limited number of trained Fish & Game staff will be able to issue infringement notices or authorise the issuing of infringement notices.
- b. In general, the procedure for dealing with offences in the field will not change; whether offences are dealt with by honorary rangers or by Fish & Game staff rangers. Suspected offending will be reported in the usual manner to the relevant Regional Compliance Coordinator following detection of an alleged offence.
- c. Honorary Fish & Game rangers cannot be warranted to issue infringement notices; that is specifically excluded by section 51W(3) of the Conservation Act 1987.
- d. ~~In general, I.N's will not be issued in the field and if they are, they will be issued only in exceptional circumstances, where e.g. an offender is transient, has no permanent address, or the only other option would be considering field service of a summons to appear in Court.~~

- e. The decision as to how to proceed; whether to take no action, issue a written warning, issue an I.N or commence a prosecution, will be made by the Regional Manager in consultation with the Region Compliance Coordinator, with input from the Compliance Decision Group, as appropriate, particularly in more complex or serious matters. When deciding how to process offences the CDG checklist should be referred to ensure consistency.

4.7.2 The Compliance Decision Group (“CDG”)

- a. The CDG is made up of:
 - The Fish & Game Compliance coordinator of that Fish & Game region;
 - The Regional Manager of that Fish & Game region;
 - The National Compliance coordinator; and
 - If the offence involves technical or legal issues, an appropriate expert who can address these. This may be a Fish & Game staff member with legal or compliance expertise, or external legal advice.

The Director of the NZ Fish and Game Council has a role as an arbiter if the CDG is unable to reach a decision as to appropriate resolution action.

- b. A CDG guideline is attached in Appendix 3. It sets out what needs to be done and the procedures. Note: CDG meetings may be held by phone or other networking systems, such as Skype / Zoom. CDG meetings are also useful to peer review decisions made at a Regional Manager level.
- c. When a decision has been reached by the CDG, the Regional Manager shall be responsible for signing it off and the Region Compliance officer or staff member responsible for prosecutions shall be responsible for implementing it. A written record of the decision shall be kept on the offence file.

4.8 Seizure of property

- a. If a Fish & Game ranger has reasonable cause to suspect that an offence has been or is going to be committed, they may seize items of property which they believe is or will be used in the commission of that offence, such as fishing and hunting gear. Property which has been seized under the Conservation Act 1987 and / or Wildlife Act 1953 must be securely stored by Fish & Game and held until the matter is resolved.
- b. Upon full payment of the infringement fee or completion of enforcement action, and at which time the seized gear is no longer required to be held for investigative or evidential purposes, the seized and impounded property must be returned to the offender or person entitled to possession of it, subject to compliance with any statutory requirements, including the Arms Act 1983.

- c. Items seized which have been taken illegally, e.g. unlawfully taken sports fish or game birds, are not returned to the offender on payment of the infringement fee.

4.9 Training and authorisation to issue Infringement notices

Employee rangers who are warranted to issue infringement notices must be trained to ensure:

- That they are familiar with this policy.
- That all alleged offences are assessed in accordance with the Fish & Game NZ national policy on prosecutions.
- That all alleged offences are assessed in accordance with the Solicitor General's Prosecution guidelines, i.e. offences meet the requirements of evidential sufficiency **and** that prosecution or issuing an I.N is found to be in the public interest. All offences must be assessed as if they are going to be dealt with in court in a defended hearing- full and complete evidence must exist and a prosecution must be in the public interest.

4.10 National Compliance Database

All Fish & Game regions have access to the Fish & Game New Zealand National Compliance Database. This database records details of all offenders and offences dealt with by Fish & Game Councils including resolution action and outcomes.

The Privacy Act 1993 controls how agencies collect, use, disclose, store and give access to personal information. Information is collected for lawful purposes of compliance, law enforcement, and prosecution functions of Fish & Game NZ, and the collection and holding or storing of the information is necessary for those purposes.

Information held will not be accessed or used for any purposes or in any manner that is incompatible with those purposes with which the information was collected and is held.

When dealing with offenders and considering resolution options the database shall be checked to determine if the offender in question has previously had a history of offending for Fish & Game matters.

To enable accurate information to be obtained from the database all Fish & Game regions shall enter offender and offence information into the database as soon as is practical after dealing with an offender. Once the matter is resolved the database is to be updated to show the outcome.

Updates should be done as soon as possible when offences are resolved and no later than monthly.

4.11 Exercise of other Conservation Act and Wildlife Act Powers Training and Reporting

- All Fish & Game rangers shall be fully trained in the exercise of rangers' powers under the Conservation Act 1987, the Wildlife Act 1953 and regulations made under those Acts. Those powers include in particular:

- Powers pursuant to Section 40A of the Conservation Act 1987, and Section 66A of the Wildlife Act 1953 which are powers to require an offender to supply information including name, address, and date of birth and verification – as each is applicable.
- Powers pursuant to Section 39 of the Wildlife Act 1953, and Section 40 of the Conservation Act 1987, which relate to powers of entry to property, of search, and of seizure of items used or intended to be used in breaches of those Acts, and in seizure of fish and game or other wildlife which has been unlawfully taken.
- Powers pursuant to Section 61 of the Wildlife Act 1953 which relates to persons in pursuit of game to produce licence, along with production of game and equipment used, and pursuant to Regulation 20 of the Freshwater Fisheries Regulations 1983 which relates to the obligation of anglers to produce licence, provide details and produce catch (bag) for inspection.
- All Fish & Game rangers shall receive regular training on powers and field procedures, with refresher training conducted at least annually. Differences in the nature of powers between the Conservation Act and Wildlife Act shall be emphasised, along with the application of those powers to staff and honorary rangers.
- Fish & Game NZ shall maintain and update as necessary a training manual and guide known as the 'Ranger Guide and health and safety manual'. This shall be distributed to all rangers as a training and field procedure guide.
- Use of powers must be proportionate, reasonable and necessary to enable Fish & Game rangers to carry out compliance and law enforcement functions, in particular powers of search, seizure, and of entry to property.
- The exercise of powers by Fish & Game rangers must be necessary to investigate suspected offences, apprehend offenders, and to ensure angler and hunter compliance with the Conservation Act and Wildlife Act.
- Where Fish & Game rangers exercise powers of search, seizure of property, and entry onto private property they must advise their regional compliance coordinator of the exercise of those powers as soon as possible in a report summarising their actions, the circumstances, and the necessity to exercise those powers.

4.12 Annual Reporting

In accordance with Section 261 of the Conservation Act 1987, the NZ Fish & Game council shall report annually to the Minister including:

- A summary of powers exercised during the year by Fish & Game rangers to enforce or ensure compliance with the Conservation Act or the Wildlife Act (including any regulations made under those Acts);
- Identify any complaints received in relation to exercise of those powers;
- A summary of action taken in response to any complaints; and
- Specify whether any powers were exercised in a manner inconsistent with this policy.

To enable the above Regional Fish & Game Councils will provide a summary of the information detailed above in annual reports.

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Appendix 1 - Infringement system

1 Issuing of notices

- a. I.Ns shall be issued no later than 3 months after the date of the offence. This is due to the matter that if an I.N fee is not paid a reminder notice must be filed with the court no later than 6 months after the date of the offence, as is required by the Summary Proceedings Act 1957 Section 21.
- b. I.N's shall be posted to the offenders last known postal address / place or residence or usual address. ~~In exceptional circumstances I.N's may be issued to the offender 'on the spot' when this is possible (staff member who is specifically warranted to issue a notice). Unless circumstances dictate, I.N's should not generally be issued at the time of dealing with the matter.~~
- ~~c. A circumstance where it may be warranted considering issuing an I.N to the offender 'on the spot' include:~~
- ~~• When the offender is transitory;~~
 - ~~• The offender does not have a permanent NZ address; or~~
 - ~~• There may be difficulty in serving the infringement notice at a later time, e.g. this could include international visitors found to have committed an I.N offence.~~
- d. ~~All I.N's that are issued on the field shall have the offence circumstances fully considered after issuing the notice. In the event that any deficiency is found, the I.N should be cancelled, and the offender written to advising of that decision.~~
- e.c. ~~If an honorary~~ When a Fish & Game ranger detects an infringement offence the ~~honorary~~ ranger must report the offence to the Fish & Game Compliance Co-ordinator of that Fish & Game region.
- f.d. I.N's may be issued to international visitors by posting it to their last known postal address / place of residence or usual address in their country of residence.

2 Reminder notices

If the offender has not paid the fee or requested a hearing within 28 days after service of the I.N a reminder notice shall be issued.

3 The reminder notice gives another period of 28 days for the fee to be paid or for the offender to request a court hearing.

34 Payment

Infringement fees shall be paid to a Crown Bank account (consolidated fund); the information relating to that will be on the I.N. Infringement fees cannot be paid directly to Fish & Game regions, i.e. Fish & Game regions **should not** receive any payments for I.N's from offenders. In some cases where fees are however paid by offenders to Fish & Game instead of to the Crown account the funds can be held in a Trust account and then paid by Fish & Game to the Crown Bank account.

Payment of infringement fees must be made in full; partial payment or instalment payments will not be accepted. In total offenders have 56 days to pay infringement fees (time period of the initial infringement notice, plus the reminder notice period).

When an Infringement fee is paid, offenders shall produce evidence of payment in full to the relevant Fish & Game region to seek return of any seized and impounded gear.

When the Infringement fee is paid in full the file in relation to the matter shall be finalised and closed.

If the wrong fee amount is paid (under or over payment) offenders will be notified in writing and either refunded the excess or requested to pay the outstanding amount.

Underpayments that are not corrected will be liable for reminder notices and or referral as an unpaid fee to the District Court.

45 Other options and defended hearings

Adjudication letters

- a. Offenders who receive an I.N have the right to submit to the relevant Fish & Game region an explanation in defence of the alleged offence.
- b. Offenders may send an adjudication letter to the relevant Fish & Game region, outlining why they should be excused from paying the fee.
- c. When an adjudication letter is received, it shall be considered by the relevant Regional Fish & Game Manager. Before making a decision, the Regional Fish & Game Manager may consult with the Fish & Game officer who issued the I.N and with any other relevant technical/legal experts that may be required to properly assess the offender's explanation, including the CDG to ensure consistency across regions in how adjudications are dealt with.
- d. The Regional Fish & Game Manager shall:

- Decide whether to accept the explanation and waive/withdraw the I.N or, reject the explanation and proceed with the I.N process; and
- Advise the offender in writing of his / her decision in relation to the above.
- In a case of the Regional Managers decision being challenged refer the matter to the CDG for review and a decision and then advise the offender in writing of that decision.

To avoid 'undue delay', adjudication letters should be considered and adjudicated on as soon as reasonably practical, wherever possible within a time period of 10 working days.

Defended hearing requests

- a. Offenders may dispute the I.N and request a defended hearing in Court. The offender must do this by writing to Fish & Game within 28 days of a reminder notice being served.
- b. The request is passed to the relevant Regional Fish & Game Manager, who shall review the file and decide whether to proceed with the defended hearing or withdraw the I.N. If it is decided to proceed with the hearing, the relevant forms shall be prepared and filed in Court.
- c. When it is decided to proceed with a defended hearing the file is assigned to the relevant Fish & Game region's prosecuting lawyer and/or compliance officer responsible for prosecutions, who shall prepare the case for Court.
- d. The Court will notify both the offender and the relevant Fish & Game region of the hearing date.
- e. Full disclosure under the Criminal Disclosure Act 2008 is required as soon as reasonably practicable after an offender has requested a defended hearing.

Hearing as to penalty requests

- a. Offenders may also request a hearing on penalty only. The offender may write to Fish & Game accepting liability for the offence and request a hearing as to penalty. Again, the relevant Fish & Game Regional Manager shall review the file and decide whether to proceed with the hearing or waive the I.N. If the I.N is not waived, forms for submission to Court must be prepared. Requests for hearings on penalty only in respect of an I.N are dealt with by way of written submission to the Court only.¹

¹ See *Adam v Wellington City Council* (2 April 1998) HC Wellington AP 18/98 unreported.

- b. When it is decided to proceed with a hearing as to penalty the file is assigned to the relevant Fish & Game region's prosecuting solicitor and/or compliance officer.
- c. Disclosure under the Criminal Disclosure Act, unless specifically requested, is not required for a non-defended hearing.

56 Non-payment – collection referrals

If the offender has not paid the infringement fee or submitted a hearing request within 28 days of service of the reminder notice; Fish & Game shall file a copy of the reminder notice, which may be an electronic copy, with the District Court together with proof of service details. Referral to the Court must be within 6 months of the offence being committed.

67 Withdrawal

I.N's can only be withdrawn with approval from the appropriate Regional Manager. I.N's can be withdrawn at any time, even after a notice has been referred to the Court for collections (in which case an Application to Withdraw will need to be completed and filed in Court).

It is important that any decision to withdraw an infringement notice is recorded on the file, including the reason for withdrawal, for transparency of the process and to ensure the decision was justified and nationally consistent.

78 Invalid notices

Occasionally I.N/s may be invalid. This can occur in situations where they have been issued to underage offenders, or if evidence subsequently comes to light that the I.N should not have been issued at all – for example, evidence showing the offence did not actually occur or that the I.N was issued to the wrong person. The I.N shall be invalidated on the instruction of the relevant Regional Fish & Game Manager.

In cases where there is a significant error in the I.N, but it remains appropriate to issue an I.N, the notice shall be invalidated and reissued under a different infringement number. The new I.N shall be sent to the offender with a letter explaining the previous error and supplying the new notice. Any such errors must be rectified promptly for the benefit of the offender, and in recognition of the tight timeframes for processing I.N's in the Court.

Appendix 2 - CDG Scoring

	0	1	2	3	4	5	6	7	8	9	10
Deliberate action or lack of due care		Unintentional		Lack of due care		Negligence		Deliberate			Deliberate to make \$\$\$
Failure to act on prior instruction; advice; notice	No					Verbal advice Has the person been spoken to before on the same or similar issue?		Prior Warning	Prior Warning letter	Prior - asked to desist	Prior I.N / previous prosecution
Fish or game taken/ impact or effect on resource	Nil taken	Low take				Moderate take		Moderate to high- limit or exceeds limit			Multiples of limit
Cooperation	Proactively cooperative	Fully cooperate		Somewhat cooperative		Reluctant			Non-cooperative		Aggressively Non-cooperative
Degree of deterrence needed	No deterrence required				All offences require some form of deterrence						Full deterrence required

Number Guide for assessing whether an Infringement is needed.

Fish/Game take issues

Low number = nil to low end of bag limit.

Moderate = mid bag limit

High = bag limit and above

<15 consider I.N.
15 to 20 Consider I.N possible prosecution
>20 Consider prosecution

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Appendix 3 - Compliance Decision Group

Compliance Decision Group Meetings

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1 Role of the CDG

- a. The purpose of the CDG is to decide, in an objective and consistent manner, what action should be taken regarding non-compliance with legislation, regulations, and notices that a Fish and Game Council operates under. Most decisions in relation to straight forward matters will be made by the relevant Regional Fish & Game Manager, e.g. simple fish without licence, or hunt without licence matters. However, more complex matters involving multiple offences, and recidivist offenders will be decided by CDG process, which shall peer review the decision and process, and ensure as far as is possible consistency between regions in outcomes.
- b. At the meeting, the non-compliance shall be discussed in terms of the various factors set out in more detail below. The action to be taken is then agreed upon.

2 When to have a CDG meeting?

A CDG meeting could be held when there is a reliable and admissible evidence of a breach of the Conservation Act 1987 and / or Wildlife Act 1953, including any regulations made under those Acts, by an identifiable offender **and** there is any of the following:

- a. Previous offending, incidents or non-compliance;
- b. A potential and /or significant effect on the fish or game resource;
- c. Multiple offences; or
- d. Offences of technical or serious nature.

Also consider the degree of cooperation of offender, remorsefulness, and if forfeiture of gear is desired.

3 Pre-CDG checklist

- a. To assist in ascertaining whether a CDG process is needed, complete the Pre - CDG checklist (attachment 1).
- b. Before organising a CDG, check whether any Fish & Game Region is currently taking enforcement action against the offender, or has previously been dealt the offender with for an offence. To do this check the National Compliance Database.

If the offending does not meet the criteria for a CDG decision, the Regional Fish & Game Manager may authorise proceeding with issue of an I.N.

If the offending meets the criteria for a CDG, that course of action shall be proceeded with.

4 Preparation - What to do?

- a. Complete the CDG form (attachment 2), which includes:
 - Offenders details;
 - A brief outlined summary of the offence(s);
 - Previous enforcement action - check national data base);

- The relevant Act and section/s breached;
 - Previous non-compliance by the offender and any enforcement action taken;
 - The outcome desired; and
 - The recommended action to reach that outcome.
- b. Provide the CDG form to the group with sufficient time for the matter to be considered prior to discussion.

5 The meeting

Using the CDG checklist, the CDG form, and the file, the group works through the sections of the CDG form (attachment 2) and makes a decision on the action to be taken. This may be one or more of the following:

- a. Formal written warning;
- b. Infringement notice (I.N); and / or
- c. Prosecution.

6 What is considered during the meeting?

Factors taken into account will include:

- a. What is the desired outcome?
- b. Whether Fish & Game or any other agency has previously dealt with the offender for offending against the Conservation Act 1987 and / or Wildlife Act 1953, including any regulations made under those Act;
- c. The seriousness of the offending and actual / potential effect on sports fisheries / game bird resources / habitat;
- d. The attitude of the offender; and
- e. The degree of deterrence required.

The offending can be scored using the CDG scoring system to ensure consistency between decisions.

7 The outcome

- a. All warning letters and I. N's should be issued within 14 days of the CDG decision.
- b. I.Ns shall be sent by domestic post to the offenders last known postal address / place or residence or usual address, and relevant copies shall be placed on the file, and for processing as an I.N.

8 Records

Ensure all records are kept on file,, and details entered into the National Compliance Database.

Attachment 1 - CDG Checklist

Offence(s):**Subject Name:****Is there:**

1. Clear and sufficient evidence of an offence?
Y/N

and

2. any of the following:

- Previous incidents/offending/non-compliance by the person Y/N
- A potential and/or significant effect on the fish or game resource Y/N
- Multiple offences Y/N
- Offences of technical or serious nature Y/N

If yes to 1 only, no CDG is needed and Regional Manager can authorise I.N.

If yes to 1, & 2, CDG consultation is implemented.

Also consider the degree of cooperation of offender, remorsefulness, and if forfeiture of gear is desired.

Before completing CDG form:

- Check all previous enforcement action,
- Peruse the file,
- If offender is a company (rare for Fish & Game matters), check details on www.companies.govt.nz
- Google the person or business to see what is found,
- If there is any current enforcement action against the person? Check National database.

Complete the CDG form including:

- Responsible party/parties identified and verified, addresses and contact persons,
- Summary of offence,
- Previous enforcement action,
- Act/Sections breached,
- The outcome you want,
- Recommended action to reach the desired outcome,

Email all people involved in the CDG a copy of the CDG form, preferably at least one day before CDG.

Notes:

DRAFT

Attachment 2 - CDG Form

CDG meeting/consultation

Location of incident/offence(s).

Subject name:

Date of birth:

Address:

Offence(s).

Summary of incident.

Act and section(s) breached.

Previous enforcement history.

Outcome desired.

Evidential test is met.

Prosecution or issue of I.N is in the public interest.

Result of CDG consultation/meeting.

Recommended action.

Outcome.

CROWN LAW

SOLICITOR-GENERAL'S GUIDELINES
FOR DIVERSION SCHEMES

As at 6 August 2021



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GUIDELINES FOR DIVERSION SCHEMES

1. APPLICATION

- 1.1 These Guidelines have been written for prosecutors, but other participants in the justice system may find them useful.
- 1.2 The purpose of these Guidelines is to identify the considerations for an enforcement agency in choosing to develop a diversion scheme and the key features required to reduce the risk of improper use of prosecution processes, criticism, and litigation in circumstances where diversion is an available option and may be proposed, following a decision to prosecute.¹
- 1.3 These Guidelines should be read together with the *Solicitor-General's Prosecution Guidelines* 2013 (*Prosecution Guidelines*), along with any other guidelines issued by the Solicitor-General specific to prosecutions. If there is any inconsistency between these Guidelines and the *Prosecution Guidelines*, these Guidelines should be preferred.

2. COMPLIANCE

- 2.1 It is expected all public prosecutions, whether conducted by Crown prosecutors, government agencies or (instructed) counsel, should take these Guidelines into due consideration in circumstances where a diversion scheme is being proposed and/or diversion is proposed, following a decision to prosecute.

3. DIVERSION SCHEMES (NON-STATUTORY)

Introduction

- 3.1 Diversion, as used in these Guidelines, means a non-statutory scheme operated by an enforcement agency. Diversion provides an alternative means of resolving some offences without going through a formal trial process, while still addressing the key public interest factors leading to the decision to prosecute. This type of diversion scheme differs from other options that may be available to some government agencies through statutory-based enforcement frameworks, such as can be found in the Health and Safety in Employment legislation.
- 3.2 A criticism of diversion schemes is "prosecution creep". There is concern that such schemes are used in cases where a proper analysis under the test for prosecution would not have favoured prosecution at all; leading some innocent defendants to choose to not defend a charge that should never have been brought in the first place. Such circumstances create a situation where a prosecutor may improperly assume the role that the Court is meant to play in the prosecution process.
- 3.3 Any diversion scheme operated by an enforcement agency should be cognisant of these potential concerns and ensure that robust procedures are put in place to manage them.
- 3.4 Diversion must only to be offered to a defendant, after the prosecution decision has been made and once a charge is filed.

¹ Pre-charge schemes for disposing of criminal matters are not dealt with in these Guidelines and should instead be considered under the *Solicitor-General's Prosecution Guidelines* 2013.

GUIDELINES FOR DIVERSION SCHEMES

- 3.5 The purposes of diversion are typically to:
- 3.5.1 address offending behaviour that has resulted in charges;
 - 3.5.2 balance the needs of victims, the offender and their communities;
 - 3.5.3 give offenders an opportunity to avoid conviction; and
 - 3.5.4 reduce re-offending.²

Approach

- 3.6 If an enforcement agency chooses to develop a diversion scheme, it has to bear in mind the following principles:
- 3.6.1 Ensure there are clear and documented guidelines on when the scheme is to be used and the criteria for making any decisions as to whether to offer diversion.
 - 3.6.2 Make information about the scheme publicly available, ideally on a website.
 - 3.6.3 Not mention the scheme to potential defendants during the course of an ongoing investigation to avoid it becoming a factor in the decision to prosecute.
 - 3.6.4 Not take the existence of the scheme (or any other resolution options) into consideration until a decision to prosecute has been made.
 - 3.6.5 Have a decision maker who is distinct from the investigator and the person who recommended the prosecution.
 - 3.6.6 Briefly record the reasons for making an offer of diversion.
 - 3.6.7 Adhere to the enforcement agency's guidelines and these Guidelines.
 - 3.6.8 Create victim engagement and consultation procedures in respect of offers of diversion and ensure they are followed.
 - 3.6.9 Incorporate a regular oversight and an internal review mechanism to ensure consistency of approach concerning the use of diversion by the enforcement agency.

Clear guidelines on when the scheme should be used

- 3.7 A robust and transparent process will be necessary if an enforcement agency wishes to implement a diversion scheme. It must operate on the basis that, while the prosecution was correctly commenced, in certain circumstances and for clear reasons it would no longer be in the public interest to continue the prosecution. If appropriate, diversion is an opportunity for the public interest factors to be satisfied through a formal arrangement, without subjecting the parties to a trial process.
- 3.8 A formal arrangement should be in writing and will invariably set out conditions to be met (typically by the defendant) within a reasonable period or on an ongoing basis. Following consultation with any victim(s), the arrangement will need to be agreed to by

² This list reflects the purposes outlined in the Police Adult Diversion Scheme material (as at 30 June 2021). See <https://www.police.govt.nz/about-us/publication/adult-diversion-scheme>

GUIDELINES FOR DIVERSION SCHEMES

- the defendant. Any consequences for failing to meet the conditions must be clearly stipulated (including the possibility of proceeding with the prosecution).
- 3.9 The types of conditions which ought to be considered include: the offender taking educational courses; making a reparation payment to the victim(s); completing community service hours; limiting contact with certain people and places; and undertaking rehabilitative programmes (where, for instance, alcohol, drugs, addiction or violence have been contributing factors).
- 3.10 The starting point for enforcement agencies developing a diversion scheme will be to clearly understand the purpose of the scheme and why it is being used. What offences or offenders are being targeted? Given the discretion to prosecute in the first place, why (and in what circumstances) would a prosecution be commenced and then later discontinued?
- 3.11 It will also be important to ensure that the decision to offer diversion is aligned with the statutory purposes of the legislation containing the offences being prosecuted and governing the enforcement agency.
- 3.12 Ordinarily diversion is only offered to first-time offenders who have committed offences of low to moderate seriousness. The rationale for offering diversion will usually include a mix of “offender-based” criteria and “offence-based” criteria. A discretion may be reserved to apply it to other types of defendants in deserving cases, particularly where the consequences of a conviction would be out of proportion to the seriousness of the offending.³
- 3.13 Once commenced, a prosecution can be discontinued in the light of changed circumstances and for clear reasons. There is no default position that prosecutions properly commenced should proceed. If the conditions proposed address the key public interest factors (related to the offending and underlying the decision to prosecute) to such a degree that it is no longer in the public interest for the prosecution to continue, then diversion may be offered. An important rehabilitative element in diversion arrangements is that the defendant accepts responsibility for the offending and agrees with the summary of facts.

Information on the scheme should be publicly available, but must only be mentioned or considered after a prosecution decision is made

- 3.14 At a minimum, the existence of the scheme and the guidelines for its operation must be publicly available on an enforcement agency’s website.
- 3.15 It is essential that the possibility of diversion plays no part in the decision to prosecute. It is an irrelevant consideration at that stage, given the risk of prosecution creep. An enforcement agency’s prosecution policy documents must recognise that fact.
- 3.16 There also should be no mention of the existence of the scheme to potential defendants during an active investigation, up until the point the decision to prosecute is made. If a defendant, aware of the existence of the scheme, raises it then the

³ In developing a diversion scheme, an enforcement agency may find reviewing the way other existing diversion schemes operate, and the manner in which they are documented, useful. One such existing scheme is the Police Adult Diversion Scheme.

GUIDELINES FOR DIVERSION SCHEMES

investigator should advise that it is not part of the consideration at that stage of the case.

- 3.17 This approach will satisfy the need for public notification of the scheme but minimise the danger of defendants being induced to acknowledge guilt on the expectation they will be offered diversion as an easy resolution.

A diversion decision maker distinct from the original decisions maker(s)

- 3.18 A key feature in operating a transparent and effective diversion scheme is that the person who investigated the offence and who recommended a prosecution is not the person who makes the diversion decision. This provides the necessary independence and detachment for the decision.

Adhere to guidelines and anchor decisions to the Prosecution Guidelines

- 3.19 Ensuring the enforcement agency's prosecution policy, prosecution procedures and guidelines, as well as its diversion policy, and the *Prosecution Guidelines* are properly adhered to will significantly reduce (if not eliminate) the risk that the decision can be successfully reviewed.
- 3.20 The decision must justify why the original decision to prosecute should be replaced by the offer of diversion. That will likely be because if certain conditions are met satisfactorily then it is no longer in the public interest for the prosecution to continue. This decision should be recorded.

Victim engagement and consultation procedures

- 3.21 Depending on the nature of the charge and if there are victims of the offending, engagement with the victims ought to occur early in the process and continue right through to the time that diversion is offered. Victims must be consulted on both whether diversion should be offered and what conditions might apply. Meaningful consultation with, and consideration of the views of, the victims are part of the process. The victims ought to also be forewarned the diversion decision is being made; advised immediately when the diversion decision has been made; and kept updated regarding the outcome of diversion.
- 3.22 Where possible and if applicable, prosecutors should ascertain if the victims have Victim Advisers and ensure consultation concerning the victims is undertaken in the manner agreed with victims. This may mean meeting directly with the victims or the Victim Advisers, or include attendance (and input) at meetings by support people and/or Victim Advisers.
- 3.23 Victim opposition will not prohibit diversion being offered, but appropriate weight should be given to an expression of opposition to the outcome, as a factor in reaching a decision on whether or not to offer diversion. This recognises that, other than the defendant, victims are most directly affected.

CROWN LAW

SOLICITOR-GENERAL'S GUIDELINES
FOR PAYMENTS CONNECTED TO
PLEA ARRANGEMENTS OR DIVERSION

As at 6 August 2021



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GUIDELINES FOR PAYMENTS CONNECTED TO PLEA ARRANGEMENTS OR DIVERSION

1. APPLICATION

- 1.1 These Guidelines have been written for prosecutors, but other participants in the justice system may find them useful.
- 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.
- 1.3 These Guidelines should be read together with the *Solicitor-General's Prosecution Guidelines* 2013 (*Prosecution Guidelines*), along with any other guidelines issued by the Solicitor-General specific to prosecutions. If there is any inconsistency between these Guidelines and the *Prosecution Guidelines*, these Guidelines should be preferred.

2. COMPLIANCE

- 2.1 It is expected all public prosecutions, whether conducted by Crown prosecutors, government agencies or (instructed) counsel, should take these Guidelines into due consideration in circumstances where a plea arrangement or diversion is proposed, following a decision to prosecute.

3. PAYMENTS CONNECTED TO PLEA ARRANGEMENTS OR DIVERSION

Introduction

- 3.1 An enforcement agency may enter into a plea arrangement or operate a diversion scheme that includes the payment of reparation. However, where an offer of payment is the primary reason for the discontinuance of a prosecution the principles developed by the Supreme Court in *Osborne & Rockhouse*¹ strongly suggest the arrangement will be unlawful – such circumstances may be said to create “a matter of private bargain”.

Payment of reparation

- 3.2 An offer of payment that is conditional on a prosecution not being brought, or continued, is unlawful.
- 3.3 Properly applying the public interest test and ensuring that reparation is not a pivotal aspect of the decision-making process are essential to deciding whether it is appropriate to enter plea arrangements or offer diversion (usually in circumstances where the alleged offending is of a low to moderate seriousness).

¹ *Osborne & Rockhouse v WorkSafe New Zealand* [2017] NZSC 175 at [75] citing *Jones v Merionethshire Permanent Benefit Building Society* [1892] 1 Ch 173.

GUIDELINES FOR PAYMENTS CONNECTED TO PLEA ARRANGEMENTS OR DIVERSION

- 3.4 An enforcement agency's policies should include clear directions concerning reparation. These policies should incorporate the method for receiving and administering payment of reparation; a mechanism to enable advice to be sought from a Crown prosecutor before agreeing such payments; and the nature of the consequences for the defendant in the event they fail to make the payment of reparation (in the manner agreed) once proceedings are discontinued.
- 3.5 A willingness to make amends can only be one of the relevant factors considered. For a prosecutor to agree to a plea arrangement or diversion, they must be satisfied the conditions proposed address the key public interest factors (related to the offending and underlying the decision to prosecute) to such a degree that it is no longer in the public interest for the prosecution to continue.
- 3.6 Where possible and if applicable, prosecutors should ascertain if the victims have Victim Advisers and ensure consultation concerning the victims is undertaken in the manner agreed with victims. This will ensure the effects experienced by the victims (such as loss, damage or expense) can be ascertained; whilst managing expectations regarding what can be reasonably sought in the circumstances (bearing in mind the means and capacity of the defendant).
- 3.7 Typical payments that can form conditions include the payment of reasonable expenses incurred by the victim as a result of the offending, and payments to charity.
- 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.



National Policy on Prosecutions ~~January 2022~~ Amended May 2024

Purpose

1. The purpose of this Policy is to set out principles and guidelines that Fish and Game Councils will follow in making the decision to initiate criminal proceedings, including infringement notice processes, and when considering appeals against Court decisions arising from prosecutions. This policy should be read together with:
 - a. The *Solicitor-General's Prosecution Guidelines 2013*;
 - b. The *Solicitor-General's Guidelines for Diversion Schemes 2021*; ~~and~~
 - c. [The Solicitor-Generals Guidelines for the Use of Warnings 2021](#); and
 - e.d. [The Solicitor-General's Guidelines for Payments connected to Plea Arrangements or Diversion 2021](#).

Accountability

2. This Policy must be adhered to by all Fish & Game New Zealand staff involved in the preparation and conduct of all prosecutions, including infringement notice processes. It applies in conjunction with the Fish & Game New Zealand Infringement Notice Compliance and Enforcement Policy.

Commented [JS1]: Assuming the IN system comes to fruition, I think this point needs to be strongly stressed to the regions - particularly around evidential sufficiency and the public interest test.

Scope

3. This Policy applies to all prosecutions and potential prosecutions arising from enforcement action and investigations by Fish and Game Councils under legislation, including regulations, anglers' notices and game bird season notices applicable to Fish & Game New Zealand, and / or that Fish and Game Councils may deal with breaches of, or consider acting in relation to.

Conflicts of Interest

4. Fish and Game Councils and staff with duties or accountability under this Policy must act fairly, promptly, without any actual or potential conflict of interest and in accordance with the law.
5. Any person involved in the investigation, preparation or conduct of a prosecution who may have any actual or potential conflict of interest whatsoever must disclose the matter of concern immediately to their Regional Manager or Chief Executive.

Prosecution Decisions

6. The decision to prosecute – or not to prosecute- will be based on the following factors:
 - a. The Solicitor - General’s Prosecution Guidelines. This Policy adopts the Solicitor – General’s Guidelines and it must be read in conjunction with those guidelines;¹
 - b. The purpose of the legislation which Fish and Game Councils are seeking to enforce by a proposed prosecution;
 - c. The resources available to Fish and Game Councils relative to the public interest in a prosecution proceeding; and
 - d. Whether another prosecuting agency has or will bring criminal proceedings in relation to the same subject matter and the potential Fish & Game New Zealand prosecution.

Test for Prosecution

7. Prosecutions, including infringement notice processes, will be initiated only if both requirements set out in the Solicitor - General’s Prosecution Guidelines can be met, these are:
 - a. The evidence that can be adduced in court is sufficient to provide a reasonable prospect of conviction – the Evidential Test; **and**
 - b. Prosecution is required in the public interest - the Public Interest Test.¹

¹ See Appendix 1 – The ‘Public Interest’ test

8. Staff with accountabilities under this Policy must separately consider and be satisfied that each aspect of the above test is met before a decision to prosecute or if applicable, to issue an infringement notice, is made. The evidential sufficiency of a proposed prosecution must first be satisfied before the public interest is considered. All the evidence and information available must be analysed and evaluated in a thorough and critical manner. The evidence available must be capable of reaching the standard of proof required, i.e., beyond reasonable doubt.
9. If the conclusion is reached that there is insufficient evidence or that it is not in the public interest to prosecute (which includes issue of an infringement notice), a decision of “no prosecution” will be taken. A decision of “no prosecution” does not preclude any further consideration of a case, if new and additional evidence becomes available, or a review of the original decision is required.

Decision Making Procedures

10. Decisions to prosecute must be made in accordance with the Solicitor - General’s Prosecution Guidelines. The ability to commence prosecutions comes from the Criminal Procedure Act 2011, which applies to all charges and provides that:
 - a. “Any person may commence a proceeding”;² and
 - b. A criminal proceeding in respect of an offence is commenced by filing a charging document in the District Court.³

Section 26S(7) of the Conservation Act 1987 provides an authority for Fish & Game Councils to appear before courts in relation to matters affecting the Councils functions.

11. A recommendation by a region’s Compliance Coordinator or other person dealing with a matter, to commence a prosecution, or take an alternative course of action, must be approved by the Regional Manager or Chief Executive. To achieve this, the following procedures must be followed:

² Section 15 of the Criminal Procedure Act 2011.

³ Section 14(1) of the Criminal Procedure Act 2011.

Recommendation to prosecute/not prosecute

12. When rangers / Fish and Game Officers investigate a suspected breach of any Act, including the Conservation and Wildlife Acts, Regulation, Angler Notice, or Game Bird hunting Notice, a file must be produced containing:
 - a. All relevant evidence; and
 - b. A covering report, including a recommendation as to what action, if any, maybe appropriate.
13. The person within each region responsible for prosecutions must forward the file to the Regional Manager or Chief Executive for review and for consideration as to how the matter is progressed and / or resolved.
14. Resolution for any alleged offences may include the following:
 - a. No action;
 - b. Warning letter;
 - c. Youth warning with parental follow up;
 - d. Issuing an Infringement Notice; or
 - e. Prosecution (with or without diversion as appropriate).
15. The Regional Manager or Chief Executive receiving the file, report, and accompanying recommendation must promptly assess and consider the matter in accordance with this policy **and** in accordance with the processes outlined within the Fish & Game New Zealand Infringement Notice Compliance and Enforcement Policy.
16. The decision as to how to proceed; whether to take no action, issue a written warning, issue an infringement notice, or commence a prosecution, will be made by the Regional Manager in consultation with the Region Compliance Coordinator, with input from the Compliance Decision Group ([CDG](#)), as appropriate, particularly in

more complex or technical matters. The processes involved are outlined in the Infringement Notice Compliance and Enforcement Policy [as is the make-up of the CDG](#).

17. The Regional Manager or Chief Executive may consider seeking legal advice and/ or refer the matter back to the Compliance Coordinator and / or investigating officer for further enquiries or to ensure the file is to a satisfactory standard.
18. The Regional Manager or Chief Executive reviewing the file must in accordance with this policy assess the appropriate level of action to be taken in relation to the file.
19. The following must be reviewed in relation to each file:
 - a. Thoroughly assess any proposed prosecution or infringement notice action in accordance with this policy, the Infringement Notice Compliance and Enforcement Policy, and the Solicitor - General's [Prosecution guidelines on prosecutions, diversion, and warnings](#).
 - b. Request any necessary further enquires or investigations, if further information is required, or the file is not to a satisfactory standard.
 - c. Check the offenders previous conviction history and any previous history of Fish & Game offending.
 - d. Authorise if prosecution is to proceed and note the file with reasons for this.
 - e. If authorising prosecution determine the number and nature of charges to be filed in Court.
 - f. In complex or technical matters refer the file to the Compliance Decision Group for assessment and decision.
 - ~~g.~~ If prosecution is authorised assess if diversion of charge(s) is appropriate as a resolution option. In making this assessment the factors outlined in the section titled 'Diversion' must be considered.

~~20.~~ [Proceedings begin by notifying the defendant of the prosecution, the charges, and details of the prosecuting agency. A defendant is usually notified of a prosecution by the prosecuting agency serving him / her with a summons to appear.](#)

21. A summons may be issued before or after a charging document is filed and no more than 2 months before the required court appearance. ~~Where a summons has already been served to an offender in the field, the matter must be reviewed in accordance with this policy regardless, and if there are any deficiencies identified the summons is to be cancelled and the offender notified accordingly.~~ The summons must include:

- a. the particulars of the defendant; and
- b. the particulars of the charge; and
- c. the court and date and time at which the defendant is required to appear; and
- d. any other information required by rules of court.

22. If a summons is served before filing a charge, the case must be reviewed as soon as practicable under this policy. If any deficiencies are found, the summons must be cancelled and the offender notified.⁴

23. If a charging document is not filed before serving a summons, it must be filed as soon as reasonably possible afterward. The above case review will inform whether it is appropriate to file a charge.

24. If a summons is issued before filing a charging document, and the issuer decides that:

- a. No charge will be filed, or
- b. A different charge will be filed than the one for which the summons was issued,

the issuer must promptly notify the defendant of this decision before the required court date.

~~g.~~

25. Summonses should not be served in the field at the time of the offence unless there are exceptional circumstances. This may be necessary if the offender is transient, hard to locate later, and the offence is serious.

⁴ The Criminal Procedure Act 2011 and the Criminal Procedure Rules 2012 set out the administrative requirements for prosecutions. Non-compliance may lead to costs being ordered against either the prosecution or defence.

When Prosecution is authorised

[20-26.](#) When prosecution is authorised:

- a. Refer the file to a prosecuting staff member of Fish and Game; or
- b. If an external solicitor is to be engaged with conducting the prosecution, forward the file to that solicitor with a request to conduct prosecution, and reasons for this.

When Prosecution with diversion is authorised

[21-27.](#) Ensure that the processes set out in the section titled 'Diversion' are followed.

[22-28.](#) If the Regional Manager or Chief Executive or Fish and Game prosecutor or solicitor engaged to conduct a prosecution does not endorse the proposed prosecution, the following procedure is to apply:

- a. The matter shall be referred to the Compliance Decision Group (CDG) for further consideration.
- b. The Compliance Decision Group shall take all steps to resolve the matter, which may include seeking legal and / or other expert advice.
- c. A decision must be in accordance with the Solicitor - General's Prosecution Guidelines [for prosecutions and for diversion schemes, or use of warnings.](#)

Responsibility of Prosecutors

[23-29.](#) Once a decision to prosecute is made, accountability for the legal issues in connection with the prosecution passes to the Fish and Game staff member responsible to act as prosecutor, or to the external solicitor engaged to conduct the prosecution for Fish and Game. This includes:

- a. Determining correct charges and wordings;
- b. Ensuring the prosecution file is prepared to an appropriate standard;
- c. Preparing a summary of facts;
- d. Compliance with the Criminal Procedure Act 2011 and the Criminal Disclosure Act 2008;

- e. The Prosecutor representing Fish & Game New Zealand with competency and to the ethical standards expected of prosecutors and by the Solicitor – General;
- f. Consulting with the regional manager or chief executive and staff about any developments that may affect the conduct of the prosecution; and
- g. Advising the Regional Manager or Chief Executive about any media interest in a prosecution.

Use of d) Diversion

24.30. Diversion is a prosecution process where an offender charged with offence(s), is summonsed, and appears in Court, but the prosecution makes available to the defendant a means to remedy the wrong by an alternative resolution, and when that is completed the charge(s) are dismissed by the Court. Therefore, the defendant does not receive a conviction and is not subject to a Court imposed penalty. The intent is, however, to still address the public interest factors leading to the decision to prosecute.

25.31. Diversion can involve the offender paying a donation to Fish & Game along with a contribution to the prosecutions costs or could be another outcome, such as volunteer work.

26.32. If the defendant does not complete – or rejects- the diversion offer or conditions, the Court process continues, and the Court will deal with the matter as any other Court prosecution.

27.33. Diversion is a process recognised by the Criminal Procedure Act 2011⁵ and is used routinely by most prosecuting agencies. The purposes of diversion are typically to:

- a. Address offending behaviour that has resulted in charge(s);
- b. Balance the needs of victims, the offender and their communities;
- c. Give an offender an opportunity to avoid conviction; and

⁵ See sections 147 and 148 of the Criminal Procedure Act 2011.

- d. Reduce re-offending.

28:34. If a decision is made to prosecute an offender rather than issue an infringement notice, that does not mean that the offender cannot be considered for diversion.

29:35. Diversion must only be offered to a defendant, after the prosecution decision has been made and once a charge is filed. The reason for this is that prosecution instead of issuing an infringement notice must be for reasons around the seriousness and circumstances of the offence, **and** the need for judicial intervention. Having an offender summonsed to appear in Court reinforces the seriousness of the offending and the unsuitability of resolving it by an out of Court action by way of infringement notice.

Diversion eligibility

30:36. To be eligible for consideration to be offered diversion an offender:

- a. Should have no previous convictions or history of Fish & Game offences, including written warnings for offences against the Conservation and Wildlife Acts and / or any notices / regulations made under those Acts; and
- b.** If the offender has previous convictions or history of Fish & Game offences that those matters are either not recent, or the convictions or previous offence history is not relevant to the current offending and charge(s).
- c.** Has committed an offence that is- of low to moderate seriousness. Generally, this will include Fishing or Hunting without a licence, Anglers Notice breaches, and Game Notice breaches.
- d.**
 - b.** More serious offences, like obstruction or providing false details / information, may be eligible for diversion if the overall level of wrongdoing is relatively minor and other factors apply. This includes factors such as the absence of prior or relevant prior convictions, the offenders' remorse and acceptance of responsibility, efforts to correct any harm caused, and the belief that the consequences of a conviction would outweigh the seriousness of the

offence. In such cases, diversion will be seen as a suitable alternative to pursuing court prosecution.

e.g. All offences must be *considered* for eligibility for resolution by diversion, with regard given to the circumstances of the offence/offending. Note the file if diversion is not appropriate and the reason(s) why this is the case.

Approach to diversion

29. The following principles apply to operation of the diversion scheme:
- a. The existence of the diversion scheme must not be mentioned to potential defendants during an active investigation to avoid it becoming a factor in the decision to prosecute;
 - b. The existence of the diversion scheme (or any other resolution options) must not be taken into consideration until a decision to prosecute has been made;
 - c. The diversion decision maker must be distinct from the person who investigated the offence and who recommended a prosecution – this provides the necessary independence and detachment for the decision; and
 - d. Reasons for making an offer of diversion must be recorded in writing by the diversion decision maker.

Diversion processes

30. The processes involved in operating diversion are set out in the attached appendix 2 titled 'Diversion Guidelines'. This sets out the processes to follow in running a diversion process and in then notifying the court when diversion is complete and having the charge(s) dismissed.

Diversion conditions: donations

31. When a condition of diversion is a donation to Fish & Game within a reasonable time period, the level of donation should be set at a level consistent with an infringement fee for the same or similar offence (Infringement fees are set by Regulation, see table attached). If the offence being diverted is not an infringement offence, a

decision as to fee level should be made considering infringement offences fee levels, and the overall circumstances of the offending.

32. In some circumstances Fish & Game regions may set the diversion donation fee at levels relevant to court-imposed penalties for similar offending.

31. —

Diversion conditions: contribution to costs of prosecutions

32-33. When a condition of diversion is a contribution to the prosecutions costs, this should be set at a level which is fair, reasonable, transparent, and consistent with other similar matters and in consideration of the circumstances of the matter and the actual costs incurred by Fish & Game.

Use of warnings

33-34. The public interest test of the test for prosecution recognises that not all behaviour that may amount to criminal conduct requires a prosecution response. Whether a warning is appropriate depends on the circumstances of the case, including the behaviour, the intended purpose of the warning and the evidence available to support the warning.

34-35. The warning decision maker must be distinct from the person who investigated the offence and who recommended a warning – this provides the necessary independence and detachment for the decision.

36. Reasons for issuing a warning must be recorded in writing by the warning decision maker.

35-37. Use of warnings must recognise and comply with the Solicitor-Generals Guidelines for the use of warnings.

Sufficiency of evidence when issuing warnings

36-38. Warnings should only be issued where the alternative is to prosecute and there is credible evidence that meets the evidential test of the test for prosecution.

Range of behaviour for warning

37-39. A warning may be issued for a range of behaviour where it is supported by the evidence. Whether a warning is appropriate depends on the circumstances of the case, including an assessment of the public interest considerations against prosecution – see paragraph 4 of Appendix 1. It is intended that warnings will be issued as a one-off response rather than repeatedly.

Content of warning

38-40. A warning should be issued in writing and include the following matters:

- a. The context for issuing the warning, including:
 - i. Accurately setting out the key facts leading to the issuing of the warning, including any explanation, response or admission provided by the person; and
 - ii. The reasons for issuing the warning.
- b. The consequences related to the warning, including:
 - i. Where the warning will be held and for how long;
 - ii. How the warning will be used; and
 - iii. Any consequences if, in the future, the person engages in similar behaviour.
- c. The person's rights in relation to the warning, e.g., the right to have the warning reviewed within a certain period.
- d. Any response of the person to the proposed warning.

Appeals

39-41. Any Fish and Game prosecution, which results in consideration for an appeal will be:

- a. Discussed by the Regional Manager or Chief Executive with the prosecutor involved, and any other relevant staff; and
- b. Discussed with the NZ Fish and Game Council CEO.

Any appeal to be lodged will require:

- a. A legal opinion assessing the matter and suitability for appeal; and
- b. The Solicitor - General's approval obtained in accordance with the Criminal Procedure Act 2011.

Appendix 1 - The 'Public interest' test⁶

1. Once a prosecutor is satisfied that there is sufficient evidence to provide a reasonable prospect of conviction, the next consideration is whether the public interest requires a prosecution. The Solicitor - General's Guidelines in relation to the public interest test should be referred to in conjunction with this appendix.
2. The following section lists some public interest considerations for prosecution which may be relevant and require consideration by staff when determining where the public interest lies in any case. The following list is illustrative only.

Public interest considerations for prosecution:

- a. The predominant consideration is the seriousness of the offence. The gravity of the maximum sentence and the anticipated penalty is likely to be a strong factor in determining the seriousness of the offence;
- b. Whether the offence involved violence;
- c. Where there are grounds for believing that the offence is likely to be continues or repeated, for example, where there is a history of recurring conduct;
- d. Whether the defendant has relevant previous offending . Check for previous convictions, diversions and / or cautions / warnings;
- e. Where the offence is prevalent;
- f. Where the offender was a ringleader or an organiser of the offence;
- g. Where the offence was premeditated;
- h. Where the offence was carried out by a group;
- i. Where the offender has created a serious risk of harm;
- j. Where the offence has resulted in financial loss to Fish and Game;
- k. Where the offence was committed against a person carrying out a statutory function, for example a Fish and Game ranger;
- l. Where there is an element of false or misleading behaviour / conduct.

⁶ Solicitor – General's Prosecution Guidelines – As at 1 July 2013:
http://www.crownlaw.govt.nz/uploads/prosecution_guidelines_2013.pdf

- 3 For example, regional Fish and Game Councils decided to initiate prosecutions in the following cases:
- a. An honorary Fish and Game ranger approached and spoke to two lake shore anglers, who were both found to be spin fishing without current fishing licences. As the ranger spoke to the two unlicensed anglers a licenced companion of theirs approached the ranger and acted in an obstructive manner, threatened to physically injure the ranger, refused to provide the ranger with his name and details, displayed his bare buttocks at the ranger and threw stones at the ranger's boat as he retreated following the exchange. In response to the principal offender's behaviour, one of the unlicensed anglers refused to provide the ranger with his name and address or surrender his fishing equipment for seizure and displayed his bare buttocks at the ranger as he retreated. As a result of the incident the ranger seriously considered surrendering his warrant as an honorary Fish and Game ranger; and
 - b. An angler was found by a Fish and Game ranger fishing on a lake trolling for trout without a current fishing licence. The angler had been convicted in the District Court approximately 3 months earlier for fishing without a licence during the same season.
4. The following section lists some public interest considerations against prosecution which may be relevant and require consideration when determining where the public interest lies in any case. The following list is illustrative only. Again, the Solicitor - General's Guidelines should be referred to.

Public interest considerations against prosecution:

- a. Where the Court is likely to impose a very small or nominal penalty;
- b. Where the loss or harm can be described as minor and was the result of a single incident, particularly if it was caused by an error of judgement or genuine mistake;

- c. Where the offence is not of any test of a serious nature, and is unlikely to be repeated;
 - d. Where there has been a long passage of time between an offence taking place and the likely date of hearing such as to give rise to undue delay or an abuse of process unless:
 - i. the offence is serious; or
 - ii. delay has been caused in part by the offender; or
 - iii. the offence has only recently become known; or
 - iv. the complexity of the offence has resulted in a lengthy investigation.
 - e. Where a prosecution is likely to have a detrimental effect on the physical or mental health of a victim or witness;
 - f. Where the offender is elderly;
 - g. Where the offender is a youth;
 - h. Where the offender has no previous convictions;
 - i. Where the offender was at the time of the offence or hearing suffering from significant mental or physical ill-health;
 - j. Where the offender has rectified the loss or harm that was caused (although defendants should not be allowed to avoid prosecution simply because they pay reparation / compensation);
 - k. Where any proper alternatives to prosecution are available
5. For example, regional Fish and Game Councils decided to not initiate a prosecution in the following cases:
- a. An honorary Fish and Game ranger found a middle-aged male spin fishing for trout on a local river. The angler claimed to be employed and have recently brought a fishing licence from a local licence agent, which he could not find in his fishing bag. The ranger issued the angler with a failure to produce notification requiring him to produce his fishing licence, none was forthcoming. Initial enquiries by Fish and Game revealed that the angler did not have a current fishing licence as claimed. Prima facie evidence was available of the offender fishing without a licence (a strict liability offence, which meant that there was no need to prove the offender intended to

commit the offence) and providing the ranger with false / misleading information.

Subsequent enquiries by Fish and Game revealed that:

- i. The offender had a diagnosed intellectual disability, which meant that he could not read or write, had limited insight into his actions and was inclined to make things up; and
- ii. The offender received on-going assistance from community support services and worked in a local workshop for people with intellectual disabilities. Evidence was provided to Fish and Game by the offenders' support worker with respect to the nature and severity of the offender's intellectual disability.

In addition, after speaking with the ranger the offender's support worker assisted the offender with purchasing a fishing licence for the remainder of the season. Accordingly, a decision was made to explain to the offender the relevant rules and regulations and need for a fishing licence rather than prosecute.

- b. In another case a regional Fish and Game Council decided not to prosecute two middle aged males who were found by a ranger fishing without licences. The facts of the case were that the two were residents of a drug and alcohol rehabilitation facility and had been sent off trout fishing for the day to occupy them. It was evident that neither knew they had to have a trout fishing licence and were new to fishing, having borrowed spin rods. Enquiries found one of the two had suicidal tendencies when stressed, and their care giver had overlooked the fact that licences were required. Accordingly, a decision was made to explain to the offenders, and their carers the relevant rules and regulations and need for fishing licences for any future excursions.

Another (hypothetical) situation also illustrates this point. A person is found walking in a trout spawning stream and in so doing disturbing the spawning grounds of freshwater fish, during the spawning season. The person claims to be there to gather

watercress and is found in possession of freshly picked water cress and there is no evidence whatsoever that they are there to take trout. There is prima facie evidence of an offence against Section 26ZJ of the Conservation Act 1987, in that the ingredients or elements of the offence can be made out, and the offence is strict liability in that the prosecution does not need to prove that the defendant intended to commit the offence.

In considering the first part of the Solicitor - General's Prosecution Guidelines requirements – the Evidential Test, the evidential test may well be fulfilled, in that all elements of a charge are met. However, in considering the second part, the Public Interest Test, an examination of the matter may well result in the public interest test not being met. Particularly if any harm was minor, caused by an error of judgement or genuine mistake, and unlikely to be repeated. In such a case a decision can correctly be made of 'no prosecution.' Conversely in the same scenario, if the person can be shown to be reckless, caused much damage, and had no remorse, i.e., is likely to repeat the offence, then public interest may well dictate a prosecution is justified.

6. These considerations are not comprehensive or exhaustive. The public interest considerations which may properly be considered when deciding whether the public interest requires prosecution will vary from case to case. In Fish and Game prosecutions, which are often of a regulatory nature, relevant considerations will include:
 - a. Fish and Game's statutory objectives and enforcement priorities;
 - b. The effect of a decision not to prosecute on public opinion;
 - c. The obsolescence or obscurity of the law; and
 - d. The prevalence of the alleged offence and the need for deterrence.

7. Cost is also a relevant factor when making an overall assessment of the public interest.

8. None of the above factors are necessarily determinative in themselves; all relevant and applicable public interest factors must be weighed.

9. A decision whether or not to prosecute must not be influenced by:
 - a. The race, ethnic or national origins, sex, marital status, religious, ethical, or political beliefs of the offender; or
 - b. The prosecutor's personal views regarding the victim or the offender; or
 - c. Possible political advantage or disadvantage to Fish and Game; or
 - d. The possible effect on the personal or professional reputation or prospects of those responsible for the prosecution decision.

Appendix 2 - Diversion

How to use diversion as a process.

1. Offence meets the criteria for prosecution, i.e., meets prosecution guidelines tests for evidential sufficiency **and** prosecution is in the public interest.
2. Obtain an up-to-date criminal history for the defendant.
3. Check defendant is eligible for diversion – no previous relevant convictions (note that the point of diversion is generally to prevent a person getting a first conviction, although if previous convictions are old, or unrelated to the current offence, diversion may still be considered).
4. File charging document(s) in Court as per usual commencement of a prosecution in accordance with the Criminal Procedure Act 2011. Summons in accordance with Criminal Procedure Rules 2012 and initial disclosure package in accordance with Criminal Disclosure Act 2008 is served on the defendant.
5. ~~The d~~Diversion offer can ~~only~~ be offered once the defendant has appeared in Court at first appearance which is usually in Registrars List in the District Court. This can have the advantage of the process being seen to have more judicial oversight. Having an offender appear in Court reinforces the seriousness of the offending and the unsuitability of resolving it by an out of court action, including by way of an infringement notice(s).
6. When diversion is offered at first court appearance the matter would be remanded off to another date to allow the defendant and prosecution to arrange diversion conditions and to allow time for the defendant to complete them.
- 6.7. Alternatively, the diversion offer can be made in writing to the defendant along with the summons and initial disclosure package. The advantage of this approach is that the process is streamlined, and in many cases the matters can be resolved prior to

the date of first appearance in court, therefore in most circumstances negating the need for any court appearances by either the prosecution or the defendant. (Note: some courts may insist on a prosecutor appearing in Court to seek to have the charge dismissed in open court, although most courts will agree to dismiss charges administratively following written application).

7.8. Diversion conditions should include:

- a. A contribution to summons service and prosecution costs. This should be set at a level which is fair, reasonable, transparent, and consistent with other similar matters and in consideration of the circumstances of the matter and the actual costs incurred by Fish & Game.
- b. The diversion agreement conditions do not have to be negotiable; the offer and conditions can be put to the defendant, although overall circumstances of the offending and the offender should be considered.
- c. A donation to an identifiable cause. For example, junior angler and hunter programmes, angler / hunter access, wetland development programmes. The level of donation should be set at a level consistent with an infringement fee for the same or similar offence. If the offence being diverted is not an infringement offence, a decision to fee level should be made considering infringement offences fee levels, and the overall circumstances of the offending.
- d. Diversion can include surrender of gear for disposal, e.g., ammunition / fishing gear where there is good reason for this to happen.
- e. A written apology may be required to demonstrate the defendant's acceptance of responsibility and remorse.
- f. In some cases, diversion can include a donation to another external charity.

8.9. When the diversion conditions are met, the prosecution must ensure that the court is advised in writing that diversion is completed, and request the Court dismisses the charge(s). This is a requirement of Section 148 of the Criminal Procedure Act 2011. This can be done by the prosecutor at the next court date, or administratively by written application to the Court which is the most efficient process if diversion is

completed prior to the date of first appearance. For sake of transparency the court can be advised in this application what the diversion conditions were, although this is not a requirement. When advising the Court that diversion is complete an application should be also made for the charge(s) to be dismissed pursuant to Section 147 of the Criminal Procedure Act 2011.

9.10. If diversion is not completed by the agreed date the prosecution will proceed as per any other non-diversion prosecution, or an extension of time could be granted by the Court to complete diversion if the prosecution seeks an extension.

10.11. When diversion is completed, the defendant can be advised that they do not need to appear in Court at the next Court date, as the matter is being dismissed. If represented by a lawyer, the Criminal Procedure Act does not require the defendant to appear in court if they have already been excused.

Conservation (Infringement Offence) Regulations 2019
Schedule 2 Penalties for infringement offences under
Conservation Act 1987

<u>Section</u> <u>Description of offence</u>	<u>Infringement</u> <u>fee (\$)</u>	<u>Maximum</u> <u>fine (\$)</u>
<u>51B(2) Taking sports fish in contravention of Anglers Notice</u>	<u>400</u>	<u>800</u>
<u>51C(3) Taking sports fish without licence</u>	<u>400</u>	<u>800</u>
<u>51D(2) Possessing sports fish taken unlawfully</u>	<u>400</u>	<u>800</u>
<u>51E(3) Establishing, managing, or operating fish hatchery for sports fish in breach of regulations</u>	<u>800</u>	<u>1,600</u>
<u>51F(3) Failing to comply with section 51F(1) (which relates to unauthorised conduct in relation to spawning fish)</u>	<u>800</u>	<u>1,600</u>
<u>51G(2) Failing to comply with restrictions on fishing</u>	<u>800</u>	<u>1,600</u>
<u>51H(2) Transferring or releasing live aquatic life</u>	<u>800</u>	<u>1,600</u>
<u>51I(2) Fishing in closed season</u>	<u>600</u>	<u>1,200</u>
<u>51J(3) Buying or selling sports fish for purpose of sale contrary to Act</u>	<u>800</u>	<u>1,600</u>
<u>51K(2) Possessing certain kinds of fish without approval</u>	<u>800</u>	<u>1,600</u>
<u>51L(3) Using hazardous substances, etc, to take or destroy fish</u>	<u>800</u>	<u>1,600</u>

r 4, 5

Wildlife Regulations 1955

Schedule 5 Penalties for infringement offences under
Wildlife Act 1953

r 47

Schedule 5: inserted, on 3 February 2020, by regulation 120 of the Conservation (Infringement Offences in Regulations) Amendment Regulations 2019 (LI 2019/326).

<u>Section</u> <u>Description of offence</u>	<u>Infringement</u> <u>fee (\$)</u>	<u>Maximum</u> <u>fine (\$)</u>
<u>70B(2) Hunting during close season</u>	<u>600</u>	<u>1,200</u>
<u>70C(5) Hunting without licence during open season</u>	<u>400</u>	<u>800</u>
<u>70D(2) Contravening terms of open season notification</u>	<u>400</u>	<u>800</u>
<u>70E(3) Hunting wildlife in contravention of conditions prescribed by Minister</u>	<u>400</u>	<u>800</u>
<u>70F(3) Failing to produce licence on demand</u>	<u>200</u>	<u>400</u>
<u>70G(2) Hunting or killing any absolutely protected wildlife</u>	<u>800</u>	<u>1,600</u>
<u>70G(2) Hunting or killing any partially protected wildlife</u>	<u>600</u>	<u>1,200</u>
<u>70G(2) Hunting or killing any game</u>	<u>400</u>	<u>800</u>

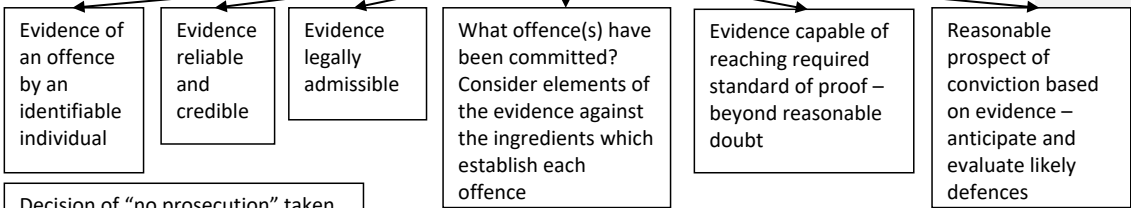
<u>Section</u>	<u>Description of offence</u>	<u>Infringement fee (\$)</u>	<u>Maximum fine (\$)</u>
70G(2)	Buying, disposing of, or possessing any absolutely protected wildlife	600	1,200
70G(2)	Buying, disposing of, or possessing any partially protected wildlife	400	800
70G(2)	Buying, disposing of, or possessing any game	400	800
70G(2)	Buying, disposing of, or possessing any skin, feathers, or other portion, or any egg, of any absolutely protected wildlife	600	1,200
70G(2)	Buying, disposing of, or possessing any skin, feathers, or other portion, or any egg, of any partially protected wildlife	400	800
70G(2)	Buying, disposing of, or possessing any skin, feathers, or other portion, or any egg, of any game	400	800
70G(2)	Robbing, disturbing, destroying, or possessing the nest of any absolutely protected wildlife	800	1,600
70G(2)	Robbing, disturbing, destroying, or possessing the nest of any partially protected wildlife	600	1,200
70G(2)	Robbing, disturbing, destroying, or possessing the nest of any game	400	800
70H(3)	Taking game in contravention of Act or notification	400	800
70I(3)	Failing to comply with condition of authority to take or kill wildlife	400	800

Prosecutions only to be initiated or continued if the test for prosecution is met
Test for prosecution met if:

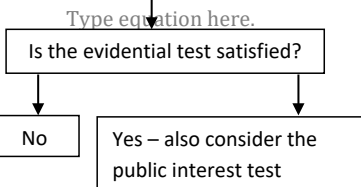
1. Evidence which can be adduced in Court is sufficient to provide a reasonable prospect of conviction – the Evidential Test; **and**
2. Prosecution is required in the public interest – the Public Interest Test.

Each aspect of test must be considered separately and satisfied before a decision to prosecute is made. Evidential test must be satisfied before public interest test is considered.

The Evidential test – Step 1
 Reasonable prospect of conviction exists if there is reliable and admissible evidence which prosecution can adduce before a Court and an impartial Judge or jury could reasonably be expected to be satisfied beyond reasonable doubt that individual prosecuted has committed an offence – Consider each of the following elements:



Decision of “no prosecution” taken if evidential test not met. Does not preclude further consideration of case if new and additional evidence becomes available, or a review of original decision is required (rare step)



Public interest considerations for prosecution (list is illustrative only):

- Seriousness of the offence – predominant consideration;
- Violence / threats involved;
- Prevalence of offence and need for deterrence;
- Defendant has relevant previous convictions and / or reparation / warnings for similar offences;
- Offence premeditated or carried out by a group;
- Defendant ringleader or organiser of offence;
- Offence resulted in financial loss / risk of harm;
- Offence committed against a Ranger serving the public;
- Offence involved false or misleading behaviour;
- Effect decision not to prosecute.

The public interest test – Step 2
 Does the public interest require a prosecution?

No → [Bottom Left Box]

Yes → [Bottom Right Box]

Public interest considerations against prosecution (list is illustrative only):

- Court likely to impose small / nominal penalty;
- Offence minor and unlikely to be repeated
- Loss or harm minor and result of a single incident, especially if judgment error or genuine mistake;
- Obscurity of the law;
- Age – youth / elderly;
- Physical / mental health of offender;
- No previous convictions;
- Offender rectified loss / harm caused – but shouldn’t be able to buy way out of prosecution;
- Proper alternatives to prosecution available;
- Cost of prosecution.

Decision of “no prosecution” taken. Does not preclude consideration of alternatives to a prosecution if evidential test met., e.g., warning letter, youth warning with parental follow up.

Decision of “prosecution” taken – Charging document(s) laid within statutory timeframe. File should be reviewed regularly. **Diversion offered is appropriate.**



**MEMORANDUM OF UNDERSTANDING
FOR THE ELECTRONIC FILING OF INFRINGEMENT REMINDER NOTICES**

BETWEEN

MINISTRY OF JUSTICE

AND

NEW ZEALAND FISH AND GAME COUNCIL

AS AT _____



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Parties

The parties to this Memorandum of Understanding (MOU) are her Majesty the Queen acting by and through the Secretary for Justice, and **Chief Executive, New Zealand Fish and Game Council**.

1. Interpretation

1.1. In this MOU, unless the contrary intention appears:

- (a) words in the singular include the plural and words in the plural include the singular;
- (b) clause headings are inserted for convenient reference only and have no effect in limiting or extending the language of provisions to which they refer;
- (c) all references to dollars are to New Zealand dollars and exclude GST unless stated otherwise;
- (d) where any word or phrase is given a defined meaning, any other part of speech or other grammatical form in respect of that word or phrase has a corresponding meaning;

2. Background

- 2.1 Under section 21(4A) of the Summary Proceedings Act 1957, prosecuting agencies are authorised to file proceedings for infringement offences electronically in a manner and by means of an electronic system approved by the chief executive of the Ministry of Justice.
- 2.2 The Ministry of Justice has developed the Electronic Filing of Infringements (eFI) system to enable such proceedings to be lodged electronically.
- 2.3 The **New Zealand Fish and Game Council** confirms that it has due statutory authority to issue infringement notices.
- 2.4 This MOU prescribes the manner and means by which such proceedings are to be electronically filed.



3. **Purpose**

- 3.1 The purpose of this MOU is to record the terms and conditions on which the Ministry of Justice will provide access to eFI and related services to the **New Zealand Fish and Game Council**.

4. **Objectives**

- 4.1 The objectives of this MOU are to ensure that electronic filing works as efficiently and effectively as possible by:
- (a) outlining each party's role and responsibilities with regard to using the Ministry of Justice eFI system;
 - (b) providing for ongoing technical support for the eFI system.

5. **Responsibilities of the New Zealand Fish and Game Council**

- 5.1. The **New Zealand Fish and Game Council** will:
- (a) sign this MOU on behalf of all prosecuting units operating under its authority;
 - (b) lodge infringement information in the format and manner specified in the current version of the document "eFI XML Infringement Batch Specification";
 - (c) ensure the submitted data is accurate in accordance with legislative requirements and that any representations made by the relevant prosecuting unit to the Ministry of Justice are complete and accurate;
 - (d) take all reasonable measures to ensure eFI users protect their User ID's and passwords from compromise;
 - (e) promptly advise the Ministry of Justice in writing of any change to relevant personnel, including the designated primary contact and any eFI system user accounts registered with the Ministry of Justice. User accounts are not transferable and cannot be used by any other user, as detailed in the Acceptable User Policy;
 - (f) ensure that all eFI system users understand that they are responsible for all actions undertaken with their designated eFI user account;
 - (g) ensure that all eFI system users understand that they are only permitted to use the system for those actions defined in the User Guide and Acceptable Use Policy;
 - (h) ensure the eFI system is not used as an archive (infringement files are not stored there for any length of time);
 - (i) ensure that the eFI system is not used to store any file other than infringement XML files as defined in the eFI XML Infringement Batch Specification;
 - (j) ensure the system security is maintained by using email only (instead of mobile devices), for 2-factor authentication;
 - (k) ensure the system security is maintained by using up to date, supported browsers that negotiate NZISM compliant encryption;
 - (l) follow the support process outlined in the user guide supplied by the Ministry of Justice to resolve any electronic filing issues and thereafter direct all



support requests to the Ministry of Justice's ICT support help desk ("Service Desk") as detailed in the eFI Preparation and User Guides;

- (m) ensure that all eFI system users have read and understood the guidelines outlined in the eFI Preparation guide, User Guide and Acceptable Use policy, and are sufficiently aware of their information security responsibilities;
- (n) ensure, where a third party is involved in the processing of infringement reminder notices, that the third party processes all electronic information in accordance with this MOU, and complies with all other obligations set out in this MOU;
- (o) not disclose the existence or purpose of the eFI system to any party not directly authorised as an MOU signatory or system user; nor disclose the identification of the Ministry of Justice as the system provider.

6. **Responsibilities of the Ministry of Justice**

6.1. The Ministry of Justice will:

- (a) Provide the **New Zealand Fish and Game Council** with access to the "test" and "production" environments, for the testing and subsequent operation of electronic filing;
- (b) Provide the **New Zealand Fish and Game Council**, support in the form of:
 - i. Preparation Guide;
 - ii. User Guide;
 - iii. advice for the setup, configuration, and operation of the Ministry of Justice's eFI system;
 - iv. Service Desk Support for incident and problem resolution.
- (c) Promptly notify the **New Zealand Fish and Game Council** in the event that it suspects that there has been a compromise of the user accounts issued to the **New Zealand Fish and Game Council** (including its authorised agents).
- (d) Inform the **New Zealand Fish and Game Council** in reasonable time of any changes to the eFI system.
- (e) In accordance with the Privacy Act 1993, the Ministry of Justice will ensure there are appropriate security safeguards in place to protect the information supplied by you against any loss or unauthorised use and/or disclosure.



7. Dispute Resolution Process

- 7.1. If any difference or dispute arises between the Parties under this Agreement, which is regarded by either Party as material, the Parties will actively, openly and in good faith discuss the difference or dispute with a view to resolving it by agreement.
- 7.2. In the event that resolution is not reached within 20 Working Days, the dispute resolution process described in clauses 7.4 to 7.6 shall apply.
- 7.3. This dispute resolution process shall not limit the ability of any Minister of the Crown or the Parties carrying out their statutory functions, duties and powers at any time.
- 7.4. If any Minister of the Crown or the Parties are unable to resolve the dispute within 20 Working Days, the Parties shall in good faith prepare an agreed written summary (or failing agreement, separate written summaries) setting out the matter in dispute and the issues involved, and the reasons for not reaching agreement. The Parties will forward the summary or summaries to the Minister for Justice as soon as practicable.
- 7.5. The Ministry of Justice and **New Zealand Fish and Game Council** will meet with the Minister of Justice as soon as practicable after the summary or summaries are submitted, with a view to achieving a resolution of the dispute.
- 7.6. In the event that resolution is not reached, the dispute or difference will be resolved by a decision of the Minister of Justice. The decision of the Minister of Justice shall be final and binding.

8. Term of Agreement

- 8.1. Where the **New Zealand Fish and Game Council** has signed a previous agreement with the Ministry of Justice, that agreement is superseded by this MOU to the extent it relates to electronic filing.

9. Information Management

9.1 **Privacy**

- (a) Personal information gathered by the Ministry of Justice for the purpose of issuing user accounts and passwords will be gathered and stored in accordance with the Privacy Act 1993.

9.2. **Official Information**

- (a) The parties agree that the information contained in and obtained pursuant to this MOU, is Official Information in terms of the Official Information Act 1982.
- (b) In line with the policy of that Act, such information may be released unless there is a good reason in terms of that Act to withhold the information.

9.3. **Confidentiality**

- (a) Each party shall keep confidential all Confidential Information of the other party obtained under or in connection with this Agreement, and shall not divulge the same to any third party without the written consent of the other party. The provisions of this clause survive termination of this Agreement.
- (b) Information concerning the operations of the Ministry of Justice's eFI system is Confidential Information.



9.4. **Intellectual Property**

- (a) All intellectual property rights in any training materials, user guides, or other documents published by the Ministry of Justice belong to and will remain the property of the Ministry of Justice.

10 **Risk Management**

10.1. **Liability**

- (a) The Ministry of Justice does not accept any liability arising from the Prosecuting Agency's use of user accounts and passwords.

10.2. **Disclaimer**

- (a) No implied or express warranties are given by the Ministry of Justice or by any other entity who may be involved in the provision of the eFI system, and all statutory warranties are to the fullest extent permitted by law, expressly excluded.

11. **General Provisions**

11.1. **Applicable Law**

- (a) The law of New Zealand shall govern the interpretation of the MOU.

11.2. **Assignment**

- (a) Neither party may assign any rights arising from this Agreement or appendices without the written consent of the other party.

11.3. **Variation**

- (a) No variation of this MOU is binding unless it is agreed in writing between the duly authorised representatives of the parties.

11.4. **Compliance with Laws**

- (a) Each party will comply with all laws, rules, regulations, and other provisions enacted or promulgated by any governmental authority applicable to performance of its obligations under this MOU.

11.5. **Relationship of the Parties**

- (a) Neither party is by virtue of this MOU an officer, employee, partner, joint venturer or agent of the other party, nor does it have any power or authority to bind or represent the other party.
- (b) The Parties will observe and perform their obligations under this MOU even in circumstances where those obligations are unenforceable.

11.6. **Force Majeure**

- (a) No party is in breach of this MOU for any act, omission or failure to fulfil its obligations under this MOU if such act, omission or failure arises from any cause reasonably beyond its control (Force Majeure).

11.7. **Confidentiality**

- (a) Each party shall keep confidential the terms and conditions of this MOU and, subject to each party's obligations under the Official Information Act 1982,



shall not disclose any information regarding this MOU without the written consent of the other party.

12. Definitions

- 12.1. For the purposes of this MOU, the following words and phrases have the corresponding meanings.
- (a) **designated primary contact** - Prosecuting Agency contact for all matters relating to the electronic filing of infringements, including this MOU and all Prosecuting Units where applicable.
 - (b) **eFI** - Acronym for the system approved by the chief executive of the Ministry of Justice for electronic filing of infringements.
 - (c) **Electronic Filing** - The process of lodging particulars of infringement reminder notices electronically with the Ministry of Justice
 - (d) **Prosecuting Agency** - An agency responsible for conducting prosecutions where an infringement offence has been committed.
 - (e) **Prosecuting Unit** - An infringement enforcement unit operating within a Prosecuting Agency that may issue infringement reminder notices separately from other units operating within the same Prosecuting Agency.
 - (f) **Third Party** - An organisation or individual, which by agreement with the Prosecuting Agency processes some, or all, of their infringement reminder notices.
 - (g) **Confidential Information** - Means all information (regardless of the form of disclosure or medium of storage): (a) identified by one party as confidential and of which the other party becomes aware through disclosure by one party to the other party, or through one party's involvement with the other party and/or its operations; or (b) about the parties' finances, strategies, management or business operations; or (c) that is personal information as defined by the Privacy Act 1993; but (d) excludes information that is already in the public domain other than as a result of disclosure in breach of an obligation of confidence.



Execution

Signed for and on behalf of the **New Zealand Fish and Game Council** by:

Name: _____ Signature: _____

Title: **Chief Executive** Date: _____

Signed for and on behalf of the Ministry of Justice by:

Name _____ Signature: _____

Title: Group Manager, Operations and Service Delivery Group Date: _____

Point of Information – Infringement Notice System:

1. **Benefits of an Infringement Notice (I.N) System.**
 - I.N's keep low level offences and offenders out of the court system.
 - Significant savings in prosecution preparation time and costs, as it avoids having to prepare a full prosecution file, file charging documents in court, summons offenders, go through a diversion process (if diversion is used or offered), and subsequent administration with the court to have charges dismissed following diversion, or, if diversion is used, savings in court time and prosecution / prosecutor costs.
 - As we operate at present, charges must be filed at the court closest to the location of the offence or closest to where the offender may be usually found, and this can involve extra cost and inconvenience when the Fish & Game office or prosecution staff are a significant distance away from that court, including engaging external legal representation to appear for Fish & Game at that court if staff are unable or unavailable to appear to prosecute. (Note: presently only 1 region routinely has a staff member appear in court to prosecute offences – this being Southland).
 - If a defendant who is summonsed to court does not appear at court or does not take up a diversion offer and subsequently fails to appear, Fish & Game councils presently must either proceed via a formal proof process or seek a warrant to arrest the defendant, whichever is applicable to the offence category filed. This adds to time and expense, and if a prosecutor must be engaged the costs rapidly escalate and can easily get into thousands of dollars of legal costs, which in many cases are not recovered when the matter is resolved.
 - The courts generally see most Fish & Game type offences as low level especially when compared to the bulk of the criminal matters before the courts on a daily basis, and therefore suitable for alternative resolution to judicial intervention by the courts, such as infringement notice resolution.
 - Clearly, when Fish & Game was included in the amendments to the Conservation Act to enable use of an infringement notice system, politically it was also agreed that it is appropriate that most Fish & Game offences would be dealt with by way of infringement notices. Comments at Select committee supported this.
 - Use of I. N's ensures consistency in outcomes for similar offending, both in the system used, and in the fine / punishment imposed. At present a major failing of the system of charging offenders and using diversion, as well as matters which progress through the courts, is the disparity in outcomes. Fish & Game councils have not been consistent in the fees imposed in diversion for the same offences, which leaves the organization open to criticism, and similarly the Courts have not been consistent either with regard to outcomes.
 - Use of I. N's brings Fish & Game into line with best practice by modern law enforcement agencies and brings Fish & Game into line with DOC who have been issuing I. N's for some years now at the Taupo Fishery for offences the same or similar to those dealt with by Fish & Game.
 - There is reasonably a public expectation that offences which are the same across the country should be dealt with similarly.

- If infringement notice fines are not paid, the matters simply become outstanding fines referred to the Ministry of Justice, and Fish & Game does not need to have any further involvement in the matter unless they somehow proceed to a hearing.
- In summary, use of I. N's would lead to very significant savings in time and cost.
- DOC staff who are using I. N's report significantly reduced time spent on offence reporting and file preparation and that the infringement system is working very well.

2. **What is needed to build an Infringement System?**

- A technology platform to process offences and issue infringement notices to offenders, either owned and operated by Fish & Game or a system which will issue notices on behalf of Fish & Game, and which is linked to the Ministry of Justice.
- The system must be able to track payments and resolution of matters.
- It must be able to issue reminder notices if fines are not paid within 28 days of issue.
- If fines are not paid after a further 28 days of issue to then be able to refer that outstanding fine to the MOJ fines collection unit via the electronic link.
- To electronically file those matters with MOJ where defendants elect a hearing.
- An MOU for this link and information sharing with the Ministry of Justice is required.

3. **If an I.N System is operated by Fish & Game can charges still be filed in court?**

- Yes, charges can be filed in court for all offences. However, the expectation should be that the first and preferred option for dealing with an infringement offence is the issuing of an I.N.
- However, there may be reasons why filing a charge is preferred, such as dealing with a recidivist offender, dealing with more serious offences, or where multiple offences have been committed by that offender.
- If forfeiture of gear is deemed necessary then a charge should be filed and forfeiture sought by the court, e.g., in serious matters where it is undesirable for the offender to be able to regain possession of the seized gear.
- If filing charges in court, it is still possible to use diversion – for any offence within reason, but there should be a good reason to not use an infringement notice. If using diversion, forfeiture of gear can be a condition of the diversion agreement.

4. **How would an I.N System operate?**

- The draft Infringement Notice and Compliance and Law Enforcement policy relates to the use of infringement notices and sets out guidelines and processes to ensure consistency and that correct processes are followed.
- Rangers field work will remain the same in terms of dealing with offenders including the seizure of gear and subsequent reporting of the

offences. Seized gear is held until the offence is resolved; note further comment later in this section around seized gear.

- Infringement notices will not be issued in the field, but the reporting and assessment process will take place first before the issue of an I.N.
- On receipt of a ranger's offence report, the regional compliance officer will assess the file and make recommendations as to resolution to the regional manager, or CE who in consultation with the compliance officer will decide how to proceed. An option may be to issue an infringement notice. If a notice is to be issued, the information will be forwarded to the processing and issuing point where further checks are made to ensure that the evidential sufficiency and public interest tests are met, and that the issue of an infringement notice is the best option, and it is then issued.
- Essentially issuing an infringement notice is an additional resolution option, but which should replace almost all matters where charges are filed in court. Matters such as obstruction, giving false or misleading details are not infringement offences and will as a matter of course require charges to be filed in court in order to proceed with those matters.
- Infringement notices will only be issued where the evidential test, and the public interest test in a prosecution as set out in the Solicitor Generals prosecution guidelines are met; all infringement matters must be to a standard where they are able to be proceeded with in court in the event that the defendant elects a hearing. That is, issuing an infringement notice is not an option where in other circumstances the defendant would not be subject to prosecution. As appropriate, formal warnings should still be issued, along with education for the lowest level of offending.
- Regions will have a Compliance Decision Group – as outlined in the draft policy – to make decisions in technical or complex matters, or where their input is required, such as where there has been difficulty in deciding resolution.
- I.N's can be issued to international based non- residents, by sending to their postal address; and this is how DOC issue infringements to non-residents.

5. **Dealing with Seized Gear**

- In regard to seized gear, there is no forfeiture of gear provision when issuing an infringement notice. In most cases this is not of significance, however when an infringement notice is issued, and the offender does not pay the fine, the matter is then referred to MOJ fines collection unit. At that point Fish & Game enforcement action is for all intents and purposes complete and as the gear is now not required to be retained for evidential purposes an offender can seek return of the seized gear. At this point Fish & Game will have no legal authority to retain the gear. However, the experience of the DOC system is that few if any offenders who have failed to pay the infringement fine will actively seek return of seized gear.
- If an offender pays the infringement fine, they are then written to and advised that they can uplift seized gear within a set timeframe (e.g., 28 days). If the gear is not uplifted, it can be disposed of.
- The Search and Surveillance Act 2012 deals with seized gear matters and requires that if property seized is not required to be retained for

investigative or evidential purposes it must be returned to the owner or person entitled to possession of it.

- There is a process to give notice to persons gear has been seized from of an intention to destroy items that had been possessed unlawfully such as gear or equipment. This does not apply to game or fish which has been taken unlawfully.
- In summary, for most matters where subsequent possible return of seized items is not a problem, issuing an infringement notice would be appropriate.
- However, if it is not appropriate to return the seized gear to an offender, then a charge can be filed in court and an order sought for forfeiture of the gear, e.g., where a large quantity of lead shot ammunition has been seized and where the overall offence is at the serious end of the scale.

6. **How would an Infringement Notice be issued?**

- If Fish & Game was to operate an infringement notice issuing system, the best practice method is to have notices printed (not handwritten) and then posted to the offender's last known postal address.
- Options to process notices and issue them include each region having the I.T system to do this, through to 1 issuing point for the whole country processing all notices for all regions or engaging another agency that is already issuing infringement notices to issue notices on Fish & Game's behalf.
- If for example utilizing a central issuing point for regions, an option would be for regions to forward the required information to issue the infringement notice to the issuing point electronically. Prior to being issued final gate keeping processes will take place to ensure that issuing an infringement notice is correct and is the most appropriate resolution option.

7. **Relationship of the National Policy on Prosecutions.**

- The National Policy on Prosecutions (January 2024 update) has reference to the infringement notice system and should be read in conjunction with the Infringement Notice and Compliance and Law enforcement policy.

8. **Relationship of the Compliance Policy – Rangers.**

- The Compliance Policy – Rangers relates to the I.N system in that defines standards and processes and procedures for field work by rangers, in terms of dealing with offences and subsequent reporting.
- Rangers will not issue I.N's in the field (more discussion required around non-residents) , and the Conservation Act prohibits honorary rangers specially from being authorized to issue I.Ns.
- Gear seizure will still occur as usual in order to achieve deterrence and prevent further offending.

9. **Disadvantages of operating an Infringement Notice System.**

- The main disadvantage at present is that fines are not to be returned or paid to Fish & Game councils which take enforcement action and issue infringement notices.
- As a user pays organization this is a significant impediment to achieving unanimous agreement to operating such a system.
- However, as outlined it is suggested that the way ahead for Fish & Game as a compliance and enforcement agency is to pursue the use of an I.N system, and to use it well for a period of time of 2 to 3 years, then make an approach and submission to have the matter of fine retention by the Crown reviewed.
- It would be hoped that this is a relatively short-term disadvantage, which in time is rectified.

10. **Costs to implement an Infringement Notice System**

- Further work will need to be undertaken to assess the likely costs of implementation of an I.N system.
- There will be initial set up costs, or if working with an existing agency's system (e.g., DOC's) some costs of that agency issuing notices on Fish & Game's behalf or licencing Fish & Game to use their software system.
- It is envisaged however that the cost savings in prosecution processes should mitigate the costs.

11. **The Department of Conservation experience**

- DOC has now been operating an infringement notice system for several years and having spoken to key staff who are using that system they report that the advantages of the system are significant in terms of reducing workload in dealing with offences. This enables them to be more pro-active in CLE work and have the potential to direct more resources into field CLE work than dealing with prosecution preparation.
- DOC field staff using this system report that it is quick, simple, and beneficial not only to DOC but also to the public/offenders who receive an I.N rather than having to go through a court or diversion process.
- Fines issued by DOC do not return to DOC, but also go to the Crown Consolidated fund account.
- All DOC infringement notices for the whole country are issued from a central processing point at Rotorua.
- DOC field staff forward offence information to the I.N issuing office electronically, using an app. Once the information is sent, as long as everything has been done correctly that is in almost all cases the last involvement that they have with the matter other than subsequent return of seized gear.

1. **Summary**

- As can be seen there are substantial advantages and limited disadvantages to Fish & Game using an infringement notice system under the present legislated conditions. However, on balance it can be argued that there are more advantages than disadvantages, especially if Fish & Game is seeking to move ahead as a modern Compliance Law Enforcement agency.

- The first step in moving ahead with a possible infringement notice system is to have the updated draft Infringement Notice and Compliance and Enforcement policy sent to regions for feedback, considered by NZC and then the final version sent to the Minister for review and approval. This is required pursuant to Section 26HA of the Conservation Act 1987.
- Once approved, options for operating an I.N system should be investigated, including the possibility of working with the DOC system, with notices issued on behalf of Fish & Game or using the DOC software solution to issue them from Fish & Game.
- An option may be for one or more regions who wish to use an infringement system to operate a pilot system to assess the benefits of such a system, and likewise any disadvantages.

RMA Fund Item**NZ Fish and Game Council**

Prepared by: Helen Brosnan, Senior Policy Advisor

Kōrero taunaki - Summary of considerations***Purpose***

To update NZC on the progress of existing RMA cases including a more detailed update on the recent Southland decision. There are also two new RMA funding applications to consider.

Financial Considerations

Nil Budgetary provision Unbudgeted

Risk

Low Medium High Extreme

Ngā taunaki - Staff Recommendations

NZC Staff recommend the following motion:

That the NZC

1. Receive the information detailed in the RMA tables updating you on RMA cases (attachments 1 & 2)
2. Note the update from Southland regarding their regional policy statement case (case summary attachment 3).
3. Discuss funding \$35,000 for the joint North Canterbury / Central South Island & Southland Fish and Game Highcourt Case.
4. Fund 50% of the \$75,000 costs for joint Otago / CSI Fish and Game application for funding (attachment 5) as discussed at workshop on 4th June.

Whakarāpopoto - Executive Summary

This item gives you an update on RM fund spending and progress.

This item also updates you on the Southland Regional Policy Statement.

Two new RM fund applications are detailed.

1. Joint North Canterbury / Central South Island & Southland Fish and Game funding (\$35k) and
2. Joint Otago /CSI funding application as discussed at workshop on 4th June 2024.

Takenga mai – Background

1. RMA Cases

An updated table is provided as attachments 1 & 2, showing a brief update for each project and funds remaining.

The current allocated funds in the RM fund 30 April 2024 - \$662,831, as shown in attachment 1. Available funds in RMA/Legal as of 30 April 2024: \$127,772k, as shown in attachment 2. This does not include contestable fund for next year (\$200k).

2. Case update on Southland Regional Policy Statement

See attachment 3 for the summary of the High Court decision *Federated Farmers Southland v Southland Regional Council* issued 9 April 2024 regarding s70 of the RMA to diffuse discharge of contaminants from land use activities.

Key finding - The Court found in F&G + F&B's favour. It said:

"I also accept that simply replicating the s 70 criteria and making them conditions of a permitted activity, would not meet the procedural requirements of s 70 of the RMA. As Fish & Game and Forest & Bird submit, the language of s 70 requires the regional council to be satisfied, before it includes a rule permitting a discharge in a regional plan, that none of the effects in r 70(1)(c)-(g) are likely to arise in the receiving waters. I accept that the requirement be satisfied "before" the permitted activity rule is inserted indicates the need for an inquiry as part of the planning process as to what the evidence says about the effects of the class of discharge being considered. This is particularly important in the present case where there will be practical difficulties in determining whether a specific discharge complies given such issues are not readily able to be assessed on a case by case basis and where there will be a live question as to cumulative effects. Council officers granting resource consents should not be tasked with the very enquiry that s 70 envisages will take place prior to the rule being included in the plan." – see para [83].

This decision by Justice Dunningham largely aligned with legal submissions on s 70 presented on behalf of Fish & Game and Forest & Bird – in short, it was a good outcome.

In response to the decision, Southland Regional Council (SRC) has filed an application for leave to appeal the decision to the Court of Appeal – please see the attached funding application.

Fish & Game and Forest & Bird met with our lawyer, Sally Gepp, to discuss our response to the SRC application for leave to appeal is. Opposition will need to be filed prior to the NZC meeting. A new RMA fund application is made for \$35k to the RMA fund to cover Appeal court legal work.

3. A RMA fund Application is also sought in a joint case from CSI and Otago

Otago Fish and Game

A workshop was held with NZC on 4th June to discuss this case in more detail.

Nigel Paragreen has prepared an overview of the case, which is attached in attachment 5.

A new RMA fund case application is sought for \$75k and 50% of this has been approved to be funded by the RMA legal fund.

Kōrerorero – Discussion

Both cases are worthy of consideration for funding. Note that the Otago case only funds \$10k towards environment court appeals through to mediation only.

The remaining funding is limited to \$127k and we have not had funding for next year confirmed.

Ngā kōwhiringa - Options

NZC to

- 1 Receive the information.
- 2 NZC to fund / fund in part / not fund joint applications from Southland, Central South Island and North Canterbury F&G to the RMA fund for \$35k.
- 3 NZC to fund up to 50% of \$75k costs for the Otago / CSI F&G case as discussed at the workshop on 4th June 2024. The workshop decision now needs to be ratified.

Whai whakaaro ki ngā whakataunga - Considerations for decision-making

Financial Implications

The Otago case has financial implications at this stage, with a funding application to NZC the joint Southland case has financial implications of approximately \$35,000 while the joint Otago case involves application for \$75k.

Legislative Implications

With the joint Southland case there is the possibility that the future RMA amendments will remove section 107 of the RMA and therefore wins from this case will be negligible.

Section 4 Treaty Responsibilities

Not applicable.

Policy Implications

With the joint Otago case it is possible that future RMA amendments will result in wins from this case being negligible.

Risks and mitigations

Not applicable.

Consultation

Management team support both funding applications.

Ngā mahinga e whai ake nei - Next actions

Attachment 1 & 2 RMA Case spreadsheets

Attachment 3 Summary of High Court case from Jacob Smyth

Attachment 4 Joint funding application from North Canterbury / Central South Island & Southland Fish and Game

Attachment 5 Joint funding application from Otago / Central South Island Fish and Game

Table 1: RMA /Legal Fund Reserve

New Zealand Fish and Game Council										
As at 30 April 2024										
	Project Code	Project Name	Date Approved	Total Approved	Source	Total Spent to Date	Withdrawn	Under/Over Spent to date	Committed Funds	Status Update
Auck/Wai		Healthy Rivers	22-Aug-20	\$110,000	NZC Fund	\$110,000	\$0	\$0	\$0	Decision due out soon
Auck/Wai	162/1	Healthy Rivers 2	21-Apr-23	\$100,000	NZC Fund	\$61,709	-	\$38,291	\$38,291	see above update.
Auck/Wai		Whangamarino Weir and Waikato Regional Council	11-Nov-17	\$50,000	NZC Fund	\$6,000	\$0	\$44,000	\$44,000	Funds need to be held for future re-consenting work.
HB	168/1	Tranch 2	19/04/2024	30,000.00	NZC Fund	-	-	\$30,000	\$30,000	A joint case has been agreed with Tamatea and Forest & Bird. Expert conferencing commences in May, hearing is set down for early September.
HB	168/2	Tranch 2 - Reserves	19/04/2024	65,000.00	HB Reservers	-	-	\$65,000	\$65,000	see above update.
Nel Mar		MDP - NPS	7/6/2019, 22/11/2019,2016/16 & 27/07/2021	\$58,475	NZC Fund	\$40,420	\$0	\$18,056	\$18,056	John Hayes and peer review has been completed. The report has been circulated to MDC staff and coucillors. Follow up meeting is scheduled for July.
Nel Mar		MeP appeal mediation	1/5/22 meeting 157th	\$50,000	NZC Fund	\$3,200	\$0	\$46,800	\$46,800	See above update.
North Canterbury	162/2	Rakaia WCO/Hydrology	Exec approved 10/3/22 \$30k 5/7/22 \$70k,180k	\$280,000	NZC Fund	\$112,896	\$0	\$167,104	\$167,104	Update provided at November 2023 meeting.
NZC	161/1 166/1	RMA Practice Notes	Feb-23	\$88,450	NZC Fund	67,641.00	\$0	\$20,809	\$20,809	We are continuing to add additional practice notes to this web page to support our work for NPS-FM plan changes. We note that the government plans to amend NPS-FM. A specific update on this item will be provided to managers and NZC.
NZC	166/2	Ag Consultant	Nov-23	\$15,000	NZC Fund	\$0	\$0	\$15,000	\$15,000	We are awaiting the outcome of some MFE and Horizons work to write a practice note on inputs controls. This funding will provide the expert guidance for this.
NZC		NPS FM	Aug-20	\$200,000	NZC Fund	\$139,786	\$0	\$60,214	\$60,214	The remaining budget is set aside for RMA and NPS-FM amendment work. We will be updating you at each meeting going forward and hope to be able to do this work in house.
NZC	165/1 plus \$20k	Wild life Act Position paper	Aug-23	\$80,000	NZC Fund	\$51,488	\$0	\$28,512	\$28,512	This work is on hold while we await direction from the new government on the Wildlife Act and Conservation Act review.
NZC	166/3	RMA training on NPS FM plus trainers	Nov-23	\$30,000	NZC Fund	\$0	\$0	\$30,000	\$30,000	Approved from the NPS FM fund Nov 23. We in the process of securing RMA team training for later this year.
Otago		Priority Consents	1-May-20	\$60,000	Otago Reserves	\$18,303	\$1	\$41,696	\$41,696	on going
Otago		RPS Land & Water - reserves	28-Aug-21	\$60,000	Otago Reserves	\$59,808		\$192	\$192	Awaiting decision from comissioners. Small over spend anticipated.
Otago		Priority Plan Change	16-Feb-20	\$120,000	Otago Reserves	\$88,925	\$0	\$31,075	\$31,075	On going land and water plan work. Public submissions have now opened and 6 November is the closing date for submissions. Otago Council agreed at May 24 Meeting to use balance on Regional Policy Statement work
WGTM	139/2	GW Natural Resource Plan	24/11/2019	\$40,000	NZC Fund	\$36,109	\$0	\$3,891	\$3,891	Finishing up with follow up from mediation
WGTM	165/2	GW RC hearing Plan Change 1	18/08/2023	\$80,000	NZC Fund	\$59,269		\$20,731	\$20,731	s42a reports have been circulated and hearing dates are set.
WGTM	139/3	Horizons One Plan Change 2	23/11/2019	\$38,000	NZC Fund	\$24,622	\$0	\$13,378	\$13,378	Horizons Plan One Plan - Plan Change 2 is entering the formal hearing stage with transfer of evidence occurring for different parties. Environment Court date is set down for 20 November - F&G have engaged legal, planning, and technical experts. The issues dealt with here have been canvassed in the Waikato Regional Council Regional Plan hearings which are on-going.
WGTM	165/R1	Horizons Plan Change	18/08/2023	\$120,000	Wellington Reserves	\$116,170	\$0	\$3,830	\$3,830	See plan change 2 update above
WGTM	167/1	Horizons Plan Change 2	21/12/2023	\$107,770	NZC Fund	\$43,294	\$0	\$64,476	\$64,476	
Southland		Southland Water & Land Plan appeal	23/Nov/18	84,000.00	Southland Reserves	\$189,108	\$0	-\$105,108	\$0	Overspend from Southland Reserves - Jacob assisitng - perhaps a further \$10k. Total SWLP cost to date \$302K (this includes the NZC funding)
Southland		Southland Water & Land Plan appeal - NZC meeting 147	21/Aug/20	55,000.00	NZC Fund	\$55,000	\$0	\$0	\$0	Transferred to SWALP
Southland		Southland Water & Land Plan appeal - NZC meeting 156	18/feb/22	74,360.50	NZC Fund	\$74,361	\$0	\$0	\$0	Rule 78 Permitted Activity for weed and sediment. A working group is being established to advance development of 'new' rule structure to be notified through Plan Change Tuatahi – likely in late 2024 / early 2025. It has been decided to put the joint appeal on hold with a view to actively engaging with the working group. A work programme is currently being developed for the working group.
Southland	159/1	Waituna Lagoon application- NZC meeting 159	25/Aug/22	20,000.00	NZC Fund	\$14,432	\$0	\$5,568	\$5,568	Final invoices received in November 2023.

TOTAL ACROSS ORGANISATION										
				Live and Approved Applications		Spent to Date	Withdrawn	Under/Over Spent to date	Committed Funds	NZC Legal/RMA Fund 31/8/23
Totals									\$748,624	
Less RMA out of Regions Reserves									\$141,794	
Total Committed from National Budget									\$606,831	\$768,016

Table 2: Available Funds in RMA/Legal

				RMA Fund	Regional Reserves
Unallocated Funds for 21/22				145,640	
Budget for 2022/23				350,000	
Budget for 2023/24				440,000	
TOTAL TO Allocate since 2021				935,640	
Less NZC Approvals					
Date	Meeting	Region	For	Amount	
Aug-22	159	Southland	Waituna Lagoon	20,000	
Nov-22	160	NZC	Legal Advice NPS FM	9,000	
Nov-22	160	NZC	Expert Support Natural &	65,148	
Nov-22	160	NZC	Draft policy Doc	56,000	
Nov-22	160	NZC	Draft policy Doc - double t -	56,000	
Nov-22	160	NZC	RMA Training	2,500	
Feb-23	161	NZC	RMA Practice Notes	53,450	
Apr-23	162	Aklid Waiktto	Waikato Healthy Rivers	100,000	
Apr-23	162	Nth Cant	Rakaia River WCO	180,000	
Aug-23	165	Well	Greater Well Regional Cou	80,000	
Aug-23	165	Well from Reserves	Horizons Plan Change	-	120,000
Aug-23	165	NZC	Wildlife Act	60,000	
TOTAL Approved to 31/8/23				570,098	120,000
Approvals 2024					
Nov-23	166	NZC	Additional Practice Notes	35,000	
Nov-23	166	NZC	Ag Consultant input contri	15,000	
Dec-23	167	Wellington	Horizons Plan Change	107,770	
Apr-24	168	NPS FM	Use of the NPS \$10,215		
Apr-24	168	Hawkes Bay Tranch 2	Tranch 2	30,000	
Apr-24	168	NAT nPS FM reform	RMA reform and NPS - FM	50,000	
Apr-24	168	Hawkes Bay Tranch 2	Tranch 2		65,000
Total Approved 2024				237,770	65,000
Available for Funding via RMA				127,772	

Attachment 4 – Federated Farmers Southland v Southland Regional Council High court case summary

Please find attached a useful High Court decision issued yesterday regarding the application of s 70 of the RMA to diffuse discharge of contaminants from land use activities. In summary, the decision, which Fish & Game (F & G) and Forest & Bird (F & B) were involved in, provides (among other things):

1. S 70 of the RMA applies to both point source and non-point source (diffuse) discharges; and
2. Compliance with s 70 of the RMA is not achieved by a Regional Council simply reciting the requirements of s 70(1)(c) – (g) in a permitted activity discharge rule. A Regional Council must satisfy itself, before it includes a rule permitting a discharge in a regional plan, that none of the effects in r 70(1)(c)-(g) are likely to arise in the receiving waters.

This is particularly important where there will be practical difficulties in determining whether a specific discharge complies where such issues are not readily able to be assessed on a case-by-case basis and where there is a live question as to cumulative effects. Council consent officers should not be tasked with the very enquiry that s 70 envisages will take place prior to the rule being included in the plan.

The decision is important, particularly if it had gone against F & G, because:

1. Case law, particularly from higher courts, on the application of s 70 to diffuse discharges of contaminants (mainly nutrients, sediment, and microbial) from land use activities is limited; and
2. S 70 is the main statutory mechanism used by F & G to argue for regulation through regional plans of diffuse discharges from land use, particularly to avoid significant adverse effects on aquatic life.

Historically, most regional plans have not sought to regulate farming activities causing diffuse discharges to land that enter water. More recently, many Regional Councils through second generation water plans have sought to achieve compliance with s 70 by creating a wide permitted activity for diffuse discharges from farming activities and in doing so, simply reciting the requirements of s 70(1)(c) – (g) in the ensuing rule. In most, if not all, cases there will be practical difficulties in determining whether diffuse discharges from an individual farm comply given such issues are not readily able to be assessed on a case-by-case basis and where there will be a live question as to cumulative effects.

I have written the following explanation if you are interested.

Background

The Proposed Southland Water and Land Plan includes Rule 24. Rule 24 permits incidental contaminant discharges (sediment, nutrients and microbial) from specified farming activities (these include: farming (including intensive dairy farming), cultivation, intensive winter grazing, pasture-based wintering, use of sacrifice paddocks, and certain bed disturbance activities by sheep) if they meet the criteria listed in the Rule. These criteria replicate s 70(1)(c) – (g) of the RMA, including that any incidental discharge to be managed to ensure that, after reasonable mixing, it did not give rise to any significant adverse effects on aquatic life in the receiving water – replication of s 70(1)(g). Originally, the Council was not relying

on the criteria replicating s 70(1)(c) – (g) to achieve compliance with s 70. These further criteria were added following the Council hearings, to close off a concern raised by F & G that diffuse discharges from farming would not comply with s 70(1)(c) – (g).

F & B + F & G subsequently appealed Rule 24 in the Environment Court, seeking to add additional criteria to it before a farming related discharge would qualify as a permitted activity.

The Environment Court questioned if Rule 24 complied with s 70 of the RMA – s 70 constrains the ability of a regional council to include a rule permitting discharges in a regional plan. The Environment Court had previously:

1. Found that:
 - a. Many of Southland’s water bodies are likely degraded with water quality falling below the national bottom line or below the minimum acceptable state; and
 - b. Discharge of contaminants incidental to farming and other activities was resulting in significant adverse effect on aquatic life.
2. Sought to map catchments where water quality was degraded by nitrogen, phosphorus, or microbial contaminants and to include these maps in a new Schedule X – titled “Catchments of degraded waterbodies where improvement in water quality is required”.

Does s 70 apply to diffuse discharges?

The Dairy Interests (Fonterra and Dairy NZ) appealed to the High Court arguing that the Environment erred in interpreting s 70 as applying to both point source and non-point source discharges. It submitted s 70 of the RMA only applied to point source discharges and diffuse discharges, including those from farming activities, were not caught by it.

F & B + F & G argued:

1. Section 70 applies to diffuse discharges that Rule 24 seeks to authorise;
2. Compliance with s 70 is not achieved by simply quoting the s 70 standards within Rule 24

The Court found that s 70 does apply to diffuse discharges: *“I am satisfied that the Environment Court was correct when it said that s 70 applies to the type of discharges that Rule 24 authorises.”* (at [71]) for the following reasons:

1. “Discharge” is broadly defined in the RMA as including to “emit, deposit, and allow to escape.” There is nothing to suggest the broad definition of discharge was not intended to apply when the term was used in s 70 – see para [71].
2. S 70(1)(b) expressly captures diffuse discharges, being discharges of contaminants that enter water after being released onto or into land – see para [71].
3. The reference to receiving waters in s 70 does not confine the discharges contemplates to point source discharges, as the term is context specific. Non point source discharges can still enter water bodies and those water bodies are the receiving waters – see para [72].

4. While the concept of “reasonable mixing” may be more relevant to point source discharges, that does not mean the criteria in s 70(1)(c) – (g) of the RMA are irrelevant. The requirement that there not be any significant adverse effects on aquatic life applies to all types of discharges. There is no logical rationale for the RMA imposing these minimum standards on one type of discharge, but not the other – see para [73].

The Environment Court was correct to hold that diffuse discharges from farming activities are encompassed by s 70 and Rule 24 had to comply with it.

Did the Court err in concluding that s 70 could be contravened by Rule 24, when it expressly precludes the type of effects referred to in s 70?

The Council submitted that Rule 24 does not authorise discharges that would have the effects referred to in s 70, because those effects are expressly excluded by a permitted activity standard in Rule 24 itself.

F&G + F&B’s case was that s 70 requires an analysis of evidence and a determination as to whether a class of activities can properly be provided for as permitted activities. Compliance with s 70 is not achieved by simply reciting the requirements of s 70(1)(c) – (g) in a rule.

The Court found in F&G + F&B’s favour. It said:

“I also accept that simply replicating the s 70 criteria, and making them conditions of a permitted activity, would not meet the procedural requirements of s 70 of the RMA. As Fish & Game and Forest & Bird submit, the language of s 70 requires the regional council to be satisfied, before it includes a rule permitting a discharge in a regional plan, that none of the effects in r 70(1)(c)-(g) are likely to arise in the receiving waters. I accept that the requirement be satisfied “before” the permitted activity rule is inserted indicates the need for an inquiry as part of the planning process as to what the evidence says about the effects of the class of discharge being considered. This is particularly important in the present case where there will be practical difficulties in determining whether a specific discharge complies given such issues are not readily able to be assessed on a case by case basis and where there will be a live question as to cumulative effects. Council officers granting resource consents should not be tasked with the very enquiry that s 70 envisages will take place prior to the rule being included in the plan.” – see para [83].

RMA / Legal fund application

Diffuse discharges - Court of Appeal proceedings

Rationale – why should we support this case?	
Case Name	Diffuse discharges - Court of Appeal proceedings
Court	Court of Appeal – Consideration of a point of law
Focus Issues / Topics	<p>Background</p> <p><u>ELI v Canterbury Regional Council – High Court proceedings re: interpretation and application of s 107 of the RMA to diffuse discharges</u></p> <p>Section 107(1) of the RMA provides that a consent authority must not grant a discharge permit or coastal permit if, after reasonable mixing the contaminant or water discharged (either by itself or in combination) is likely to give rise to specified effects, including “any significant adverse effects on aquatic life”. Section 107(2) provides some limited exceptions: a discharge or coastal permit may be granted where it would have the specified effects if exceptional circumstances justify granting the permit, or the discharge is of a temporary nature, or the discharge is associated with necessary maintenance work and (in all those cases) it is consistent with the purpose of the Act to grant the permit. Section 107(3) provides that “<i>In addition to any other conditions imposed under this Act, a discharge permit or coastal permit may include conditions requiring the holder of the permit to undertake such works in such stages throughout the term of the permit as will ensure that upon the expiry of the permit the holder can meet the requirements of subsection (1) and of any relevant regional rules.</i>”</p> <p><i>ELI v Canterbury Regional Council</i> [2024] NZHC 612 was an application for judicial review by the Environmental Law Initiative (“ELI”). It challenged the discharge permit granted in 2018 to Ashburton Lyndhurst Irrigation Ltd (“ALIL”), an irrigation scheme in mid Canterbury. The 2018 discharge permit was a replacement for ALIL’s expiring discharge permit. Rule 5.62 of the Land and Water Regional Plan enables permit to discharge nutrients onto or into land in circumstances that may result in a contaminant entering water (a discretionary activity). If that permit is held, the associated use of land is permitted.</p> <p>The Commissioner accepted agricultural land use was the primary source of nutrients leaching into groundwater and the ALI scheme, together with other irrigation schemes in the area, were significant contributors to nitrogen loads in the catchment. The Commissioner held it was clear the ALI scheme contributed to the widespread degradation in the groundwater receiving environment. She said that the previous consent was granted on the basis that it would avoid significant adverse effects but that “<i>this has proven to be untrue and land use activities have resulted in significant adverse cumulative effects on water quality and ecological values</i>”.</p> <p>ALIL proposed that the discharge permit be granted on conditions requiring the NDA to be reduced: from 1 January 2025 by 10 per cent from the 2020 nitrogen leaching load; and from 1 January 2030 by 20 per cent from the 2020 load. The Commissioner accepted ALIL’s evidence that those nitrogen load reductions from current levels could be achieved within the stated timeframes and that this would result in measurable improvements in water quality and ecological values in the receiving environment within the term of the discharge consent.</p> <p>A key aspect of ELI’s judicial review was the argument that s 107 RMA prohibited the granting of the consent. The High Court found that:</p> <p><i>[43] The current state of the receiving environment is the product of the legacy of the unsustainable discharge of contaminants. While this is sought to be arrested by the introduction of required staged reductions over the course of a new discharge permit, the discharge consent decision allows for the continuation of discharges at a level that will likely continue to give rise to the maintenance of ongoing significant adverse effects. This will continue at least until such time as the anticipated benefits of the five and 10-year reductions may improve the significant deleterious effects on the receiving environment. That being the case, s 107(1) applied.</i></p>

ELI said that the only exceptions to the s 107(1) prohibition (on significant adverse effects on aquatic life etc) are those in s 107(2), and those exceptions did not apply. ECAN argued that s 107(3) provided another pathway, and that it was implicit from the Commissioner's reasoning that she was relying on subs (3) in the way she approached her final decision regarding s 107. The High Court found that:

[46] It is unclear whether the Commissioner's reliance on the imposition of conditions requiring staged reductions in nitrogen loads rested on the application of subs (3) when addressing the question of compliance with s 107....

And

[54] ... Subsection (3) provides a consent authority with the ability to grant a discharge permit that will meet the requirements of subs (1) throughout its duration. Conditions can be imposed to ensure that by the expiry of the permit the holder will still be meeting the requirements of subs (1). ...

But

[57] ... a permit can be granted by a consent authority where none of the subs (2) exceptions apply if from the outset the consented activity would breach subs (1).

ECAN and ALIL have appealed the High Court's decision to the Court of Appeal.

Implications for catchment management and related litigation

The ELI decision is problematic in a practical sense because it means no discharge permit can be granted where the discharge would (individually or cumulatively) have significant adverse effects on aquatic life, even if the permit required the effects of the discharge to be reduced over the term of the permit so that the effects were avoided by the end of the permit. In significantly degraded areas like most of Southland and Canterbury and parts of Manawatū-Wanganui, this means permits cannot be granted that authorise farming. That is the case despite the NPSFM NOF anticipating that limits will be set, and steps put in place to ensure the limits are achieved over time, and despite some regional plans (like the One Plan) providing a resource consent framework where contaminant discharge reductions are required over time, to achieve freshwater outcomes.

Because the decision means that farming in degraded catchments cannot be consented, there is a high risk that the Government will change the RMA, e.g. by simply deleting s 107. ECAN has already written to Minister Bishop to request this.

Southland Fish & Game and Forest & Bird v Southland Regional Council – High Court proceedings re: interpretation and application of s 70 of the RMA to diffuse discharges

There are also implications for Fish & Game's involvement in the Southland Water and Land Plan, where Southland Fish & Game argued that diffuse discharges from land use activities could not be permitted (under s 70) and consent should be required – this was because the environment Court made evidential findings that diffuse discharges from land use activities were cumulatively having a significant adverse effect on aquatic life. Southland Fish & Game and Forest & Bird have so far won on this legal point in the Environment Court and High Court.

Envt Southland has recently sought leave to appeal the High Court decision to the Court of Appeal. If leave is granted (which is likely), in the Court of Appeal Envt Southland will point to the ELI decision to argue that if the s 70 interpretation is upheld, farming cannot be permitted in degraded catchments (which includes most catchments where farming occurs) via a permitted activity rule and cannot be consented under s 107. While that may be the outcome of the correct interpretation of ss 70 and 107, it does undermine the case on s 70 somewhat, and provides further fuel for the legislative reform.

Legal advice

	<p>Legal advice is that:</p> <ol style="list-style-type: none"> 1. Fish & Game gets involved in the ELI appeal. There are two ways this could happen: <ol style="list-style-type: none"> a. It could apply to intervene in the ELI appeal; or b. It could wait to see if the s 70 proceeding in relation to Evt Southland is granted leave to appeal, then seek consolidation of the two proceedings. <p>Regardless of the mode of involvement, Fish & Game's argument would be that s 107(3) provides a limited framework for authorising discharges that would temporarily have significant adverse effects on aquatic life, provided those effects are reduced so that they are no longer significant over the life of the consent. Fish & Game is unlikely to support the ECAN appeal in totality or argue that the discharge permit was correctly granted. The discharge consent imposed no mandatory requirement for immediate reductions in nitrogen losses, and it is clear that the Commissioner did not find that by the end of the consent significant adverse effects would not arise. She only found that effects would be "monitored, reduced, and, with time, remedied" which is not the same thing.</p> <p>Legal advice is that the High Court's interpretation of s 107 in the ELI case is not obviously wrong - it is quite a reasonable interpretation but creates an unworkable outcome, which is likely to initiate RMA reform.</p> 2. Fish & Game is proactive with respect to the legislative reform issue. It is recommended that Fish & Game: <ol style="list-style-type: none"> a. Prepares a version of s 107 that it can live with, which enables some form of farming in degraded catchments to continue (not necessarily current land use) provided the s 107(1) outcomes are achieved over the life of the permits. b. Initiates discussion with ECAN with a view to potentially putting forward a version of s 107 that is supported by both entities. c. Prepares some careful comms on these issues to make the most of its "moderate and pragmatic" stance while also building support for its version of s 107.
Relevant Legislation	Resource Management Act – Interpretation and application of sections 70 and 107 to diffuse discharges of contaminants from land use activities, which are giving rise to significant adverse effects on aquatic life.
Other parties Involved / Stakeholders / Collaborators / Partners?	<p>There is potential for both above appeals to the Court of Appeal on the High Court rulings to be heard together. This is because they involve similar / overlapping points of law in relation to the interpretation and application of sections 70 and 107.</p> <p>Southland Fish & Game have previously partnered with Forest & Bird in a 50 / 50 cost sharing arrangement for legal representation by Sally Gepp on appeals on the Proposed Southland Water and Land Plan, including the recent High Court hearing. It is likely that this arrangement will continue in relation to Court of Appeal proceedings by Evt Southland following the High Court decision on s 70. At this stage, it is unknown if Forest & Bird wishes to get involved in the ELI appeal and if so, whether it wishes to share the costs of legal presentation.</p>
Legal Representation / SME's/consultants involved	Sally Gepp (Barrister): \$30k + \$5k contingency = \$35K.
Why Fish & Game?	Fish & Game has had a long advocacy representation on the development and the implementation of the regional plan provisions for contaminant loss from land use activities. For example, in 2007 Wellington Fish & Game sought a declaratory statement from the environment court which directed Horizons to develop pathways for consenting farming with specific reference to nitrogen leaching.

Risk summary	There is an eagerness by regional councils to confirm a method which is easy for them to process for consents, and for this to be potentially a precedent for use across all regional councils. This potentially relies on industry provided data (and control) and relying on good management practices to reduce nitrogen leaching into a nutrient rich catchment.	
Resources – what’s needed to support this case?		
Staff Lead	Jacob Smyth submitting application. Primary contacts are: <ul style="list-style-type: none"> • North Canterbury Fish & Game – Rasmus Gabrielsson; • Central South Island Fish & Game – Steve McKnight; and • Southland Fish & Game – Zane Moss / Jacob Smyth. 	
Region/s	North Canterbury Fish & Game; Central South Island Fish & Game; and Southland Fish & Game.	
Estimated Duration (weeks) and likely time of year this will occur (Q1,2,3,4)	Estimate duration: now until end of 2025. It is unknown (at this stage) whether the Court of Appeal proceedings will be consolidated (confirmation is currently being sought from ECAN and Env't Southland as to whether they are agreeable to consolidation – both Regional Councils are represented by the same legal representative, Phillip Maw of Wynn Williams) and if so, whether they will be expediated via a priority fixture hearing. If not, a hearing is unlikely until early – mid 2025. Any decision by the Court of Appeal is likely to be reserved to allow legal contemplation by the judiciary – this means the decision will follow some months after conclusion of the legal hearing. Estimated time of years: Q3 – Q4 of 2024 for allocation of a hearing date.	
Budget – how much, for what? + /- contingencies	<i>How much money do you need? What will you spend it on? Provide breakdown of total cost.</i>	Legal \$35k
	TOTAL REQUESTED \$	\$35K, including \$5K contingency.
Endorsement/s	A Court of Appeal hearing is given the significance of the issues raised.	

Legal Case Risk & Assessment Criteria

**Associated risks and priority information will be included in Legal Case Tracking Database and regular updates of the progress of the case will be provided for reporting and outcomes tracking.*

Primary Criteria

Key Questions	Risk Weighting Score 1-3 [1= high 2= med 3= low]	Supporting Detail
What is the national precedent value in the proposed legal action?	1	The proposed legal action relates to how Regional Councils respond to diffuse discharges from land use activities, which evidence shows are having a cumulative significant adverse effect on aquatic life. The ELI decision means that farming in degraded catchments cannot be consented. There is an elevated risk that the

		<p>Government will change the RMA, e.g. by deleting s 107. If so, this will have significant consequences for Fish & Game.</p> <p>Fish & Game's intention is to argue for a 'workable' interpretation of s 107(3) – that is it provides a limited framework for authorising diffuse discharges that would temporarily have significant adverse effects on aquatic life, provided those effects are reduced so that they are no longer significant over the life of the consent.</p>
What degree of cross regional significance is the issue for which legal action is being contemplated?	1	<p>There are very similar issues in other regions where water quality is degraded in catchments due to diffuse discharges from intensive land use activities. This situation is not unique to the Canterbury and Southland regions.</p> <p>Any legislative reform of sections 70 and 107 is of high significance to all Fish & Game regions.</p>
What degree of public or licence holder interests are there, and what is their engagement?	1	<p>Fish & Game has collectively invested a lot of time and effort into this regional planning process, including involvement in ensuing appeal processes.</p> <p>Fish & Game need to ensure that any pathway for regulating diffuse discharges from land use activities (whether by permitted activity under s 70 or consent activity under s 107) is appropriate, particularly where these discharges are giving rise to significant adverse effects on aquatic life. The longer-term objective is to improve water quality of degraded water bodies so that adverse effects on aquatic life are avoided.</p>
RISK ASSESSMENT RESULT		<p><i>Total Score from above Score 3-4 = High risk approach</i> <i>Score 5-6 = Med risk approach</i> <i>Score 7-8 = Low risk approach</i></p>
Are there relationships to other synergies and co-dependency's?		This is common issue to all regional councils on how they deal with diffuse discharges of contaminants from land use activities.
What is the risk of doing nothing?	<u>High</u> , Med, Low, None	<p>High - Because the ELI decision means that farming in degraded catchments cannot be consented, there is a high risk that the Government will change the RMA, e.g. by deleting s 107. ECAN has already written to Minister Bishop to request this.</p> <p>Conversely, the Env't Southland decision means that a regional council cannot create a permitted activity for diffuse discharges from farming activities in degraded catchments where they are cumulatively having an adverse effect on aquatic life. There is a high risk the Government will either amend or delete the requirement in s 70 to avoid significant adverse effects on aquatic life to allow farming in degraded catchments to continue.</p>
What is the likelihood of a negotiated settlement?	High, Med, <u>Low</u> , None	Low – Both cases have been the subject of High Court proceedings resulting in legal rulings on the interpretation and application of sections 70 and 107. With two regional councils and multiple other parties likely to be involved in the Court of Appeal process a legal hearing is inevitable.
What is the likelihood of an appeal to a higher court?	High, <u>Med</u> , Low, None	Med – the issue is of high significance to all parties involved. Any appeal from the Court of Appeal would be to the

		Supreme Court solely on a point of law and likely to be tightly focused.
Secondary Criteria		
Key Questions	Supporting Detail	
<p>What is the significance to Fish & Game of the resource under challenge, including its current benefits and potential use and value? For example:</p> <ol style="list-style-type: none"> a. How many angler/hunter days does the resource support? b. Is it an important recruitment habitat? c. What benefit could it have in the future? 	<p>The Southland and Canterbury regions are major fish and game resources for hunters and anglers, as evidenced by licence sales in these regions and cross-boundary hunting / fishing activities.</p> <p>This potentially sets the way that disuse discharges will be considered as part of regional plan implementation.</p>	
<p>What is the risk to that resource of the proposed action being taken without Fish & Game contesting/supporting the proposed action? For example:</p> <ol style="list-style-type: none"> a. What will be lost in terms of the resource? b. Would it affect license sales? c. Who uses the resource? 	<p>There is currently a degraded water quality within catchments in Canterbury and Southland and risks for degradation in the Rangitikei and Whanganui Catchments.</p>	
<p>What is the likelihood of Fish & Game succeeding in contesting/supporting the proposed action?</p> <ol style="list-style-type: none"> a. To answer this question supporting advice needs to be supplied from legal and or RMA planning sources. 	<p>Legal advice is that the High Court's interpretation of s 107 in the ELI case is not obviously wrong - it is quite a reasonable interpretation but creates an unworkable outcome, which is likely to initiate RMA reform.</p>	
<p>What are the other alliances could be considered in contesting/supporting the proposed action?</p> <ol style="list-style-type: none"> a. To answer this question, supply any approaches that have been made to other entities. 	<p>The alliances are inter-regional and with Forest & Bird.</p>	
<p>What is the likely dollar cost of any action by Fish & Game to first hearing/court level with a breakdown of costs for lawyers, expert witnesses and scientific support? Indicate the timeframe over which the costs will span.</p> <ol style="list-style-type: none"> a. To answer this question supporting advice needs to be supplied from legal and or RMA planning sources. 	<p>Legal \$35k, including contingency of \$5k.</p>	
<p>What is the likelihood of it being resolved at a particular level e.g. Council hearing, Environment Court, High Court, Appeal Court, i.e. the risk of it going to subsequent higher courts and the likely subsequent costs involved?</p>	<p>Court of Appeal level resolution.</p>	

<p>a. To answer this question supporting advice needs to be supplied from legal and or RMA planning sources.</p>	
<p>Are there any alternative options (to court proceedings) to achieve the same outcome?</p> <p>a. To answer this question supporting advice could be supplied from legal and or RMA planning sources.</p>	<p>No – see background explanation.</p>
<p>Are there any alternative funding opportunities including shared costs?</p>	<p>Joint hearing at the Court of Appeal level.</p>
<p>What is the region’s ability to generate external funding to help cover financial costs?</p>	<p>There is potential for Forest & Bird to join the ELI proceedings with the three Fish & Game regions if the two appeals are consolidated. If so, there may be potential for cost sharing in relation to legal costs. Confirmation is currently being sought from Forest & Bird about its position.</p>

RMA / Legal fund application

Otago Regional Policy Statement – Otago & Central South Island Fish and Game Councils

Rationale – why should we support this case?	
Case Name	Otago Regional Policy Statement (ORPS)
Court	High Court & Environment Court
Focus Issues / Topics	<p>Appeals on the ORPS are split into two processes the High Court for freshwater planning instrument (FPI) provisions and the Environment Court for non-FPI provisions. FPI appeals are on the basis of law only.</p> <p>The Otago and Central South Island Fish and Game Councils (the Councils) are lodging or joining cases in the FPI and non-FPI processes.</p> <p>High Court</p> <ol style="list-style-type: none"> 1. The protection of trout and salmon habitat and the aspirations of anglers and hunters are not represented in the sole freshwater objective in the ORPS. This objective doubles as an overarching long-term vision statement for the region, so the exclusion of these points doubles as exclusion from the National Objectives Framework (NOF), which will mean that licence holder values need not be considered in the cascade of outcomes in the NOF which ultimately leads to action on the ground. <p>At the ORPS FPI and non-FPI hearings, the Councils presented an agreed provisions framework that had been developed with experts from the Department for Conservation, the Otago Regional Council and iwi, which would enable the protection of habitat of trout and salmon and allow the parties to address questions of species interaction and fish passage, which often hamper the achievement of habitat protection. In essence, this framework implements Policies 9 and 10 and section 3.26 from the National Policy Statement for Freshwater management (NPS-FM). The policy and method of the framework was adopted by the Panel (who also commented positively on the collaborative work of the parties) but the objective was not. No guidance was given by the Panel as to why the objective was not addressed. The fact that the policy and method were adopted demonstrates that the protection of trout and salmon habitat and the management of species interaction issues can be addressed in the ORPS. The Councils contend that they would pass the ‘ambitious but reasonable’ test for visions in section 3.3 of the NPS-FM and were raised by the community, including Fish and Game.</p> <p>The appeal brought by the Councils will test the basis for including or excluding community aspirations in vision statements. This is important nationally because there is a well-recognised bias against inclusion of licence holder values by many Fish and Game staff working in the Resource Management Act (RMA) space.</p> <ol style="list-style-type: none"> 2. The NPS-FM objective requires that the health and well-being of water bodies and freshwater ecosystems is prioritised and NPS-FM Policy 5 requires that the health and well-being of water bodies is improved where degraded or otherwise maintained. This language adds to a long-standing question around ‘maintain and improve’ terminology in the RMA: how much improvement is necessary? Furthermore, the direction to ‘improve where degraded’ in the NPS-FM creates a circular process, as ‘degraded’ is a defined term that relates to the achievement of target attribute states but is also pivotal in setting the same very target attribute states where the health and well-being of water is compromised. <p>The ORPS addresses this issue by directing that the health and well-being of water bodies and freshwater ecosystems is restored, thus providing an end point for</p>

improvement. However, a definition of 'restore' was not adopted, though it was sought by the Councils.

Oceana Gold appealed the use of 'restore', saying it goes further than NPS-FM Policy 5 directs. The Councils will join this appeal as it is expected to test the question: 'improve to what?' and whether the NPS-FM can include 'restoration' as an answer.

3. The second tier of the NPS-FM's Hierarchy of Obligations (**HOB**) has been contentious, with many parties – including Fish and Game – vying to be included. In its decision, the Panel considered arguments from a wide range of parties for specific inclusion in the second tier and rejected most. It stated that factors considered within the second tier should be directly related to contact to water. This shuts the door on food producers and electricity companies but leaves it open for recreation.

The Queenstown Lakes District Council appealed this decision, seeking that water for sanitation be included in the second priority, alongside drinking water. If the High Court were to find in favour of this relief, it would need to unpick the Panel's justification around the second tier. This would open the door again for other parties. If this happens, there is a chance also that the High Court will need to provide guidance on what is and is not part of the second tier.

The Council's will join this appeal and take a watching brief, so that they can step in and participate in the case if it seems likely that the Court will make decisions on what activities are or are not in the second tier.

Environment Court

The Councils propose to join appeals to the Environment Court and re-assess their participation after mediation. They only seek costs associated with attending mediation in this application and will make a larger application if they choose to proceed post-mediation. The topics of appeals being joined are:

1. To what extent should actions to mitigate or adapt to climate change be able to contravene limits? Should there be some environmental bottom lines that these activities are held to? The Councils contend that development should not compromise the health of water bodies and freshwater ecosystems.
2. How restrictive should an RPS be when it comes to infrastructure development, maintenance and use – particularly regionally and nationally significant infrastructure? As above, the Councils contend that development should not compromise the health of water bodies and freshwater ecosystems.

This topic is likely to cover:

- a. whether there an RPS can include an overarching priority towards environmental protection;
 - b. what activities should be included in the regionally significant or nationally significant infrastructure definitions;
 - c. to what extent renewable energy generation activities should be made more permissive, given their importance in mitigating the effects of climate change;
 - d. how the effects management hierarchy should be implemented in practice (including compensation and offsetting);
 - e. to what extent infrastructure development should be subject to limits; and
 - f. whether individual sectors should have their own bespoke provisions/exclusions.
3. What baseline should be used in assessing decisions relating to freshwater quality and quantity? The Councils contend that it should be, at minimum, a naturalised flow and unpolluted state.
 4. Should there be exemptions from protecting the values associated with outstanding waterbodies?

	<p>5. Should the ORPS be allowed to take a more stringent approach than a national environmental standard? In this case, the National Environmental Standard for Commercial Forestry.</p>
Relevant Legislation	Resource Management Act 1991
Other parties Involved / Stakeholders / Collaborators / Partners?	<p>There is a wide range of parties involved in the appeals, covering development interests, infrastructure providers, power companies, environmental groups, iwi and local councils.</p> <p>At the High Court, there is little opportunity for collaboration or resource sharing as there is little overlap between the environmental groups / iwi in the cases. However, there are opportunities for reaching agreement with parties prior to a hearing on the Councils' lodged appeal on the vision objective. The Councils will pursue those opportunities in the interest of reducing costs.</p> <p>Because of the significant overlap in relief, there are opportunities to work with and support other environmental parties and iwi in the Environment Court cases during mediation and the Councils will seek out those opportunities. These parties are:</p> <ul style="list-style-type: none"> - Forest & Bird - The Environmental Defence Society - Kāi Tahu <p>Because this application covers the point up to mediation, where the Councils will largely be represented by their own staff, the benefits of cost sharing at this stage is minimal. However, there are opportunities for cost sharing if the Councils decide to head to a hearing. This will be explored with these parties closer to that decision and will be detailed in future legal pool fund applications.</p>
Legal Representation / SME's/consultants involved	<p>High Court: Legal representation only – Maree Baker Galloway</p> <p>Environment Court: mediation lead by Fish and Game staff, supported by legal representation – Maree Baker-Galloway.</p>
Why Fish & Game?	<p>For the vision objective appeal, the Councils are the only party able to represent the interests of licence holders. No other party has sought to include licence holder aspirations into the vision objective. Lodging this appeal fulfils a fundamental statutory function of Fish and Game Councils. Furthermore, it is in Fish and Game's interest to resolve conflicts which typically impede the protection of trout and salmon habitat and the provision of fish passage, which the relief sought by Fish and Game will help to achieve. Together, these appeals demonstrate that the Councils are responsible managers of the sports fish and game resource and representatives of licence holder interests.</p> <p>For all cases, Fish and Game has an intense interest in the sound development of the ORPS, given it will direct plan writing in the region for the next decade (at least). The Otago region represents a significant national share of angling and hunting pressure and licence sales, so ORPS outcomes which fail to protect the sports fish and game resource in the region are likely to lead to reduced success, participation and licence sales in the medium to long term.</p>
Risk summary	<p>The Councils have set a high bar in terms of which appeals they will lodge or join. The appeals presented in this application represent instances where there is a significant potential for impacts on the Otago sports fish and game resource and (in most cases) there is an opportunity to develop caselaw which will have national application. In this context, the greatest risk is of not participating, which will greatly increase the chance of:</p> <ul style="list-style-type: none"> - degrading the sports fish and game resource (or failing to restore it from a degraded state) over the next decade; and - having caselaw develop without consideration to Fish and Game concerns. <p>The latter is particularly important, as this the ORPS is the first full plan to be developed under the NPS-FM 2020 and the appeals process will test its concepts, including the protection of trout and salmon habitat.</p>

	<p>At the opposite end of the spectrum, there is a risk that decisions from these appeals will need to be quickly reconsidered if the NPS-FM is changed by the current government. At the time of writing, it isn't clear exactly what changes will be made to the NPS-FM, as the government has only released a vague dot point list of intentions. Fish and Game Councils have been largely operating in this context of uncertainty for the last decade, as each new government tends to make changes to the NPS-FM. It is a document in a near constant state of flux. Were Fish and Game to avoid participating in cases due to future changes to the NPS-FM, it's advocacy would have been paralysed for the better part of the last decade and it would continue to be for many years to come. Councillors should also consider that participation in NPS-FM related cases forms part of the general advocacy for freshwater which informs the need for strong national direction. Money spent on cases under older versions of the NPS-FM are not wasted, they form part of the wider conversation that has led to this point. The Southland Water and Land Plan is a good example of this, developed under a previous NPS-FM yet highly relevant today.</p> <p>Cost is another risk which should be considered. During this time of austerity, Fish and Game Councils must be satisfied that the work they do represents value for money. On first principles, spending at the RPS and plan writing level is most efficient because the outcomes will heavily shape consent and plan change decisions for at least the next decade. As above, the Councils have set a high bar for participation in the ORPS appeals, meaning that many appeals that may affect licence holders but do not represent value for money have already been jettisoned. In addition, the decision to reconsider Environment Court cases after mediation is another way of managing cost risks, as it means staff can advocate for licence holders to achieve outcomes while participation is cheap, compared to attending a court hearing. Should a decision to attend Environment Court hearings be made, another bespoke application will be made to the legal pool fund. Because of these factors, Councillors can have confidence that this application represents value for money.</p> <p>Finally, there is a small procedural risk in that the Councils will have been forced to lodge all appeals / joining notices by the time this application is considered. This is due to the tensions between the split FPI/non-FPI process in the ORPS and Fish and Game's internal processes for funding. Should funds not be provided for the cases, the Councils may need to review their decision to participate. The Councils have been advised that if they withdraw from cases around mid-June, they may be liable for paying costs to the Otago Regional Council of up to \$2,000. This cost has been budgeted by the Councils up-front, should it need to be taken paid.</p>
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Resources – what's needed to support this case?

Staff Lead	Nigel Paragreen, supported by Ian Hadland and Steve McKnight	
Region/s	Otago and Central South Island Fish and Game Councils	
Estimated Duration (weeks) and likely time of year this will occur (Q1,2,3,4)	<p>No indication has been provided by either Courts on these points; however, we estimate the following:</p> <p>High Court: 1 week</p> <p>Environment Court: 1 week</p> <p>Both are likely to be heard Q4 2024 or Q1 2025</p>	
Budget – how much, for what? + /- contingencies	<i>How much money do you need? What will you spend it on? Provide breakdown of total cost.</i>	<p>High Court: legal costs of \$65,000</p> <p>Environment Court (to mediation end): legal costs of \$10,000 to support staff.</p>
	TOTAL REQUESTED \$	\$75,000

Endorsement/s	This application will be sent to Fish and Game Council managers for comment/endorsement. The replies will be submitted to the New Zealand Council prior to discussions on the application.	
<p>Legal Case Risk & Assessment Criteria</p> <p><i>*Associated risks and priority information will be included in Legal Case Tracking Database and regular updates of the progress of the case will be provided for reporting and outcomes tracking.</i></p>		
Primary Criteria		
Key Questions	Risk Weighting Score 1-3 [1= high 2= med 3= low]	Supporting Detail
What is the national precedent value in the proposed legal action?	1	This is the first full plan to be developed under the NPS-FM and the appeals will test key concepts, such as what is included in vision statements; the implementation of NPS-FM Policies 5, 9 and 10; the relationship between the NPS-FM and the National Policy Statement for Renewable Electricity Generation; what is included in the 2 nd tier of the HOB; and the effects management hierarchy.
What degree of cross regional significance is the issue for which legal action is being contemplated?	1	The concepts that will be tested will be of critical significance to all regions as they implement the NPS-FM – particularly the implementation of Policy 9 and 10. In addition, these cases affect two Fish and Game Councils and are presented jointly.
What degree of public or licence holder interests are there, and what is their engagement?	3	There is a large degree of licence holder and public interest in protecting the sports fish and game resource or restoring it where it has been degraded. This is what the appeals are designed to help achieve across Otago. However, at the RPS level the debate is conceptual and highly technical, so there is little direct participation by the general public or licence holders, outside of professional representatives like Fish and Game.
RISK ASSESSMENT RESULT		<i>Total Score from above Score 3-4 = High risk approach Score 5-6 = Med risk approach Score 7-8 = Low risk approach</i>
Are there relationships to other synergies and co-dependency's?	Yes	The appeal deals with issues common to all regional councils as they implement the NPS-FM. Furthermore, success at the ORPS level will flow down to regional and district plans in Otago.
What is the risk of doing nothing?	High	There is a risk of having key caselaw develop without consideration to Fish and Game concerns. There is a risk of future regional plans being unable to address the causes of degradation in Otago, potentially leading to further degradation and a failure to restore degraded water bodies.

<p>What is the likelihood of a negotiated settlement?</p>	<p>Medium</p>	<p>High Court: staff have already contacted some parties who joined the Councils’ vision objective appeal and it is likely they can resolve their issues prior to a hearing. This will reduce the complexity of the case. It is unclear whether the other High Court cases can be resolved prior.</p> <p>Environment Court: given the wide scope of topics to be mediated it is likely that parties will resolve some appeal points. However, it is too early to tell which points have the best chance of being resolved at mediation.</p>
<p>What is the likelihood of an appeal to a higher court?</p>	<p>Low</p>	<p>High Court: the chance of appeal to a higher court is extremely low. Staff were surprised at the low uptake of appeals to the High Court on the FPI provisions. It may be that the fast-track process, which is designed to limit appeal rights, is working as intended.</p> <p>Environment Court: this application only seeks funds to attend mediation, so this question is not relevant. If the decision is made to proceed to hearing, another legal pool fund application will be made and Councillors can consider it on merit at that time.</p>

Secondary Criteria

<p>Key Questions</p>	<p>Supporting Detail</p>
<p>What is the significance to Fish & Game of the resource under challenge, including its current benefits and potential use and value? For example:</p> <ul style="list-style-type: none"> a. How many angler/hunter days does the resource support? b. Is it an important recruitment habitat? c. What benefit could it have in the future? 	<p>The appeals will influence the quality and extent of the sports fish and game resource across Otago. Because of the scale, the sports fish and game resource here refers to populations of sports fish and game; recruitment for those populations; and the habitats upon which all of this relies.</p> <p>In terms of resource usage^{1,2} compared to other regions, the Otago fish and game region has:</p> <ul style="list-style-type: none"> - the highest sales of fishing licences in the country, equating to 20.07% of the national total; - the 3rd highest angling uptake in the country; - the second highest angling effort in the country, equating to 17.7% of the national total - the 3rd highest sales of hunting licences (Game LEQ) in the country, equating to 12.65% of the national total for the 2023 season. <p>Please note, that these statistics do not include the angling or hunting licences/effort in Otago portion of the Central South Island fish and game region, so these figures are an under-representation.</p> <p>Given the consistently high participation and licence sales from the Otago region, the quality and extent of the sports fish and game resource is of high significance nationally.</p> <p>There are a number of areas in Otago which suffer from pollution or excessive abstraction, leading to a degraded sports fish and game resource. Together, these are significant and will likely be impacting on the satisfaction of licence holders and licence sales. These include South, North and Coastal Otago for pollution and Central Otago for excessive abstraction. Were these areas to be restored to a quality similar</p>

¹ Fishing statistics: Angler usage of New Zealand lake and river fisheries: results from the 2021/2022 National Angler Survey
<https://www.fishandgame.org.nz/assets/About-us/National-Research-Programmes/Sports-Fish-Research-Programmes/National-Anglers-Survey-202122.pdf>

² Hunting statistics: National Licence Sales YTD to 20 May, pers comms 24 May 2024, Kate Thompson

	<p>to that of just a few of decades ago, licence holders could expect a significant improvement in the quality and extent of the sports fish and game resource.</p> <p>Many of the appeal topics would provide policy direction for degraded ecosystems and habitats to be restored. The vision objective and 'improve vs restore' topics within the High Court appeals are likely the best examples of this. Successful results in these cases will see flow on effects through subsequent Otago plans and direct outcomes on the ground. As a result, there is significant opportunity for future benefit from the appeals in this application.</p>
<p>What is the risk to that resource of the proposed action being taken without Fish & Game contesting/supporting the proposed action? For example:</p> <ol style="list-style-type: none"> a. What will be lost in terms of the resource? b. Would it affect license sales? c. Who uses the resource? 	<p>In the risk summary, above, the greatest risk has been identified as not participating in the appeals, as it will greatly increase the chance of:</p> <ul style="list-style-type: none"> - degrading the sports fish and game resource (or failing to restore it from a degraded state) over the next decade; and - having caselaw develop without consideration to Fish and Game concerns. <p>Most seriously, if the ORPS proceeds without licence holder aspirations in its vision it will be very difficult to protect the sports fish and game resource, as subsequent plans need not aim to fulfil those aspirations. There is no other party in the process who is interested in representing licence holder aspirations on this point.</p> <p>For the other points, the Councils' voice will be one of few that are speaking up in support of a healthy environment and access for people for recreation. Staff expect that the opposition arguments will be numerous and well-resourced through profits from resource use, meaning that every pro-environment and pro-recreation voice will be meaningful. Were the Councils to abandon these appeals it will be more likely that the provisions will allow for the outcomes in the two bullet points above.</p> <p>Were the quality of the sports fish and game resource to be degraded, isn't unreasonable to expect that licence sales will be negatively affected. Given the high performance of the Otago fish and game region in licence sales, this should be of national concern.</p>
<p>What is the likelihood of Fish & Game succeeding in contesting/supporting the proposed action?</p> <ol style="list-style-type: none"> a. To answer this question supporting advice needs to be supplied from legal and or RMA planning sources. 	<p><u>Note: the below answers represent the view of Nigel Paragreen, Environmental Officer for the Otago Fish and Game Council. Comments from other Fish and Game Councils will be circulated prior to the New Zealand Council discussing this application.</u></p> <p>High Court: the vision objective appeal has a good chance of success because the policy and method that the sought objective would support is already in the ORPS and has not been appealed by any party. That the framework was broadly supported by experts from all statutory managers of involved species at the hearing is positive as well. For the other high court cases, it is difficult to speculate as some of the concepts being used are new and untested in the NPS-FM 2020.</p> <p>Environment Court: see above for comments on likelihood of mediation success.</p>
<p>What are the other alliances could be considered in contesting/supporting the proposed action?</p> <ol style="list-style-type: none"> a. To answer this question, supply any approaches that have been made to other entities. 	<p>High Court: there is little overlap between the appeals brought by the environmental parties, which limits opportunities for supporting cases to be brought.</p> <p>Environment Court: there is significant overlap between appeals brought by the environmental parties, so there are excellent opportunities to support each other in mediation.</p>
<p>What is the likely dollar cost of any action by Fish & Game to first hearing/court level with a breakdown of costs for lawyers, expert witnesses and scientific support? Indicate the timeframe over which the costs will span.</p>	<p>High Court: legal costs of \$65,000</p> <p>Environment Court (to mediation end): legal costs of \$10,000 to support staff.</p>

<p>a. To answer this question supporting advice needs to be supplied from legal and or RMA planning sources.</p>	
<p>What is the likelihood of it being resolved at a particular level e.g. Council hearing, Environment Court, High Court, Appeal Court, i.e. the risk of it going to subsequent higher courts and the likely subsequent costs involved?</p> <p>a. To answer this question supporting advice needs to be supplied from legal and or RMA planning sources.</p>	<p>See answer to 'likelihood of appeal to a higher court' answer above.</p>
<p>Are there any alternative options (to court proceedings) to achieve the same outcome?</p> <p>a. To answer this question supporting advice could be supplied from legal and or RMA planning sources.</p>	<p>No. As a plan writing exercise, the RMA process only allows for changes to be made via the courts at this stage.</p>
<p>Are there any alternative funding opportunities including shared costs?</p>	<p>Hight Court: the Councils have explored cost sharing with other parties and it is not suitable because of the nature of the High Court process and a lack of overlap between the appeals in which the environmental parties are participating.</p> <p>Environment Court: not at the mediation stage; although it is likely the environmental parties will support each other during mediation. If the choice is made to go to hearing, a future legal pool fund application will deal with the opportunities to share costs with other parties.</p>
<p>What is the region's ability to generate external funding to help cover financial costs?</p>	<p>None.</p>

Action List

New Zealand Fish and Game Council



As of: 6 Jun 2024

RMA services provision arrangements Not Started

Set up workshop for provision of RMA services to regions and centrally

Due Date: 19 Jul 2024

Owner: Corina Jordan

Meeting: 19 Apr 2024 NZC Meeting 168, 2.2 Contestable Funding Applications

Review CF for salaries Not Started

Review the CF final budget for salary information and discuss with managers.

Due Date: 19 Jul 2024

Owner: Jane Hutchings

Meeting: 19 Apr 2024 NZC Meeting 168, 2.2 Contestable Funding Applications

Mai Mia fee on Lake Ellesmere (Te Waihora) Not Started

Identify if possible to charge a fee to the use mai mai for Te Waihora Lake Elsemere.

Due Date: 19 Jul 2024

Owner: Rasmus Gabrielsson

Meeting: 19 Apr 2024 NZC Meeting 168, 2.2 Contestable Funding Applications

update standing orders Not Started

Update standing orders meetings online. Deadline: NZC meeting August.

Due Date: 19 Jul 2024

Owner: Richard Cosgrove

Meeting: 19 Apr 2024 NZC Meeting 168, 2.2 Contestable Funding Applications

Digital regulation guide booklet Not Started

Investigate the cost and availability of supplying regulations booklet digitally and not printed, with support from Hamish.

Due Date: 20 Jul 2024

Owner: Richard Cosgrove

Meeting: 19 Apr 2024 NZC Meeting 168, 2.2 Contestable Funding Applications

Digital magazine Not Started

Investigate digital magazine re: cost savings. Support from Hamish.

Due Date: 20 Jul 2024

Owner: Richard Cosgrove

Meeting: 19 Apr 2024 NZC Meeting 168, 2.2 Contestable Funding Applications

Progress report**Not Started**

Action 1: NZC CEO to review the status of research projects to provide a progress report. This only applies to projects older than 3 years.

Due Date: 20 Jul 2024
Owner: Heather Garrick
Meeting: 19 Apr 2024 NZC Meeting 168, 2.10 Research & Monitoring Programme Update

Project deliverables**Not Started**

Action 2: NZC CEO: review existing projects and provide an update on intended deliverables. This only applies to projects older than 3 years.

Due Date: 20 Jul 2024
Owner: Heather Garrick
Meeting: 19 Apr 2024 NZC Meeting 168, 2.10 Research & Monitoring Programme Update

Te Reo Maori**Not Started**

Investigate options for te reo development among staff and across org.

Due Date: 20 Jul 2024
Owner: Corina Jordan
Meeting: 19 Apr 2024 NZC Meeting 168, 2.12 Staff Development Grant

Time Off In Lieu (TOIL).**Done**

1. NZC Members to speak to regional chairs about TOIL across the Org.
2. NZC HR Business Partner to provide, via the CEO, recommendations on TOIL for employees. Split analysis by A. salaried and B. non-salaried.

Due Date: 20 Jul 2024
Owner: Jane Hutchings
Meeting: 19 Apr 2024 NZC Meeting 168, 4.9 General Business

ARF register**Not Started**

Kate and Carmel to work with all regions to set up/fix ARF Register and determine if the amount in ARF is sufficient.

Due Date: 28 Feb 2025
Owner: Carmel Veitch
Meeting: 19 Apr 2024 NZC Meeting 168, 2.2 Contestable Funding Applications

NZC Finance Report

New Zealand Fish and Game Council Meeting 169 – 18th & 19th June 2024

Prepared by: Carmel Veitch, CFO, NZ Fish and Game Council

Kōrero taunaki - Summary of considerations

Purpose

This report to the New Zealand Fish and Game Council presents the NZC Finance Report for the 8 months ended 30 April 2024.

Financial considerations

Nil Budgetary provision / Unbudgeted

Risk

Low Medium High Extreme

Ngā taunaki - Staff Recommendations

NZC Staff recommend the following motion:

That the New Zealand Fish and Game Council:

1. Receive the NZC Finance Report for the 8 months ended 30 April 2024 with a surplus of \$14,381.

Executive Summary - Whakarāpopoto

- 1 For the 8 month period ended 30 April 2024 the combined NZC and National Budget presents a surplus of \$14,381 against a Total Budget Deficit of \$515,074.
- 2 The NZC only budget reports a surplus of \$1,473,629 against a total budget of \$1,945,526.
- 3 The National only budget reports a deficit of \$1,459,248 against a total budget of deficit of \$2,460,600.

Background - Takenga mai

- 4 This paper includes the following attachments:
 - Table 1: Statement of Financial Performance for the 8 months ended 30 April 2024
 - Table 2: Statement of Financial Performance – NZC only to 30 April 2024
 - Table 3: Statement of Financial Performance – National only to 30 April 2024
 - Table 4: Statement of Financial Position as at 30 April 2024
 - Table 5: Aged Receivables Summary as at 30 April 2024
 - Table 6: Aged Payables Summary as at 30 April 2024
 - Table 7: Research Fund As at 30 April 2024
 - Table 8: Staff Development Fund as at 30 April 2024
- 5 The Budget Deficit of \$515,074 is made up from the following approvals from the NZC.

Meeting	\$	Explanation
164 June 2023	2,451	Use of reserves (.07% as per budget)
164 June 2023	-160,000	Top Up of Reserves
165 August 23	3,623	Diff between ARF and Depreciation
165 August 23	475,000	Carry over unspent projects from 2023
165 August 23	22,000	Spending from Reserves - Maritime
166 November 23	172,000	Spending from Reserves – Magazine
167 February 2024		\$20,000 transferred from the Advocacy Budget to the Marketing and Social Licence budget.
	515,074	TOTAL BUDGET DEFICIT 2023 24

6 The Split between the NZC and National Costs are:

	Actual YTD	Budget
Table 2 - NZC	1,473,629	1,945,526
Table 3 - National	(1,459,248)	(2,460,600)
TOTAL As per Table 1	14,381	(515,074)
7 Table 1 - Combined	14,381	(515,074)

Discussion - Kōrerorero

Statement of Financial Performance

8 Income

- 8.1 Levies for the 8 months to 30 April 2024 are \$2,935,859 – 73% of budget as planned.
- 8.2 Other income of \$73,469 has been received. This includes income from Advertising and Merchandise and the Magazine Income. Sundry income represents the monthly accrual for the NZC support for the Game Bird Habitat Trust (administrative, Finance and Marketing).

9 **Grants** – paid to regions are \$554,394 are in line with budget.

10 **Outputs – Advocacy.** The total Advocacy Budget is \$1,035,400. YTD the Actual Expenditure on this budget is \$668,981. Projects to Note:

- 10.1 National Public Awareness - \$18,627 compared to a budget of \$15,000. The reason for this overspend relates to the Sika show which had not been budgeted.
- 10.2 National Magazine cost YTD \$149,214 – this represents the costs received to date for production, printing and distribution of the Game Magazine issue 58.
- 10.3 \$362,955 has been reimbursed to Regions for RMA projects YTD. The main projects funded include Healthy Rivers (Akld/Wai) \$104k, GW Plan Change 1 (Well) \$56k, Wildlife position paper \$51k, Horizons PC2 \$43k (Well) and Rakaia WCO \$47k (Nth Cant). Please refer to the RMA paper that has a full list of the committed resources within RMA.
- 10.4 The Budget for Marketing and Social Licence budget is \$140k – this was increased by \$20k in meeting 167 (transfer from Advocacy). YTD expenditure as at 30 April 2024 \$124,987. This represents 89% of the budget spent. Much of this budget has been focused on the #Rewild campaign.

11 **Outputs – Research** – Total budget \$200,000 – spending YTD \$105,909.

11.1 Research Programme – reimbursements of \$46,359 have been made to Regions for projects this year – this includes funding for:

11.1.1 Womens Fishing

- 11.1.2 Fishing for Mental health
- 11.1.3 Engaging with Mana Whenua
- 11.1.4 Insight Work Environmental
- 11.1.5 Licence Sales insights
- 11.2 See Table 7 for a summary of spending and commitments for the Research fund as at 30 April 2024.
- 11.3 The National Anglers Survey costs for the year total \$59,550. With the total survey over the last 3 years costing \$161,000. (no movement since the February Finance report)
- 12 **Outputs – Co-ordination – Total Budget \$1,086,100 – YTD spend 55% of Budget \$600,842.**
 - 12.1 Co-ordination – Administration/HR – YTD spent \$15,354 - these costs include the monthly costs for Employment Hero and the EAP service which supports all Fish and game staff when required.
 - 12.2 Co-ordination – Species Game – YTD spend \$3,462 – this budget of \$60,000 is a one off for the Population Monitoring and Analysis SOP. This project may not be completed by year end.
 - 12.3 Co-ordination RMA – budget of \$19,000 which cover the Nexis Lexis subscription and the \$10k towards training. (which has not been spent as at 30 April 2024)
 - 12.4 Elections \$30,000– this is an accrual each month towards the 2024 tri-annual elections. It is anticipated that the 2024 election will cost more than the \$135,000 that has been set aside – however, this is dependent on the number of elections held in each region. The 2024/25 budget cycle included a one off \$15,000 to cover the 2024 elections and a further \$7,500 ongoing additional funding for future elections.
 - 12.5 The Game Regulations YTD spend is \$27,395 (total budget \$82,000). The Fish Regulation guides generally cost \$55,000, however, if we are able to have systems in place so that we do not print for the next Fish season (ie only print A4 regulations pads for Regions) then we should make some savings in printing in this financial year. However, much of these savings will be absorbed in the implementation of digital regulation guides.
 - 12.6 Costs YTD \$20,079 for Maritime Compliance relate to Health and Safety and MOSS advice received following the Maritime audits as well as reimbursement to Akld/Waikato for Addams time.
 - 12.7 The Staff Development Grant allocates \$10,000 per annum towards staff scholarships for conferences etc. The costs this year relate to 3 projects that have been approved over the 2022-2024 years –Steve Dixon, Rasmus and Ian Hadland. YTD costs are \$11,021. See

attached Table 8 that represents the current Staff Development grants status and the commitments for 2024/25.

- 12.8 Website and Social Media costs are slightly ahead of budget having spent \$53,497 YTD compared to the budget of \$76,450– this is due to the Campaign Monitor costs of purchasing 4 million EDM credits.
- 12.9 Ranger Co-ordination costs of \$24,556 include the Cert Training held in Rotorua (November), Invercargill (Sept) and a Refresher in New Plymouth in April 2024. Other costs in the area relate to ranger warrants and support from Eastern to coordinate the Ranger programme.
- 12.10 Licencing costs of \$318k are in line with budget and include the Licence Audit fee, Licence Contract, production/distribution of the Licence and support from Eastern to co-ordinate the Licencing system.

13 **Outputs – Governance**

- 13.1 New Zealand Council expenses YTD are \$58,815 – which is 98% of the budget. There is still 1 meeting (August) yet to be accounted for. There are 3 main expenses –November 23 meeting \$21k, February 24 meeting \$19k and the April meeting \$16k . This budget is for 4x meetings @ \$15k each. This Budget will be overspent for the 2024 year. The Council needs to consider how they can work within this budget for the 2024/25 year. Options include – one day meetings only or more online meetings.
- 13.2 In this report I have reallocated the costs associated with the Chair attending meetings (apart from NZC meetings) and costs associated with the advocacy role of the Chair. NZC Chair Travel & Advocacy YTD spending \$8,159. In past reports these costs have been included in the New Zealand Council costs, Governance Advice and Performance and/or Advocacy. These costs have been separated as in the next year budget there has been approved \$7k for these functions.
- 13.3 Governance Advice and Performance \$5,219 YTD (last report \$9,060 however this has reduced as the travel by the Chair for meetings with Ministers, Doc and other advocacy roles costs have been reallocated as in the above paragraph. Costs in this area relate to Legal opinions requested.

14 **Outputs – Ministerial Review Implementation.** YTD \$212,600 spent vs a \$300 k budget.

The major project costs have been \$103,750 for the cost optimisation project – This is over budget by \$28k. The Staff Hui and HR consultant costs along with Governance Training were other major costs.

15 **Outputs – Overheads.** Total overheads are \$782,134 (62% of the budget) The Financial Audit fee budget will exceed budget this year due to the increase in Audit fees for 2023 and 2024 which were not notified to us until after the Audit.

- 16 **Moving offices** – with the lease for Victoria Street finishing on June 2024, the NZC staff have taken the opportunity to find more suitable office space. The new lease is less than the current lease (by approx. \$6k), however in this financial year we will incur transitional costs for moving.
- 17 Overall, the overheads are expected to fall within budget for the 2023/24 year.

Statement of Financial Position – refer Table 4

- 18 **Current Assets** – Total \$3.058m this includes \$869,916 for Accounts Receivable – see Table 5. The majority of this balance relates to levies as at 30 April 2024.
- 19 **Total Liabilities** are \$663,179 – this includes \$311,780 for Accounts payable – refer Table 6. Within Aged payables there are a few credit balances –
- 19.1 Air New Zealand \$2,275 – this is due to refunds for travel arrangements made for the Mangers meeting that was cancelled by the NZC.
- 19.2 Castlecorp \$4,699 – due to a prepayment of the Lease for May.
- 20 Restricted Reserves include the NAS, Research, RMA and Staff Development funds – these represent the funds that the NZC have committed to these funds. Total Restricted Reserves \$948,870. See Table 7 and 8 for the Research and Staff Development Reserves. Refer the RMA paper for the table for the RMA/Legal Fund.

Risks and mitigations

- 21 At this stage, all budgets are within Budget – however, close monitoring of budgets is required to ensure this remains the case at year end.

Table 1: Statement of Financial Performance

New Zealand Fish and Game Council For the 8 months ended 30 April 2024

	YTD ACTUAL	TOTAL BUDGET	REMAINING BUDGET	% OF BUDGET SPENT
INCOME				
Levies	2,935,859	4,043,585	1,107,726	73%
Interest Income	15,560	65,050	49,490	24%
Other income				
Advertising & Merchandise	6,100	30,000	23,900	20%
RMA Legal - Revenue	20,000	-	(20,000)	-
Sundry Income	8,000	12,000	4,000	67%
Magazine Contributions	39,335	50,000	10,665	79%
Sale of Fish and Game Cookbook	35	-	(35)	-
Total Other income	73,469	92,000	18,531	80%
Donations - Water Quality	70	-	(70)	-
Total INCOME	3,024,959	4,200,635	1,175,676	72%
GRANTS TO REGIONS				
Grants to Regions	554,394	739,192	184,798	75%
Total GRANTS TO REGIONS	554,394	739,192	184,798	75%
OUTPUTS				
ADVOCACY				
Advocacy - Legal & Specialist Advice	12,962	30,400	17,438	43%
National Public Awareness	18,627	15,000	(3,627)	124%
National Magazine	149,214	410,000	260,786	36%
RMA/Legal	362,955	440,000	77,045	82%
Marketing & Social Licence	124,987	140,000	15,013	89%
NBEA Project	235	-	(235)	-
Total ADVOCACY	668,981	1,035,400	366,419	65%
RESEARCH				
Research Programme	46,359	100,000	53,641	46%
Research - Optimisation Model	-	45,000	45,000	-
Research - National Anglers Survey	59,550	30,000	(29,550)	199%
Research - Phd Programme	-	25,000	25,000	-
Total RESEARCH	105,909	200,000	94,091	53%
CO-ORDINATION				
Business & Financial Support	2,198	4,000	1,802	55%
Co-ordination National - CEO Travel	4,628	16,000	11,372	29%
Co-ordination - Administration/HR	15,354	35,000	19,646	44%
Co-ordination - Species - Game	3,462	60,000	56,538	6%
Co-ordination - RMA	8,658	19,000	10,342	46%
Elections	30,000	45,000	15,000	67%
Fishing & Hunting Regulations	27,395	82,000	54,605	33%
Information Technology- National	41,207	62,150	20,944	66%



Table 1: Statement of Financial Performance

	YTD ACTUAL	TOTAL BUDGET	REMAINING BUDGET	% OF BUDGET SPENT
Maritime NZ Compliance	20,079	30,000	9,921	67%
Manager Meetings	-	12,000	12,000	0%
Staff Conference	15,148	30,000	14,852	50%
Staff Development Grant	11,021	10,000	(1,021)	110%
Youth Education Programme	6,000	7,000	1,000	86%
Website and Social Media	53,497	76,450	22,953	70%
Website Development	19,160	45,000	25,840	43%
Ranger Co-ordination	24,556	39,500	14,944	62%
Licencing	318,480	513,000	194,520	62%
Total CO-ORDINATION	600,842	1,086,100	485,258	55%
Total OUTPUTS	1,375,732	2,321,500	945,768	59%
GOVERNANCE				
New Zealand Council	58,815	60,000	1,185	98%
NZC Chair Travel & Advocacy	8,159	-	(8,159)	-
Governance Advice & Performance	5,219	20,000	14,781	26%
Governors Forum	11,364	12,000	636	95%
Regional Audit	-	10,000	10,000	-
Remuneration Committee	2,121	-	(2,121)	-
Total GOVERNANCE	85,678	102,000	16,322	84%
MINISTERIAL REVIEW IMPLEMENTATION				
Consultant Amalgamation - Review	346	20,000	19,654	2%
Governance Training Program - Review	28,151	40,000	11,849	70%
HR Consultant - Review	36,497	35,000	(1,497)	104%
Legal Costs - Review	-	15,000	15,000	-
NZC Strategy Workshop & Implementation - Review	3,457	5,000	1,543	69%
Staff Hui - Review	40,439	40,000	(439)	101%
Cost Optimisation - Review	103,750	75,000	(28,750)	138%
Te Ao Maori Advisor	-	30,000	30,000	-
Governance Advisor - Review	-	30,000	30,000	-
Consolidated Annual report - Review	-	10,000	10,000	-
Total MINISTERIAL REVIEW IMPLEMENTATION	212,640	300,000	87,360	71%
OVERHEADS				
Salaries & Contractors	673,248	1,085,903	412,655	62%
Staff Expenses	29,471	47,100	17,629	63%
Office Premises	38,518	60,900	22,382	63%
Office Equipment	947	2,000	1,053	47%
Communications/Consumables	13,705	22,900	9,195	60%
General (inc Insurance)	5,268	9,900	4,632	53%
Financial Audit Fee	15,839	18,000	2,161	88%
Depreciation	5,137	6,314	1,177	81%
Total OVERHEADS	782,134	1,253,017	470,884	62%



Table 1: Statement of Financial Performance

	YTD ACTUAL	TOTAL BUDGET	REMAINING BUDGET	% OF BUDGET SPENT
Total Expenses	3,010,578	4,715,709	1,705,131	64%
Net Surplus/(Deficit)	14,381	(515,074)	(529,455)	-3%

Table 2: Statement of Financial Performance- NZC Budget only

New Zealand Fish and Game Council For the 8 months ended 30 April 2024

Region is NZC.

	YTD ACTUAL	2024 NZC BUDGET	REMAINING BUDGET	% OF BUDGET SPENT
INCOME				
Levies	2,935,859	4,043,585	1,107,726	73%
Interest Income	15,560	65,050	49,490	24%
Other income				
Sundry Income	8,000	12,000	4,000	67%
Total Other income	8,000	12,000	4,000	67%
Donations - Water Quality	70	-	(70)	-
Total INCOME	2,959,489	4,120,635	1,161,146	72%
GRANTS TO REGIONS				
Grants to Regions	554,394	739,192	184,798	75%
Total GRANTS TO REGIONS	554,394	739,192	184,798	75%
OUTPUTS				
ADVOCACY				
Advocacy - Legal & Specialist Advice	12,962	30,400	17,438	43%
National Public Awareness	11,498	7,500	(3,998)	153%
Marketing & Social Licence	50,289	50,000	(289)	101%
Total ADVOCACY	74,748	87,900	13,152	85%
CO-ORDINATION				
Business & Financial Support	2,198	4,000	1,802	55%
Co-ordination National - CEO Travel	4,628	16,000	11,372	29%
Total CO-ORDINATION	6,826	20,000	13,174	34%
Total OUTPUTS	81,574	107,900	26,326	76%
GOVERNANCE				
New Zealand Council	58,815	60,000	1,185	98%
NZC Chair Travel & Advocacy	8,159	-	(8,159)	-
Governance Advice & Performance	5,219	20,000	14,781	26%
Governors Forum	11,364	12,000	636	95%
Regional Audit	-	10,000	10,000	-
Remuneration Committee	2,121	-	(2,121)	-
Total GOVERNANCE	85,678	102,000	16,322	84%
OVERHEADS				
Salaries & Contractors	655,328	1,058,903	403,575	62%
Staff Expenses	29,471	47,100	17,629	63%
Office Premises	38,518	60,900	22,382	63%



Table 2: Statement of Financial Performance- NZC Budget only

	YTD ACTUAL	2024 NZC BUDGET	REMAINING BUDGET	% OF BUDGET SPENT
Office Equipment	947	2,000	1,053	47%
Communications/Consumables	13,705	22,900	9,195	60%
General (inc Insurance)	5,268	9,900	4,632	53%
Financial Audit Fee	15,839	18,000	2,161	88%
Depreciation	5,137	6,314	1,177	81%
Total OVERHEADS	764,213	1,226,017	461,804	62%
Total Expenses	1,485,860	2,175,109	689,249	68%
Net Surplus/(Deficit)	1,473,629	1,945,526	471,897	76%

Table 3: Statement of Financial Performance- NATIONAL

New Zealand Fish and Game Council For the 8 months ended 30 April 2024

Region is National.

	YTD ACTUAL	NATIONAL BUDGET	REMAINING BUDGET	% OF BUDGET SPENT
INCOME				
Other income				
Advertising & Merchandise	6,100	30,000	23,900	20%
RMA Legal - Revenue	20,000	-	(20,000)	-
Magazine Contributions	39,335	50,000	10,665	79%
Sale of Fish and Game Cookbook	35	-	(35)	-
Total Other income	65,469	80,000	14,531	82%
Total INCOME	65,469	80,000	14,531	82%
OUTPUTS				
ADVOCACY				
National Public Awareness	7,130	7,500	370	95%
National Magazine	149,214	410,000	260,786	36%
RMA/Legal	362,955	440,000	77,045	82%
Marketing & Social Licence	74,699	90,000	15,301	83%
NBEA Project	235	-	(235)	-
Total ADVOCACY	594,233	947,500	353,267	63%
RESEARCH				
Research Programme	46,359	100,000	53,641	46%
Research - National Anglers Survey	59,550	30,000	(29,550)	199%
Research - Phd Programme	-	25,000	25,000	-
Research - Optimisation Model	-	45,000	45,000	-
Total RESEARCH	105,909	200,000	94,091	53%
CO-ORDINATION				
Co-ordination - Administration/HR	15,354	35,000	19,646	44%
Co-ordination - Species - Game	3,462	60,000	56,538	6%
Co-ordination - RMA	8,658	19,000	10,342	46%
Elections	30,000	45,000	15,000	67%
Fishing & Hunting Regulations	27,395	82,000	54,605	33%
Information Technology- National	41,207	62,150	20,944	66%
Maritime NZ Compliance	20,079	30,000	9,921	67%
Manager Meetings	-	12,000	12,000	0%
Staff Conference	15,148	30,000	14,852	50%
Staff Development Grant	11,021	10,000	(1,021)	110%
Youth Education Programme	6,000	7,000	1,000	86%
Website and Social Media	53,497	76,450	22,953	70%



Table 3: Statement of Financial Performance- NATIONAL

	YTD ACTUAL	NATIONAL BUDGET	REMAINING BUDGET	% OF BUDGET SPENT
Website Development	19,160	45,000	25,840	43%
Ranger Co-ordination	24,556	39,500	14,944	62%
Licencing	318,480	513,000	194,520	62%
Total CO-ORDINATION	594,016	1,066,100	472,084	56%
Total OUTPUTS	1,294,158	2,213,600	919,442	58%
MINISTRIAL REVIEW				
Consultant Amalgamation - Review	346	20,000	19,654	2%
Governance Training Program - Review	28,151	40,000	11,849	70%
HR Consultant - Review	36,497	30,000	(6,497)	122%
Cost Optimisation - Review	103,750	76,250	(27,500)	136%
Te Ao Maori Advisor	-	30,000	30,000	-
Governance Advisor - Review	-	30,000	30,000	-
Consolidated Annual report - Review	-	10,000	10,000	-
Legal Costs - Review	-	18,750	18,750	-
NZC Strategy Workshop & Implementation - Review	3,457	5,000	1,543	69%
Staff Hui - Review	40,439	40,000	(439)	101%
Total MINISTERIAL REVIEW	212,640	300,000	87,360	71%
OVERHEADS				
Salaries & Contractors	17,920	27,000	9,080	66%
Total OVERHEADS	17,920	27,000	9,080	66%
Total Expenses	1,524,718	2,540,600	1,015,882	60%
Net Surplus/(Deficit)	(1,459,248)	(2,460,600)	(1,001,352)	59%

Table 4: Statement of Financial Position

New Zealand Fish and Game Council As at 30 April 2024

	30 APR 2024	31 AUG 2023
Assets		
Current Assets		
Cash & Cash Equivalents		
NZ Fish and Game Council	174,603	334,169
NZ Fish and Game Council - Sav	32,566	50,784
Serious Saver	209,093	206,730
Credit Cards	(6,586)	(3,330)
Total Cash & Cash Equivalents	409,675	588,352
Receivables		
Accounts Receivable	869,916	285,229
Accounts Receivable - Other	5,856	67,857
Interest Receivable	16,349	48,389
Total Receivables	892,121	401,475
Term Investments	1,748,546	2,158,397
Prepayments and Accrued Income	8,000	12,000
Total Current Assets	3,058,342	3,160,224
Non-current Assets		
Property, Plant & Equipment	16,893	13,857
Term Deposits >12mths	-	389,006
Total Non-current Assets	16,893	402,863
Total Assets	3,075,235	3,563,087
Liabilities		
Payables		
Accounts Payable	311,780	566,149
Income Received in Advance	-	19,600
Accruals and Prepaid Licences	209,839	287,063
PAYE Clearing	24,511	18,876
NZGBHT - Stamp Programme	(2,131)	182,126
GST	57,204	3,838
Total Payables	601,203	1,077,651
Employee Entitlements	62,114	87,898
Rounding	-	-
Total Liabilities	663,317	1,165,549
Net Assets	2,411,918	2,397,537
Equity		
Accumulated Funds		
Accumulated Funds	1,302,479	1,398,312
Transfer (To)/From Reserves	124,394	(58,885)



Table 4: Statement of Financial Position

	30 APR 2024	31 AUG 2023
Net Surplus/(Deficit)	14,381	(95,833)
Total Accumulated Funds	1,441,255	1,243,595
Reserves		
Dedicated reserves		
Asset Replacement Reserve	21,794	21,794
Total Dedicated reserves	21,794	21,794
Restricted Reserves		
National Anglers Survey Reserve	105,125	134,675
Research Reserve	234,385	228,536
RMA/Legal Fund Reserve	606,831	768,016
Staff Development Grant Reserves	2,528	921
Total Restricted Reserves	948,870	1,132,149
Total Reserves	970,664	1,153,943
Total Equity	2,411,918	2,397,537

Table 5: Aged Receivables Summary

New Zealand Fish and Game Council

As at 30 April 2024

Ageing by due date

CONTACT	CURRENT	< 1 MONTH	1 MONTH	2 MONTHS	3 MONTHS	OLDER	TOTAL
Auckland/Waikato Fish & Game Council	38,023.48	-	-	-	-	-	38,023.48
Central South Island Fish and Game Council	289,108.59	-	-	-	-	-	289,108.59
Eastern Fish and Game Council	35,924.66	144.90	-	-	-	-	36,069.56
Gun City	29,146.37	-	-	-	-	-	29,146.37
Hawke's Bay Fish and Game Council	17,170.12	-	-	-	-	402.01	17,572.13
Nelson Marlborough Fish & Game Council	31,113.62	48.30	-	-	-	-	31,161.92
North Canterbury Fish and Game Council	186,746.38	197.66	-	-	-	-	186,944.04
Northland Fish and Game Council	48.30	48.30	-	-	-	-	96.60
NZ Police – Firearms Safety Authority	747.50	-	-	-	-	-	747.50
NZ Post Ltd	9,742.75	-	-	-	-	-	9,742.75
Otago Fish and Game Council	96.60	-	-	-	-	-	96.60
Southland Fish and Game Council	231,013.34	96.60	-	-	-	-	231,109.94
West Coast Fish and Game Council	48.30	48.30	-	-	-	-	96.60
Total	868,930.01	584.06	-	-	-	402.01	869,916.08
Percentage of total	99.89%	0.07%	-	-	-	0.05%	100.00%

Table 6: Aged Payables Summary

New Zealand Fish and Game Council

As at 30 April 2024

Ageing by due date

CONTACT	CURRENT	< 1 MONTH	1 MONTH	2 MONTHS	OLDER	TOTAL
Aged Payables						
Air New Zealand Travel Card	-	(2,276)	-	-	-	(2,276)
Arthritis New Zealand	10	-	-	-	-	10
Auckland/Waikato Fish & Game Council	3,372	-	-	-	-	3,372
Barrie Barnes	-	253	-	-	-	253
BDMA Revolution Limited	161	-	-	-	-	161
Cancer Society	10	-	-	-	-	10
Castleforest Investments Limited	(4,699)	-	-	-	-	(4,699)
Cert Systems limited	2,760	-	-	-	-	2,760
Computer & Telephone Services Ltd	66	-	-	-	-	66
Darryl Reardon	-	269	-	-	-	269
Dean Phibbs	453	-	-	-	-	453
DECISIONS AS	-	-	-	-	2,335	2,335
Department of Internal Affairs	-	3,610	-	-	-	3,610
Eastern Fish and Game Council	286	-	6	-	-	292
Employment Hero Pty Ltd CC	1,272	-	-	-	-	1,272
Eyede Solutions Limited	10,187	6,809	-	-	-	16,996
Ferret Software Ltd	374	-	-	-	-	374
Fuji Xerox New Zealand Limited	207	-	-	-	-	207
Gemtech Solutions Limited	446	-	-	-	-	446
GF Karalus	237	-	-	-	-	237
Hothouse Communications Limited	6,418	-	-	-	-	6,418
Instep	288	-	-	-	-	288
Kahu Environmental Limited	4,787	-	-	-	-	4,787
Kumutoto Consulting Limited	21,563	-	-	-	-	21,563
Latitude Strategy & Communication Limited	2,580	-	-	-	-	2,580
Lexis Nexis DD	7,233	-	-	-	-	7,233
Linn Koevoet	-	171	-	-	-	171
Mike Barker	-	210	-	-	-	210
New Zealand Mail Group	23,712	-	-	-	-	23,712
North Canterbury Fish and Game Council	9,716	-	-	-	-	9,716
Northland Fish and Game Council	110,458	-	-	-	-	110,458
NZ Post Ltd	11,706	-	-	-	-	11,706
Officemax New Zealand Limited	-	113	-	-	-	113
PB Technologies Wgtn	1,518	-	-	-	-	1,518
Redstripe Limited	4,944	-	-	-	-	4,944
Rieger's Print and Copy Limited	1,776	-	-	-	-	1,776
Seek NZ Ltd	277	-	-	-	-	277
Sounds Air Travel and Tourism Limited	978	-	-	-	-	978



Table 6: Aged Payables Summary

CONTACT	CURRENT	< 1 MONTH	1 MONTH	2 MONTHS	OLDER	TOTAL
Southland Fish and Game Council	1,674	-	-	-	-	1,674
Taxicharge New Zealand Limited	570	-	-	-	-	570
The Lab	4,911	-	-	-	-	4,911
Tom Kroos	275	-	-	-	-	275
Wellington Fish and Game Council	52,712	-	-	-	-	52,712
West Plaza Hotel	7,755	439	-	-	-	8,194
Westlake Governance	-	-	8,799	-	-	8,799
Windcave New Zealand Limited DD	50	-	-	-	-	50
Total Aged Payables	291,041	9,598	8,805	-	2,335	311,780
Total	291,041	9,598	8,805	-	2,335	311,780
Percentage of total	93%	3%	3%	-	1%	100%

Table 7: Research Fund - Committed Funds

New Zealand Fish and Game Council

As at 30 April 2024

Project Ref	Project Name	Coordinator	Council	Date Approved	Completion Dates	Total Approved	Total Spent to Date	Commitment	Status/Comments
56	Game Harvest Survey Analysis	Matthew Mc Dougall	Eastern	May-13		4,000	2,948	1,052	Ongoing \$500 budget every yr
61	Mallard Research -Duck Management Units	Matthew Mc Dougall	Eastern	Sep-15		3,000	655	2,345	
67.2	Mallard Research -Cat GPS pilot study	Zane Moss	Southland	May-16		9,300	7,617	1,683	
68	Environmental DNA to identify spawning & establish protocols	Phil Teal/Adam Canning	Wellington	May-17		50,000	41,290	8,710	Massey Sequencing DNA, trial continues next spring spawning
70	Liminological variables on food web dynamics in Lake Tarawera	Matt Osborne	Eastern	May-17		15,000	15,000	-	Fieldwork progressing
75	Native Fish/Sports interactions	Phil/Adam Canning	Wellington	Apr-18		50,000	32,557	17,443	Fieldwork progressing - Amy finished thesis requirement - AC to assist with 2 papers.
76	Mallard Research - Brood Habitat selection and use	David Klee	Akld/Waik	Jul-18		21,000	17,391	3,609	Fieldwork progressing
77.2	Research into Womens Angling	Cohen & Otago	Otago	Apr 22 & Nov 22		23,500	23,500	-	
78.1	Fishing for Mental Health Aug 22 and Nov 23	Cohen Stewart	Southland	Aug-22		34,375	9,762	24,613	Add titional Funding approved meeting 166
78.2	Sustainable Food Harvest	Chris Newton	Hawkes Bay	Aug-22		12,000	12,000	-	Project completed - waiting oin report
79	Engaging with Mana Whenua	Corina Jordan	NZC	Nov-22		28,330	26,656	1,674	
80	Insight work - environmental synthesis - Gerhard Uys	Corina Jordan	NZC	Nov-22		40,000	10,000	30,000	
81	Species FW Science	Corina Jordan	NZC	Nov-22		30,000	-	30,000	
82	Australisian Shoveler	Matt McDougall	Eastern	Apr-23		8,000	-	8,000	
83	Licence Sales Insights	Corina Jordan	NZC	Apr-23		21,000	17,015	3,985	
84	Trout Populations & Relationships	Corina Jordan	NZC	Apr-23		38,790	-	38,790	
85	NZIER Economic Contribution of Fesh Water Angling			Feb-24		62,481		62,481	
	TOTALS							\$ 234,386	

Recommendation: Accept Research Fund of \$234,386 as at 30 April 2024

Staff Development Fund

As at 30 April 2024

Table 8: Current Staff Development Projects and Commitments

New Zealand Fish and Game Council

As at 30 April 2024

APPROVED	REGION	AWARDED TO	Amount	ACTUAL SPENT	Refund w/drawn	COMPLETE	COMMITMENT
6/04/2023	Otago	Steve Dixon - Recirculating Aquaculture Systems	6,000	5,079	921	Y	-
24/11/2023	NC	Rasmus - Speaker at the March 2024 World Fisheries Confere	6,000	6,000		y	-
16/02/2024	Otago	Ian - R3 conference	5,049	5,021			28
20/04/2024	CSI	Hamish - San Fran Delto Science Conf	2,500	-			2,500
TOTAL Commitment			19,549	16,099	921	-	2,528

Table 9 : Available Funds -Staff Development Grant

Balance Availabe 31 August 2023	128
Plus 2023/24 Budget	10,000
Plus Withdrawn Funds	921
Less approved	
Rasmus - Meeting 166	- 6,000
Ian - Meeting 167	- 5,049
Balance available for Funding to August 2024	0
Fundng available for 2024/25	10,000
Less Approved	
Hamish Stevens - Meeting 168	- 2,500
Funds Available for 2024/25	7,500

National Finance Report

NZ Fish and Game Council Meeting 169 – 18th & 19th June 2024

Prepared by: Carmel Veitch, CFO, NZ Fish and Game Council

Kōrero taunaki - Summary of considerations

Purpose

1. This report to the New Zealand Fish and Game Council presents the National Finance report as at 30 April 2024.

Financial Considerations

- Nil Budgetary provision Unbudgeted

Risk

- Low Medium High Extreme

Ngā taunaki - Staff Recommendations

NZC Staff recommend that NZC:

1. Receive the information as presented in the National Finance Report as at 30 April 2024.

Background- Takenga mai

- This report is tabled to the NZC to give a snapshot of the YTD spending across the Councils.

Discussion - Kōrerorero

- Refer to Table 1 for the summary of YTD spending.

Table 1: National Fish & Game Financial Report						
As at 30 April 2024						
Year to Date Expenditure against Total Approved Budget						
Council	Approved Budget	Approved from Reserves	RMA/Legal Spend Approved from Reserves	Total Budget (inc from Reserves)	Net Expenditure	YTD %
Northland	581,107	10,537	-	591,644	367,064	62%
Auckland/Waikato	909,097	38,137	-	947,234	577,762	61%
Eastern	1,278,944	43,209	-	1,322,153	948,585	72%
Hawkes' Bay	380,624	5,652	-	386,276	199,176	52%
Taranaki	419,692	1,244	-	420,936	221,916	53%
Wellington	830,600	14,242	120,000	964,842	646,711	67%
Nelson/Marlborough	564,125	32,704	-	596,829	341,433	57%
North Canterbury	1,003,286	74,521	-	1,077,807	637,291	59%
West Coast	351,136	5,895	-	357,031	275,650	77%
Central South Island	877,010	129,184	-	1,006,194	664,631	66%
Otago	1,233,468	95,819	11,596	1,340,883	808,126	60%
Southland	823,924	161,655	13,820	999,399	565,523	57%
NZC	1,290,295	130,000	-	1,420,295	909,630	64%
National inc RMA & Research	2,081,600	539,000	-	2,620,600	1,459,248	56%
Total	12,624,908	1,281,799	145,416	14,052,122	8,622,747	61%
8 months of the year completed, which represents					67% of the year	

Financial Implications

- With 67% of the year completed, All Councils range from 52% to 77% of spending YTD.

Risks and Mitigations

- At present there are no apparent risks, however, all Councils need to work within their budgets and notify NZC if planning to spend from reserves so that reserves levels can be monitored.

Ngā mahinga e whai ake nei - Next Actions

- Continue to monitor and support Councils.

National Finance Report

NZ Fish and Game Council Meeting 169 – 18th & 19th June 2024

Prepared by: Carmel Veitch, CFO, NZ Fish and Game Council

Kōrero taunaki - Summary of considerations

Purpose

1. This report to the New Zealand Fish and Game Council presents the National Finance report as at 30 April 2024.

Financial Considerations

- Nil Budgetary provision Unbudgeted

Risk

- Low Medium High Extreme

Ngā taunaki – CEO Recommendations

CEO recommends that NZC:

1. Receive the information as presented in the National Finance Report as of 30 April 2024.

Background- Takenga mai

- This report is tabled to the NZC to give a snapshot of the YTD spending across the Councils.

Discussion - Kōrerorero

- Refer to Table 1 for the summary of YTD spending.

Table 1: National Fish & Game Financial Report						
As at 30 April 2024						
Year to Date Expenditure against Total Approved Budget						
Council	Approved Budget	Approved from Reserves	RMA/Legal Spend Approved from Reserves	Total Budget (inc from Reserves)	Net Expenditure	YTD %
Northland	581,107	10,537	-	591,644	367,064	62%
Auckland/Waikato	909,097	38,137	-	947,234	577,762	61%
Eastern	1,278,944	43,209	-	1,322,153	948,585	72%
Hawkes' Bay	380,624	5,652	-	386,276	199,176	52%
Taranaki	419,692	1,244	-	420,936	221,916	53%
Wellington	830,600	14,242	120,000	964,842	646,711	67%
Nelson/Marlborough	564,125	32,704	-	596,829	341,433	57%
North Canterbury	1,003,286	74,521	-	1,077,807	637,291	59%
West Coast	351,136	5,895	-	357,031	275,650	77%
Central South Island	877,010	129,184	-	1,006,194	664,631	66%
Otago	1,233,468	95,819	11,596	1,340,883	808,126	60%
Southland	823,924	161,655	13,820	999,399	565,523	57%
NZC	1,290,295	130,000	-	1,420,295	909,630	64%
National inc RMA & Research	2,081,600	539,000	-	2,620,600	1,459,248	56%
Total	12,624,908	1,281,799	145,416	14,052,122	8,622,747	61%
8 months of the year completed, which represents					67% of the year	

Financial Implications

- With 67% of the year completed, All Councils range from 52% to 77% of spending YTD.

Risks and Mitigations

- At present there are no apparent risks, however, all Councils need to work within their budgets and notify NZC if planning to spend from reserves so that reserves levels can be monitored.

Ngā mahinga e whai ake nei - Next Actions

- Continue to monitor and support Councils.

TIME IN LIEU

New Zealand Fish and Game Council Meeting 169 – 18th & 19th of June 2024

Prepared by: Adrienne Murray, HR & HS Advisor, NZ Fish and Game Council

Kōrero taunaki - Summary of considerations

Purpose

To provide New Zealand Fish and Game Council a paper for discussion, and receive initial feedback from the New Zealand Council on the implications of Time in Lieu for Chief Executives and for staff

Financial considerations

Nil Budgetary provision / Unbudgeted

Risk

Low Medium High Extreme

Ngā taunaki - Staff Recommendations

NZC Staff recommend the following motion:

That the New Zealand Fish and Game Council:

1. Receive the paper on Time in Lieu (TIL).
2. Consider the potential implication within Fish and Game individual organisation structures, and across the National Council.
3. Ask that a draft policy be prepared for managers to consult with staff in preparation for the August Council Managers meeting.

Background - Takenga mai

1. While the current TIL policies are held at a local level the accountability to be a good employer lies with the National Council and through this group to the CEO and then the Chief Executives around the country.
2. It is important to note that as each region is an independent entity there may be variances between individual employment agreements and at different levels in their teams.
3. Employment law in NZ states:
 - a. *'An employee's standard hours of work shall not exceed 40 hours per week (exclusive of overtime). The law emphasizes working not more than 40 hours (exclusive over time) so that staff can divide their work week not more than 5 working days. The employer and employee may agree to work more than 40 hours in a week (exclusive of overtime) through their mutual agreement'*. Section 11 B, Minimum Wage Act.

Discussion - Kōrerorero

4. Regardless of this we know that it is very common for many people to work greater than 40 hours.
5. Excessive hours are commonly expressed as hours in excess of 50 hours in a week, and/or continuous expectations of weekend work in addition of Monday to Friday work.
6. It is important that employers either work within the agreed clauses of an individual employment agreement or seek to reach agreement on whether there will be payment for additional hours, or if there will be an exchange of hours worked for hours taken as special leave (TIL).
7. There is no legal requirement to give staff time in lieu. Unless TIL is stated in the employment agreement, a policy must be in place and have been consulted on.
8. Where TIL has been agreed, keeping accurate records of hours worked is essential.
9. Any person that has TIL owing to them should be given the opportunity to take that time off within 2 months, but this may extend to six months in extenuating

circumstances. TIL (like annual holiday leave) should not be accumulated to an untenable level for the region or the entity.

10. Where it is known and planned that staff will be working extended hours over a period of several days or weeks, a plan should be prepared including risks of fatigue and incidents and preparing a plan for TIL to be used for all staff involved.

Options- Ngā kōwhiringa

11. The Council may
 - a. Continue with the status quo.
 - b. develop a draft policy and consult with the regions.
 - c. determine that a policy is not needed at this time (although may be needed later).

12. The Council will have a further opportunity to consider the draft policy and consultation outcomes.

Considerations for decision-making - Whai whakaaro ki ngā whakataunga

Financial Implications

13. There are costs to be considered
14. Financial cost of time off work that is paid for at the rate of pay that the employee is on at the time of taking the leave
15. Time that people are not at work because they are taking Time in Lieu breaks from work.
16. Potential cost of meals where a person is working longer than 4 hours of overtime in one period (Staff are entitled to a meal break after 4 hours of work at any time.) During an 8-hour period there is an entitlement to a 10 minute refreshment break after every 2 hours of work and an unpaid meal break after 4 hours of work)

Legislative Implications

17. F&G is an employer under the Health and Safety at Work Act.

Section 4 Treaty Responsibilities

18. There are no Te Tiriti implications.

Policy Implications

19. A draft policy need be developed and consulted on. The draft policy will align with other F&G workplace policies.

Risks and mitigations

20. Risk of complaints and/or grievances based on lack of equality in opportunities for TIL or expectations that people will work additional hours.

21. Risk of incident or injury where excessive hours are being worked and the subsequent cost to the region and Fish and Game Council, both having accountability as a PCBU.

22. Risk of fatigue where significant hours or excessive hours are being worked

23. Reputational risk to individual regions and the entirety of Fish & Game

24. The overarching principal of employers, and in particular that of state entities is that of the “good employer obligations” in New Zealand. These principles include:

- a. Good and safe working conditions
- b. Good and safe working conditions include the right to not work excessive hours on an ongoing basis
- c. Equal employment opportunities
- d. This includes the right to acceptable hours of work and equal opportunity for overtime.

Consultation

25. Consultation of the regional councils and NZC will be undertaken in the preparation of the draft policy, and once a draft policy is drafted it will be shared to comment.

Next actions - Ngā mahinga e whai ake nei

26. Once feedback on this paper is received a draft policy will be established for further consultation.

Feedback on Health and Safety Policies

New Zealand Fish and Game Council Meeting 169 – 18 & 19 June 2024

Prepared by: Adrienne Murray, NZ Fish and Game Council

Kōrero taunaki - Summary of considerations

Purpose

1. This report seeks final approval from the New Zealand Fish and Game Council (NZC) for the National Health and Safety Policy and the Health and Safety Policy for Rangers

Financial considerations

- Nil Budgetary provision Unbudgeted

Risk

- Low Medium High Extreme

Ngā taunaki - Staff Recommendations

That NZC:

1. Receives the information; and
2. Approves the National Health and Safety Policy and the Health and Safety Policy for Rangers.

Whakarāpopoto - Summary

2. The NZC viewed the draft policies at the February meeting. The draft policies were then sent to Regional Managers in order that they could consult with their staff and Councils. The responses are summarised in the table below.
3. The policies were split into 2,(Natioal Health and Safety policy and Health and Safety policy for Rangers) at the request of the managers and also because of the separate PCBU responsibilities for the rangers. The CE of the NZC has PCBU responsibilities for the rangers but not for other staff employed by the regions. The Health and Safety policy for rangers can be included into the ranger manual.

Takenga mai – Background

Consultation

4. Regional feedback is set out below:

Region	Policies supported	Comments
Northland		
Auckland/Waikato		
Eastern	✓	
Hawke's Bay		
Taranaki		
Wellington		
Nelson/Marlborough	✓	The Council had no comment on the policies
West Coast		
North Canterbury		
CSI	✓	
Otago		Has own policy sees this as duplication and NZC inviting additional liabilities, overreach of accountability Ranger H&S agree subject to amendments to clarify titles, roles and responsibilities
Southland		

Discussion on feedback

Ngā mahinga e whai ake nei - Next actions

5. If approved, the policies will be published and circulated to Regional Councils for their adoption.



DRAFT National Health and Safety Policy

Section	Operational
Contact/Owner	NZC HR
Last Review	New Policy
Next Review	
Approval	NZC
Effective Date	

1. Introduction

Fish and Game NZ is committed to providing and maintaining a safe and healthy workplace for employees, volunteers and the public, by complying with relevant health and safety legislation (Health and Safety at Work Act 2015 (HSWA) and associated regulations), and various New Zealand standards and approved codes of practice.

The New Zealand Fish and Game Council (NZ Council) and each of the Regional Fish and Game Councils (Regional Councils) are PCBUs for the purposes of the HSWA. PCBUs have a requirement to work with each other where there are overlapping duties. This requirement relates not only to Fish and Game Councils but to other organisations that the Councils work with.

The NZ Council also has the function of developing national policies in consultation with the regions and has particular responsibilities as the only Council with an overview across the organization.

The Chief Executive of the NZ Council is not a PCBU with respect to Regional Council employees except when they are undertaking ranger duties. However, one of the NZ Council's functions is to develop, in consultation with Regional Councils, national policies for the carrying out of the NZ Council's functions for sports fish and game. It is also a function of the NZ Council to audit the activities of the Regional Councils.

In line with these functions, the NZ Council expects the Regional Councils to be model employers and to ensure that the Regional Councils' working environments are healthy and safe for all employees, not just rangers.

This policy applies to all Regional and NZ Council employees and all other workers (such as contractors or volunteers) where applicable.

2. POLICY

Duties of Regional Councils and the NZ Council

The Council will, as far as is reasonably practicable, comply with the provisions of legislation dealing with health and safety in the workplace, by:

- providing a safe physical and emotional work environment;
- ensuring a health and safety plan is in place in relation to specific activities which include ; fieldwork; working alone, ranging; motor vehicles; boating; office security; and hatchery operations where relevant
- ensuring that engagement and consultation with staff on the plan occurs;
- providing adequate facilities and any safety equipment deemed necessary, including ensuring access and ensuring property and equipment is safe to use and workers are not exposed to risks;
- ensuring there is an effective method in place for identifying, assessing and controlling risks. This includes the recording and investigating of injuries, and reporting incidents and accidents including serious harm incidents;

- ensuring that a drug and alcohol policy, a fatigue management plan, and a prevention of bullying and harassment policy is in place.
- ensuring that health and safety plans have been agreed with other agencies to cover overlapping health and safety issues
- having a commitment to a culture of continuous improvement.

The Regional Manager/Chief Executive, as an Officer, is also responsible for implementing this policy and therefore must:

- exercise due diligence in accordance with the provisions of the health and safety legislation;
- ensure that operational plans and procedures such as first aid and emergency evacuation procedures are in place;
- take all reasonable steps to protect workers, volunteers and visitors in the workplace from unsafe or unhealthy conditions or practices;
- ensure there are effective processes to deal with unacceptable behaviour, such as non-compliance;
- ensure that workers have adequate training, supervision and information to undertake their activities
- keep Council fully informed;
- advise the Council Chair of any emergency situations as soon as possible.

The Regional Manager/Chief Executive and the Council, may be liable if they fail to meet or comply with health and safety obligations.

All workers (employees, contractors, and volunteer workers) are expected to play a vital and responsible role in maintaining a safe and healthy workplace through:

- being involved in improving health and safety systems at work;
- following instructions, rules, procedures and safe ways of working;
- reporting any pain or discomfort as soon as possible;
- reporting all injuries, incidents and near misses;
- helping new staff members, trainees, volunteers and visitors to the workplace understand the risks and risks and why they exist;
- reporting any health and safety concerns or issues through the reporting system;
- keeping the workplace tidy to minimise the risk of any trips and falls;
- wearing protective clothing and equipment as and when required to minimise exposure to workplace risks;
- take reasonable care for the health and safety of themselves and of others in the workplace.

Workers may be personally liable if they fail to meet or comply with their health and safety obligations.

All others (e.g. visitors) in the workplace must:

- follow all instructions, rules and procedures while in the workplace;;
- report all injuries, incidents and near misses to the Manager/Chief Executive;
- wear protective clothing and equipment as and when required to minimise their exposure to risks.

Councils must have a comprehensive health plan in place that is specific to their region covering the topics and policies set out in the Appendix to this Policy.

Health and Safety incidents will be reported to the National Health and Safety Committee, except for Serious Harm incidents which will be reported to NZC straight away. When there is a health and safety incident, the Regional Council will consider whether changes to the Health and Safety Plan are required to minimize the risk of such an incident occurring again in future, will make such changes as are necessary.

To support consistency of approach, the NZ Council and the Regional Councils will establish a **National Health and Safety Committee**, comprising regional representatives and a representative from the NZ Council. The Committee will monitor incidents, review Council policies and plans, and share practices and learnings.

DOCUMENT MANAGEMENT CONTROL

Prepared by: Jane Hutchings, HR Business Partner
Owned by: NZC/NZC CEO
Authorised by: Fish and Game New Zealand National Council

Date Issued (for Consultation):
Next Review:

Appendix 1

A Health and Safety Plan should cover:

1. The process for receiving and considering information regarding health and safety incidents, hazards, and risks, and responding in a timely way;
2. Staff involvement
3. Training and supervision;
4. Procedures for managing health and safety risks that arise in the specific region, for example (and only as applicable to the region): fieldwork; working alone; ranging; motor vehicles; boating; office security; and hatchery operations;
5. The requirement under HSWA to engage with other agencies the Council may work with from time to time and who may also have overlapping health and safety duties;
6. Availability of first aid assistance and training;
7. Emergency evacuation procedures;

Plus additional policies and guidelines covering:

1. Drug and alcohol use;
2. Fatigue management
3. Prevention of bullying and harassment.
4. Lone worker SOP
5. Safe driving policy
6. Intentions template or App
7. Tailgate forms
8. Boat training manual
9. Boat safety plans
10. External contractors induction checklist
11. External contractors health and safety agreement
12. Drift diving safety plan
13. Plan for controlling hazardous substances
14. A storage and spill plan
15. Hazard control plans
16. Drone use guidelines



Annual Declaration of Compliance Health and Safety

To: New Zealand Fish and Game Council (NZ FGC)

From: [REGION] Fish and Game Council

This declaration is provided in accordance with the National Health and Safety Policy for Rangers (**National Policy**) implemented by the NZ FGC on [DATE] pursuant to ss 26HA and 26C(1)(a) of the Conservation Act 1987.

The [REGION] Fish and Game Council declares:

1. We have a health and safety policies and a health and safety plan in place that covers all matters required by the National Policy, and it has been complied with in the 12 months preceding the date of this declaration.
2. All health and safety incidents that have occurred in the last 12 months in our region have been reported to the National Health and Safety Committee or the NZ FGC as necessary and are recorded in Appendix A.
3. Following the incidents (if any) recorded in Appendix A, the Regional Plan has been reviewed. Any amendments or variations that were made to the Regional Plan as a result of that review have been recorded in Appendix B.
4. We have provided all rangers that undertake activities in our region with adequate, ongoing training to ensure that they remain a suitable person to carry out the role of ranger in accordance with the warrant issued by the Director of NZ FGC. Details of this training is attached.

Signed for and on behalf of the [REGION] Fish and Game Council:

[Regional Manager / Chief Executive]

Date:

Appendix A: Health and Safety Incidents

Date of Incident	Description	Action taken

Appendix B: Amendments to Regional Plan

Date of Amendment	Clause Amended	Summary of Amendment

Appendix C: Ranger Training

Date of Training	Description of Training	Rangers who Received the Training



National Health and Safety Policy for Rangers

Section	Operational
Contact/Owner	NZC HR
Last Review	New Policy
Next Review	
Approval	NZC
Effective Date	

1. PURPOSE

The New Zealand Fish and Game Council (**NZ Council**) and each of the Regional Fish and Game Councils (**Regional Councils**) are PCBUs for the purposes of the Health and Safety at Work Act 2015 (**HSWA**). The NZ Council and the Regional Councils have overlapping duties in relation to fish and game rangers, who are appointed by the Director of the NZ Council but are usually managed, and trained, by the Regional Councils.

HSWA requires PCBUs with overlapping duties to consult and co-operate with each other, and to coordinate their activities. The purpose of this policy is to clarify the health and safety responsibilities of the NZ Council, and the Regional Councils, to avoid, so far as reasonably practicable, any gaps in the overall health and safety scheme as it relates to fish and game rangers.

To the extent that it relates to rangers, this Policy is implemented pursuant to sections 26HA of the Conservation Act 1987 (**Act**), which allows the NZ Council to develop a national policy relating to fish and game rangers.

2. POLICY

Under section 26FA of the Act, the Director (i.e. the NZ Council Chief Executive) has the power to appoint Fish and Game rangers. Under HSWA, rangers are workers whose activities are influenced by the NZ Council, and the NZ Council owes them a duty of care, even where the rangers are employed by a Regional Council or are honorary rangers carrying out activities under the supervision of a Regional Council.

Duties of Regional Councils

Regional Councils have primary responsibility for managing the on-the-ground health and safety of rangers who are employed by them or are carrying out activities in their region (including honorary rangers). The Regional Council's responsibilities include:

- providing training, support and appropriate supervision to rangers;
- ensuring that Rangers and Regional Councils understand and comply with the Ranger Guide and Health and Safety Guidelines for Rangers
- ensuring that the necessary personal protective equipment (**PPE**) is available for use by the rangers, and that rangers are knowledgeable in the proper use of the PPE;
- managing any other matters of day to day health and safety, including hazards and risks, that arise in the Regional Council's workplace or in locations where the rangers will be operating.

Regional Councils must have a comprehensive health and safety policy and plan in place that is specific to their region, and at a minimum, covers the following topics:

1. The process for receiving and considering information regarding health and safety incidents, hazards, and risks, and responding in a timely way to that information;

2. Training and supervision;
3. Procedures for managing health and safety risks that arise in the specific region, for example (and only as applicable to the region): fieldwork; working alone; ranging; motor vehicles; boating; office security; and hatchery operations;
4. The requirement under HSWA to engage with other agencies the Regional Council may work with from time to time and who may also owe overlapping health and safety duties;
5. Availability of first aid assistance and training;
6. Emergency evacuation procedures;
7. Drug and alcohol use;
8. Workplace stress and fatigue management; and
9. Bullying and harassment.

On an annual basis beginning on **DATE**, the Regional Councils must complete the declaration attached to this Policy and titled “Annual Declaration of Health and Safety Compliance”, and provide it to the Chief Executive of the NZ Council. The Declaration will confirm that:

- the Regional Council has health and safety policies and a plan in place that cover all matters required by this Policy, and that it has been complied with in the preceding 12 months;
- all health and safety incidents that have occurred in the preceding 12 months have been reported to **the Health and Safety Committee** and will record such incidents (and any changes to the Regional Health and Policy that may have resulted);
- all rangers have been provided with ongoing training in the 12 months preceding the declaration, and provide details of training completed and by which rangers.

Duties of NZ Council

The NZ Council has a duty to ensure that all reasonably practicable steps have been taken to ensure the health and safety of the rangers it appoints. This means:

- undertaking due diligence with respect to the suitability of prospective rangers before they are appointed; and
- ensuring that the Regional Councils are meeting their health and safety responsibilities as set out in this Policy.

Before the NZ Council Chief Executive signs a ranger warrant, the Chief Executive must be provided with:

1. a Fit and Proper Person form completed by the prospective ranger;
2. confirmation from the Regional Manager/CE that the prospective ranger has met the criteria set out in the Recruitment Guide for rangers and
3. evidence that the prospective ranger has completed the CERT Situational Safety and Tactical Communications course.

The Chief Executive of the NZ Council will keep an appropriate record as evidence that she undertook this due diligence before the ranger’s warrant was signed.

The Chief Executive of the NZ Council will receive the “Annual Declaration of Health and Safety Compliance” provided by Regional Councils. If any issues arise from the Declaration (or a Regional Council’s failure to provide it), the Chief Executive will take such further steps, or make such further enquiries, as may be appropriate in the circumstances. This may include an approach to WorkSafe or to the Minister of Conservation.

Annexed to this Policy is the Annual Declaration of Health and Safety Compliance.

DOCUMENT MANAGEMENT CONTROL

Prepared by:
Owned by: NZC/NZC CEO
Authorised by: Fish and Game New Zealand National Council
Date Issued (for Consultation):

Next Review:

DRAFT

24-005 NZFGC MATTERS:**005.1 Draft National Health & Safety Policy (5.1)**

After discussion Council **AGREED** to respond to NZC advising them that a cut down version was preferable. Council felt comfortable to agree and adopt the policy NZC puts out as Council could look at streamlining the policy at a later time if needed.

005.2 Prevention of Bullying and Harassment Policy (and Process) (5.2)

NZ Council provided a draft Prevention of Bullying and Harassment policy for regional consultation. Council were generally supportive of the policy but felt it was important not to have too specific language as you end up arguing about terminology. Council recognised that bullying is unreasonable and unwarranted and is about power and domination to the detriment of another person.

005.3 Draft Drug and Alcohol Policy (and Procedure) (5.3)

NZ Council provided a draft Drug and Alcohol Policy for regional consultation. Councillors were generally supportive but felt the policy needed to be more streamlined and the procedures needed improvements on the wording to ensure it doesn't pre-determine an outcome. Council felt that Appendix 1 needed to be removed and the policy adjusted to refer to testing agencies' guidelines. This was due to the increased administrative burden required to maintain an exhaustive list of substances and limits.

005.4 Draft Governance Code of Conduct (5.4)

NZ Council provided a draft Governance Code of Conduct for regional consultation. Council agreed that NZ should be providing a template and not a mandatory Code. It could be drafted along similar lines to what is in the Local Govt NZ Code of Conduct Guidance.



24th May 2024

Chair, Barrie Barnes
New Zealand Fish & Game Council
Via email

Re: New Zealand F&G Council (NZC) Policy Feedback

Dear Barrie

The NZC bundle of policy documents and information was presented and considered at our May Otago F&G Council meeting. Otago Council would like to offer the following feedback;

1. Draft Protected Disclosures Policy

The policy direction is supported and NZC should be commended in taking some initiative on policy development for new legislation. However, Council noted that it should be further edited and prepared for adoption and implementation at a Regional Council level rather than as National Policy.

As presently written, the lines of accountability are unclear (eg NZC investigation lead of a complaint to a Regional F&G Council) and creates a risk for Otago Council if NZC does not deal with the complaint in a satisfactory way. The overuse of the term '*Fish and Game NZ*' which is not a statutory title of any of the parties further confuses the matter because it is unclear which Councils this covers – NZC or all 13 Councils?.

Council thought its adoption locally would better serve both Otago and NZ Council and lower the risk of miscommunication or mishandling by both parties. That is not to say that NZC couldn't act in a supporting role if required.

Decision: Council rejects its adoption as National Policy, but will adopt a local version of a Protected Disclosures Policy when have been made edits to create greater clarity.

2. Draft Health and Safety Policy

Otago already has its own Health and Safety Policy in place which is readopted annually (last adopted in February 2024) so believe National Health and Safety Policy is simply duplication.

As presently written – in part related to the generalization of the title *Fish and Game NZ* - it has the inadvertent effect of making the NZC accountable for H&S incidents or litigation generated in the Regions where presently the PCBU (Persons Conducting a Business or Undertaking) stops at the

Regional Council level. Otago Council was unsure why NZC would invite additional liabilities (with the exception of Rangers) where it wasn't necessary.

Council also considered this an over reach of authority by NZC. While agreeing that a part of the NZC function is to develop national policy *'for carrying out the functions for sports fish and game'*, this seems to be well outside of that role.

The legislation is quite clear that regions are to develop their own personnel policies as part of their good employer obligations (Section 26T of the Conservation Act) and that includes policy for worker health and safety. Otago Council has done that. It may be helpful for other regions who don't already have a policy in place to be working from a generic F&G template and NZC is encouraged to develop that template.

NZC has an audit function which it should use to ensure that every region (and itself) have a fit for purpose health and safety policy in place. The policy should be clearer about that.

Decision: Reject adoption as National Policy, unless the duties and lines of accountability are more clearly defined and clarified.

3. Draft Ranger Health and Safety Policy

The policy is supported given the lines of responsibility extending down from the Directors role in appointment of Rangers.

Again, there is some confusion over title of the parties involved and the policy crossing over into regional responsibilities, particularly around staff undertaking compliance activity as part of their routine work in Regions.

Policy edits could include the removal of the Health and Safety provisions (the exists elsewhere so it is a duplication) and more clarity around the separation of regionally appointed staff from honorary rangers to ensure there is a defined split of responsibilities for each.

Decision: Agree to adoption, subject to amendments to clarify titles, roles and responsibilities.

As usual, Otago staff are happy to assist with adjustment to the documents to align with this feedback.

Yours sincerely



Colin Weatherall

Otago Fish & Game Council Chair



Ian Hadland

Chief Executive



9 August 2023

The Chair
New Zealand Fish and Game Council
PO Box 25055
Wellington, 6146

Dear Barrie,

At the April meeting of the West Coast Fish and Game Council the following New Zealand Council correspondence was reviewed by our members;

- *Draft Health & Safety Policy for Rangers*
- *Draft Health & Safety Policy*
- *Draft Protected Disclosures Policy*
- *Draft Research Application Process Sequence*
- *Draft Funding Application Form*

Motion proposed: That the correspondence be received, and the Manager replies to the NZ Council and asks them to amend the Draft Health & Safety Policy to add an additional bullet point under the “All workers” section: *Ensuring their training is always up to date in response to any workplace equipment, technology, work practise and work area changes.*

Proposer: D Phibbs **Secunder:** J Derks **Outcome:** Carried

Thank you for the opportunity to comment.

Regards

A handwritten signature in black ink, appearing to read 'D Kelly'.

Dean Kelly
Manager – on behalf of
West Coast Fish and Game Council





15 May 2024

Barrie Barnes
Chairperson
New Zealand Fish and Game Council

By email

Dear Barrie

Items for Review and feedback by Regional Councils

Following Eastern Fish and Game Council's meeting on the 4 April the below feedback is being conveyed for your perusal.

Draft National Health and Safety Policy

Eastern Fish and Game Council has no additional feedback at this stage and supports the proposal. A request that anagrams have definition included within the document.

Draft Health and Safety Policy for Rangers

Eastern Fish and Game Council has no additional feedback at this stage and supports the proposal.

Draft Protected Disclosures Policy

Eastern Fish and Game Council has no additional feedback at this stage and supports the proposal.

Thanking you for your work and efforts

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Arash Alaeinia', with a stylized flourish at the end.

Arash Alaeinia
Chief Executive Officer
Eastern Fish and Game Region



27th May 2024

Corina Jordan
 CEO NZ Fish and Game Council
nzcouncil@fishandgame.org.nz

Feedback on 2024/2025 licence fee recommendation and national policy consultation.

Dear Corina/Barrie

At its recent meeting the Auckland/Waikato Fish and Game Council (AWFGC) resolved to provide feedback on recently circulated draft national policy statements and licence fee recommendations/LEQ forecasting.

Forecasting and Budgeting

Forecasting: The AWFGC remains disappointed at NZ councils' refusal to enter a negotiated settlement regarding the 2023-24 LEQ budgeting process for fish licences. It was noted that despite being one of the only regions achieving an increase in sales, it remained well below its budget target. The AWFGC considers that due process has not been followed in this instance, as the effects of covid lockdowns were not adequately considered when extrapolating out licence budgets. The Future Finance Working Group recommendation may solve this issue in future.

2024-25 Budgets: The AWFGC considers it entered this year's budgeting process in good faith and did its utmost to reduce costs. It is noted that we were the only region that made the requested 3% saving and did not put in a contestable funding bid. It was acknowledged that this was made possible in part through staff changes and subsequent reductions in salary budget and the region's ability to leverage funds from external revenue sources. Overall, the AWFGC expressed some concerns around the financial security of the organisation especially regarding ongoing approved CFs from licence fees and the drawing down of regional reserves to cover increased costs. It is unclear to AWFGC how these budgets will be maintained especially given the predicted decrease in licence fish licence sales, the recommendation of no licence fee increase, and an apparent reliance on interest payments which are likely to decrease. It is also felt that the organisation relies too heavily on licence sales as its sole source of revenue and not enough is being done to encourage staff to secure funding from other sources. This makes Fish and Game less financially resilient and more susceptible to unforeseen events such as the covid pandemic or an outbreak of highly pathogenic avian influenza, which could have serious ramifications on game licence sales.

Licence Fees: The AWFGC considers that licence fee increases especially for games are warranted. Figure 1, maps licence fee as a percentage of average male weekly wage and highlights that whilst fish licence sales have remained relatively consistent over the past 30 years, there has been a gradual and consistent decrease since the early 2000s for game. The AWFGC remains unclear

Statutory managers of freshwater sports fish, gamebirds and their habitats.

Auckland/Waikato Region

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what directive has been provided to the NZ council by the minister to freeze licence fees given the significant cost increase we will incur in the current high inflation environment. The AWFGC believes that NZC should ask the minister for an increase. It is difficult to understand the reluctance to do this. Fish and Game appears to have a habit of allowing the minister to suggest changes and then not pushing back. Applying to the minister for an increase in license fees demonstrates our needs and, if declined, will likely put us in a better position to get an increase next year.

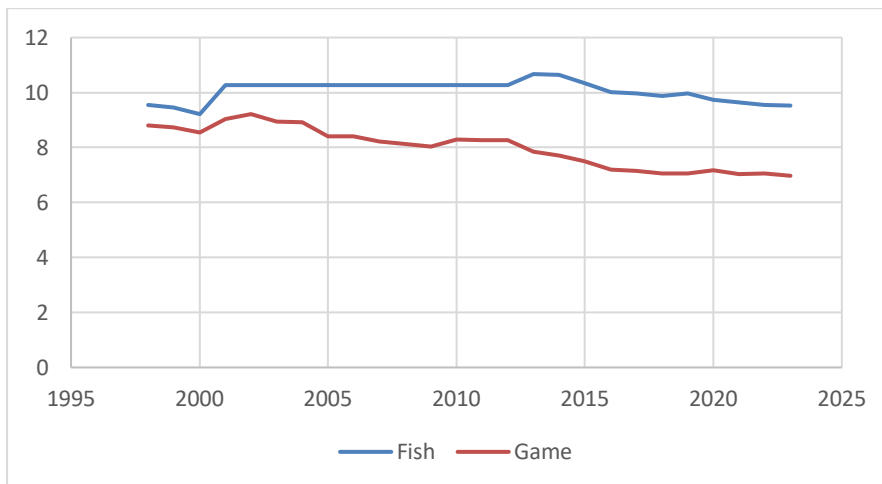


Figure 1: Licence fee as a percentage of average male weekly wage.

Draft National H&S Policy for Rangers: Concerns were raised around the requirements to implement policies 1 – 9 especially for honorary rangers. For example, first aid requirements. Is it envisaged that every honorary ranger would have to complete first aid training and if so, has that been budgeted for, noting that in our region we have 15 honorary rangers? It was also unclear what level of detail will be required to comply with reporting conditions to the National office. Concern was expressed that requiring the NZC CEO to understand and sign off 13 different plans was inefficient and unworkable - a template issued by NZC which allowed for regional variation would simplify matters and provide clarity around reporting expectations.

Draft National Health and Safety Policy: In general, the council supports the introduction of a National Health and Safety Committee. A priority in this region is the integration of an app-based H&S system for staff and it would be helpful if this were progressed at national level to ensure consistency and cost efficiency.

Yours sincerely,

David Klee

Auckland/Waikato Chief Executive

Nigel Juby

Auckland/Waikato Fish and Game Chair

Fast Track Bill and RMA Amendment Item

NZ Fish and Game Council

Prepared by: Helen Brosnan, Senior Policy Advisor

Kōrero taunaki - Summary of considerations

Purpose

To update NZC on the Fast Track Bill and RMA Amendments.

Financial Considerations

Nil Budgetary provision Unbudgeted

Risk

Low Medium High Extreme

Ngā taunaki - Staff Recommendations

NZC Staff recommend the following motion:

That the NZC

1. Receive the information
2. That Staff submit in public consultation rounds relating to Freshwater and RMA reform. Submissions are due by 30 June 2024.

Whakarāpopoto - Executive Summary

Corina Jordan presented our submission to select committee members on the Fast Track Bill and her speaker notes are attached in attachment 1. A copy of our submission is located on our web page.

This item gives you an update on freshwater law and policy reform. This update provides a summary of known and anticipated reform which is summarised in the table below (Table1).

This item gives you a summary of the Resource Management (Freshwater and Other Matters) Amendment Bill introduced on 24th May 2024. If passed, the Bill would become law by the end of the year. Submissions close on 30th June 2024. We will prepare a submission to the select committee process.

Takenga mai – Background

3. Fast Track Bill

On the 24th May, Corina Jordan presented the Fish and Game submission to select committee. Corina Jordan presented our submission to select committee members on the Fast Track Bill and her speaker notes are attached in attachment 1. A copy of our submission is located on our web page.

4. Update on freshwater law and policy reform

EDS provides a summary table of the Freshwater reform as follows:

Freshwater Law and Policy Reform Timeline	
Completed	Repeal Natural and Built Environment Act
2023/2024	Repeal Spatial Planning Act Re-establish RMA Fast-track Approvals Bill introduced Resource Management (Freshwater and Other Matters) Amendment Bill introduced
Scheduled	NPS-FM replacement process begins (18–24-months)
2024	Fast-track Amendment Bill enacted Resource Management (Freshwater and Other Matters) Amendment Bill enacted RM Amendment Bill #2 introduced
Early 2025	RM Amendment Bill #2 enacted
Late 2025	NPS-FM replacement gazetted RMA replacement Bill(s) introduced
Anticipated	Wider national policy reform Freshwater farm plan amendments
Coalition agreements	The agreements signal further amendments to wetland provisions, removing regulatory barriers to irrigation, water storage, managed aquifer recharge and flood protection schemes

5. Resource Management (Freshwater and Other Matters) Amendment Bill

- *Make it clear that, while the National Policy Statement for Freshwater Management (NPS-FM) is being reviewed and replaced, if adopted consent*

applicants would no longer need to demonstrate their proposed activities follow the Te Mana o te Wai hierarchy of obligations, as set out in the NPS-FM.

- *amend stock exclusion regulations in relation to sloped land*
- *repeal intensive winter grazing regulations*
- *align the consenting pathway for coal mining with the pathway for other mining activities in the National Policy Statement for Indigenous Biodiversity (NPS-IB), NPS-FM, and the National Environmental Standards for Freshwater (NES-F)*
- *suspend the NPS-IB requirement for councils to identify new significant natural areas for three years*
- *speed up the process to make or amend national direction, such as national policy statements and national environmental standards.*

The Government has recently announced that they will improve the freshwater farm plan system to make it more cost-effective and practical for councils and farmers. In the areas where the freshwater farm plan rollout has started, they may look at whether current requirements to complete a plan within 18 months could be paused while improvements are developed.

The bill will also speed up the process to make or amend national direction, which is currently unnecessarily onerous, costly, and takes too long”.

Highlights from the actual bill are provided as attachment 2.

6. Parliamentary Commissioner for the Environment

In January this year PCE released a think piece entitled “Rethinking the RMA: the need for enduring reform”. This questioned whether the RMA had failed, commented on the role of local government, argued that the environment needs to be at the centre of any reform and promoted a cross-party approach.

More recently they released “A way forward: land use change in Aotearoa”

Three key points from this report are:

- *In some cases, land use change will not be economically viable for landowners to undertake. In these cases, landowners should ideally be compensated for the ecosystem services that their land use provides (just as they should pay the true cost of the environmental impacts of their existing uses).*
- *Environmental information in New Zealand is often not fit for purpose. Environmental data that are monitored are at best fragmented – lacking geographical coverage or consistent time series – and at worst, inaccessible. This means data and information are only available behind a prohibitive paywall, are presented in a complex format that cannot easily be used, or simply do not exist.*
- *A third of catchments (34.8%) have high excess contaminants (nitrogen, sediment, phosphorus) and would need land use change to achieve their environmental bottom lines. Of these catchments, change is urgently needed in parts of the Manawatū and Whangaehu catchments managed by Horizons Regional Council, parts of Waituna and Otapiri catchments managed by*

Environment Southland and Otapiri catchment managed by Otago Regional Council.

Funding of New Zealand's environmental monitoring system is inexcusably low and has been static for many years. This has resulted in cuts and atrophy of the databases that do exist.

7. ELA Fund

At the end of June, the government will cease to fund the Environmental Legal Assistance Fund (ELA). The ELA scheme has been around since 2001 and provided support to ENGO and iwi to engage in resource management matters. This fund has been used by EDS, Forest and Bird and many iwi groups to fund appeal processes. Fish and Game have in the past run joint appeals with groups using ELA funding.

8. Submissions are now open for the Finance and Expenditure Committee's Inquiry into Climate Adaptation. Submissions close on the 16th June for this work. We will update you more about this process at the NZC meeting.

Kōrerorero – Discussion

9. Update on freshwater law and policy reform – this section provides more detail about what could be proposed.

The Government's coalition agreements are a good indicator of upcoming freshwater and resource management reforms. Many have since been announced and/or initiated, and include:

- 18–24-month NPS-FM review
- Wider national policy review (national directions)
- Freshwater farm plan amendments
- Wetland policy amendments
- RMA replacements

We will provide you with more detail when it becomes available.

In the Government's coalition agreement there are other proposals such as cutting red tape and regulatory blocks on irrigation, water storage, managed aquifer recharge and flood protection schemes.

Ngā kōwhiringa - Options

That NZC

10. Receive the information
11. Recommend officers to submit on Resource Management (Freshwater and Other Matters) Amendment Bill.

Whai whakaaro ki ngā whakataunga - Considerations for decision-making

Financial Implications

Nil at this stage. Future amendments will need budgets to be provided, if public participation is allowed for.

Legislative Implications

We are watching the proposed changes to the RMA / NPS-FM and other relevant changes for our mahi. It appears that many of these changes will be for the worse for the species that we manage.

Section 4 Treaty Responsibilities

Not applicable.

Policy Implications

These RMA changes signal a change in direction with the coalition government. This will have implications for our freshwater policy and regulation work.

Risks and mitigations

Not applicable.

Consultation

Much of this information has been circulated to managers, although not this specific item. NZC continues to provide updates to managers / RMA staff on the Freshwater law and Policy Reform.

Ngā mahinga e whai ake nei - Next actions

We anticipate that there will be opportunity to submit and present to select committee on the recently released Resource Management (Freshwater and Other Matters) Amendment Bill.

Attachment 1	Speaker notes for Fast Track Bill presentation
Attachment 2	Summary of Resource Management (Freshwater and Other Matters) Amendment Bill

FAST TRACK BILL

FISH AND GAME TALKING POINTS FOR SELECT COMMITTEE

24 May 2024 AT 1.15PM

I am Corina Jordan CEO of NZ Fish and Game Council and I have with me Rachael Ennor Legal Counsel.

Fish and Game as you know is mandated under the Conservation Act to look after sports fish and game.

We are mandated through two sources:

- a statutory role and responsibilities to manage these species and their habitats;
- approximately 300,000 anglers & hunters.

The Minister for Hunting and Fishing is correct in saying: “Hunting and fishing is part of our Kiwi DNA”. Hunters and anglers span the full economic, cultural and political spectrums – and the rural and urban divides.

It is likely that most of you would have contact with our folks through family, whānau, communities, & constituencies and will know how important hunting and fishing are to them for recreation, for food/kai, for human relationships with the outdoors and physical and mental wellbeing, as well as economic wellbeing.

You also understand how necessary access, and the health of the habitats they hunt and fish in are to that.

Fast Track Bill

Fish & Game understand where the government is coming from and support economic development and fast tracking infrastructure projects - where it clearly serves the public interest and is done well.

The govt has said “Our fast track proposals will lift New Zealand’s living standards, lift productivity, and grow our economy – all while still protecting our environment” (Minister Bishop). This is something our 300,000 strong community of hunters and anglers support.

The Bill however, does not have the mechanisms in place to deliver on these aspirations, and in fact actually precludes or undermines achievement of this range of values. Our members strongly believe all of the values above are relevant and can work together.

Do not be led into a false belief that economic development and infrastructure development need always come at the expense of the activities, places and environments we care about and have responsibilities for. We can, and indeed should, encourage win win win approaches.

High level

Fish & Game share many of the concerns you’ve already heard substantial submissions on. We endorse the submissions of the Parliamentary Commissioner for the Environment in particular.

What is proposed in the Bill is overly wide – not only necessary infrastructure projects (as arguably envisaged in the coalition agreement) but all development; and not only speeding up the process – but also lowering the substantive bar (eg by excluding environment Minister and wider values). This

Bill overrides all other statutes including those that are relevant to Fish & Game and our hunters and anglers. No consideration of sportfish, gamebirds, their habitats, access to the environment, and hunting and angling is required. We know that this will result in adverse impacts on the species that we are mandated to manage – along with other implications that will reduce efficacy of this proposal.

At this high level, improving our national infrastructure development and economic development does not require you to:

- Ignore the environment. It is very difficult to accept a proposal that considers the environment irrelevant to our national infrastructure development – as the current purpose seems to. The environment must be inserted into the purpose (and throughout the Bill);
- Impliedly repeal or override other statutes Fish & Game have responsibilities under and which provide for the management of the sports fish and game birds and protection for their habitats;
- Underplay the genuine value that can result through collaborative and constructive approaches to informing decision makers & developing conditions.
- Create a constitutionally unclear monopoly for development Ministers without real checks and balances.

Doing so:

- is unprecedented and unwarranted – it goes beyond what was warranted in national emergency responses.
- comes with substantial risks (efficiency, cost, durability, environmental & political).
- is unnecessary.

We encourage you to:

- ensure relevant interests and expertise can contribute to robust durable decisions being made without ignoring or overriding environment and existing property and use rights, interests and practices – Fish & Game should be included as consultees, and Minister of Hunting and Fishing be included.
- improve transparency – as of today, we don't know which projects are being considered for the schedules. This removes our ability to assist you assess and improve the Bill – or work with developers to improve the projects themselves.
- Put in place guard rails of standards, criteria, inclusion and transparency. You do not need to recreate the wheel for these – we strongly recommend for instance that minimum environmental standards are included to protect sportfish and gamebirds and hunting and angling values, prohibited activities under the RMA should not be enabled (or at least not without very very careful consideration through an exceptions process), and exclude Water Conservation Orders from Fast track proposals.

Fish and Game level

Fish & Game is primarily operational. Our people are on the ground building and looking after local regional and national relationships, access, species and habitat care. We are self-funded through user-pays from licensees.

We work with everyone – private sector, tangata whenua, environmentalists, local and central government. And get better results from doing so – the Bill needs to do the same.

We also have long experience with planning and development issues, under fast track and standard processes. I won't belabour why – you all understand that hunting and fishing is critically dependent on the health of the environment (especially lakes, rivers, wetlands). The point is we have expertise and can help.

We owe a responsibility to future generations to get this right

- The Bill will set the framework to enable the sustainable development and protection of New Zealand's natural resources for generations to come.
- It needs to be clear. It needs to be workable – it needs to be durable.
- We need to avoid getting caught up in a false debate between development and environment – both are important.
- We owe it to our children and grandchildren to get this right.

ENDS

APPENDIX 1: Recommendations Sought

Efficiency & inclusion

Infrastructure and development proposals engage multiple portfolio and sector interests – as do hunting and fishing. We now have a Ministerial role created to see across those portfolios and to make decisions quickly. the Minister of Hunting and Fishing (or delegate) to be consulted on projects that impact on Sports Fish and Game Bird habitat.

Recommendations sought: Amend the Bill to ensure development decisions are informed as to their potential effect on sports fish and game bird habitat by providing for the Minister's input (or delegate);

In our experience, we can often develop win win measures if we have a chance to inform and work with developers and decision makers ... and where that occurs, decisions can be faster, more efficient and durable (as much as the lawyers love this area of work – our interest is in being practical!) We have given examples of standard conditions in section 3.12 of our submission.

Recommendations sought:
Amend the Bill to include Fish and Game as consultees
Enable our input on Schedule 2A and 2B projects.

The most precious or most risky matters

You need to take extra care for a small number of very precious, or very risky matters. It should not be possible to override existing special protections or risk measures through a fast-track process – they should be included in the ineligible list.

- Water Conservation Orders apply to our most precious waters following exhaustive public processes over decades.
- Same goes for prohibited activities under the RMA – they are there to avoid or mitigate serious and obvious risks.

Recommendation sought:

Exclude Water Conservation Orders (preferred); or (not preferred) provide for the relevant Fish and Game Council as statutory consultee where proposals affect WCOs.

Enabling within guard rails

Enabling development and protecting the environment can be compatible.

Not all development is equal. Infrastructure projects deliver primarily public benefit. The mix of public and private benefit is less clear with other development projects.

Recommendation sought: refine scope and purpose to ensure only projects that deliver significant public benefit can access Fast track.

As well as the substantive benefits to lands, waters, species, people and our futures - providing basic environmental standards is simply more efficient than starting from scratch each time.

The RMA provides standard rules about discharges. This section needs to be carried forward into any decisions relating to the fast track legislation. The habitat of sports fish and game rely on the good water quality these provisions seek to maintain.

Section 3.14, 3.15. 3.16 and attachment 1 provide more detail about environmental standards that we seek.

There also other changes that need to be made to the Bill.

These are set out in our Submission.

We recognise also the concerns that tangata whenua groups have expressed regarding the ways in which the Bill does not give full effect to their needs and interests.

Attachment 2

Resource Management (Freshwater and Other Matters) Amendment Bill

The following provides a brief overview of key parts of the proposed bill.

1. Removal of hierarchy of obligations in NPS-FM which prioritises the health and wellbeing of the water body and freshwater ecosystem known as Te Mana o te Wai.

The Bill limits the application of this proposal to resource consent applications lodged with a consent authority after commencement.

The Bill requires the Minister for the Environment to make a recommendation to the Governor-General to repeal this proposal by Order in Council when recommending the approval of a new national policy statement for freshwater management to replace the NPSFM 2020.

Regional councils will remain obligated to give effect to the NPSFM 2020 (including the hierarchy of obligations) through their policy statements and plans.

Information requests cannot ask for further information for Te Manawa o te Wai

Decisions will not adhere to Te Mana o te Wai.

2. Amendments to speed up process to prepare or amend national direction

The bill proposes that evaluation reports will not be required for national direction eg National Environmental Standards (NES), National Policy Statements (NPS) and New Zealand Coastal Policy Statement (NZCPS). The existing board of enquiry process will be removed.

Expansion of what the minister can do to amend national direction (excluding NZCPS) is proposed including to give effect to international obligations and to change timeframes. This extends their power beyond the current power to make minor corrections without standard process.

Evaluation of national direction will be amended Under section 32AB where reporting must consider effectiveness, impacts on the environment, the economy and reasonably practicable alternatives. Section 32AB also requires reports be cost-effective and proportionate to the significance of the proposal.

The minister can choose who is consulted and what time frame is reasonable for this consultation.

3. Amending Stock Exclusion Regulations in Relation to Sloped Land

The Resource Management (Stock Exclusion) 2020 regulate the access of cattle, pigs, and deer to water bodies.

A map of low slope land is currently incorporated by reference in the regulations and acts as a land-based trigger for requirements to exclude non-intensively grazed beef cattle and deer from water bodies (and all stock in relation to wetlands greater than 500 square metres).

The Bill repeals the map of low slope land and associated requirements, meaning that exclusion of affected stock types will instead be managed by freshwater farm plans and/or regional plan rules.

The regulations will no longer apply to beef cattle and deer on low slope land or stock on natural wetlands on low slope land.

4. Repealing intensive winter grazing regulation in NES-F

The NES-F includes regulations that allow intensive winter grazing to occur as a permitted activity, provided certain conditions are met or where a farm has a certified freshwater farm plan. Otherwise, a restricted discretionary resource consent is required to undertake intensive winter grazing.

The NES-F also includes stand-alone regulations to minimise adverse effects on freshwater from any pugging and to ensure a vegetated ground cover is established after livestock have finished grazing.

The Bill repeals the permitted and restricted discretionary activity regulations and associated conditions from the NES-F. However, the stand-alone regulations will be retained.

Note: This summary does not cover the consenting pathway for coal mining or delaying NPSIB Significant Natural Area obligations.

It is intended that the Bill will become law by the end of the year.

We note that the regulatory Impact Statement Statements and Supplementary Analysis reports do not adequately explain why the above amendments are needed.

Practice Note Update for NZC

Managers & New Zealand Fish and Game Council Meeting

Prepared by: Helen Brosnan, Senior Policy Advisor, NZ Fish and Game Council

Kōrero taunaki - Summary of considerations

Purpose

- 1 This report to Managers & NZC is for information to provide an update on the practice notes developed under NPS-FM 2020.

Financial Considerations

Nil Budgetary provision Unbudgeted

Risk

Low Medium High Extreme

Ngā taunaki - Staff Recommendations

NZC Staff recommend the following motion:

1. Receive the information.
2. Agree to continue publicising the information despite the government's plans to replace the NPS-FM.

Whakarāpopoto - Executive Summary

3. This paper aims to provide an update on the practice note project. The practice notes are now available on the waigoodpolicy page for the public to see.

<https://www.waigoodpolicy.org.nz/>

Takenga mai - Background

4. \$53,000 (GST excl) was allocated at meeting 161 and additional budget was approved at meeting 166 for \$35,000. No further funding is sought at this stage.
5. The outstanding practice note is on the topic of inputs controls. We are awaiting the outcome of the plan changes at Horizons Regional Council, as this decision will be relevant to this practice note.
6. Practice note topics include:

- Protecting drinking water supplies to protect people's health
- Identifying Freshwater Management Units
- Preparing Action Plans
- Protecting and restoring wetlands
- Trout and Native Fish Species Interactions Resource
- Protecting the habitat of trout and salmon
- Setting instream nutrient outcomes
- Control Intensive Winter Grazing
- Protect the habitat of indigenous freshwater species
- Consent terms and activity status
- Developing long-term visions
- Best information available
- Protecting water bodies and freshwater ecosystem health
- Setting sediment target attribute states
- Riparian margins and stock exclusion

Hopefully, before the June meeting the following practice notes will also be added to the web page:

- Protecting natural form and character and river extent
- Environmental Flows and take limits

Kōrerorero - Discussion

7. The RMA fund was used to employ Kahu Environmental to write these practice notes. The RMA team has assisted by providing research and background documents to Kahu. The whole organisation has been asked to share this work with partners and regional council staff.
8. A web page was developed to hold the practice notes linked to the Fish and Game web page. We will also use these notes to develop a template submission for use in submission writing for the NPS-FM plan changes.
9. Our web page designer has provided information on the usage of the web page.

The usage of the web page could be improved, and therefore, the next step is to increase communications to get the information out for discussion with councils and our partners.

10. The government has indicated that the NPS-FM will be replaced. This is frustrating for landowners and policymakers alike as the goalposts keep getting changed. However, we are still confident that much of the material is relevant, and instead of applying at the national level, we will need to follow up with regional councils individually to include the provisions of the NPS-FM.

Ngā kōwhiringa - Options

11. The Managers and NZC can:
 - a. Accept this item for information.
 - b. For managers, continue to provide staff input into this work.
 - c. Staff and NZC can continue to refer regional councils, local interest groups and mana whenua to this body of work.

Whai whakaaro ki ngā whakataunga - Considerations for decision-making

Financial Implications

12. Nil financial implications. This work has already been funded via the RMA fund.

Legislative Implications

13. The practice notes will provide foundations for future submissions for the replacement NPS-FM.

Section 4 Treaty Responsibilities

14. We note that the development of these practice notes does not incorporate a Mātauranga Māori study relating to the NPS-FM. This may be a future piece of work that we could work on.

Policy Implications

15. This resource will enable us to carry out advocacy work at both national and regional levels. We want to influence regional plan change drafting with these practice notes. The practice notes will also assist with developing a template submission, which in turn will narrow the specific submission points that we will need to work on to respond to plan changes.

Risks and mitigations

16. With the increase in volume of work associated with the proposed national policies and replacement NPS-FM there is a real risk that the RMA fund will be inadequate to continue the work that we have been able to do in the past.

Consultation

17. This item will go to managers for comment before coming to NZC.

Ngā mahinga e whai ake nei - Next actions

18. The RMA team will continue to review draft practice notes.
19. Ramp up communications of the web page.

NZC Communications Update Report

New Zealand Fish and Game Council Meeting 169 18-19 June 2024

Prepared by: Maggie Tait, Principal Comms Advisor, NZ Fish and Game Council

Kōrero taunaki - Summary of considerations

Purpose

1. This report to the New Zealand Fish & Game Council provides an update on communications and public awareness work.

Financial Considerations

Nil Budgetary provision Unbudgeted

Risk

Low Medium High Extreme

Ngā taunaki - Staff Recommendations

NZC staff recommend:

That Managers receive the update on communications and public awareness work. This report covers game bird season promotion, the ReWild campaign, website performance and media.

Whakarāpopoto - Executive Summary

2. This paper seeks to update you on main communications projects.

Media

3. It was a busy month with the lead up to and then the Opening of game bird hunting. A great team effort but particular thanks to Hamish for securing two television stories, one on the eve and one on the Saturday.
4. We pushed out a range of social media posts, and used ReWild campaign budget to boost posts selling licences.
5. On May 27 we managed negative coverage about a West Coast [diversion](#) but it was a damaging story that we can learn lessons from. An OIA is currently being handled by West Coast about this.

Public Awareness Campaign

Background:

6. Fish & Game has been running a successful social licence/public awareness campaign ReWild, launched in November 2023.
7. The campaign was developed under the new organisational strategy direction; in particular the Public Perception and Legitimacy heading: Understanding and reshaping public perception of Fish & Game New Zealand, angling and game bird hunting through positive messaging of natural environment protection, wild food harvesting and well-being through outdoor recreation.
8. This work underpins the Retain, Reactivate and Recruit (R3) strategy. It's the foundation required to refresh the Fish & Game and hunting and angling image, in a way that ensures it is inclusive and modern. It will support people who currently fish and hunt, draw back in those who have in the past and make accessible for new people to give fishing and hunting a go.
9. The ReWild campaign seeks to:
 - Build public support for hunting and fishing and further embed hunting and fishing as part of who we are as a nation into the future.
 - While we have an engaged and thriving community, not everyone shares our passion or understands what we do, and the campaign aims to bring more people into hunting and fishing and strengthen our social licence.
 - The campaign also aims to unite our hunting and fishing sectors to be a stronger, more united, and consistent voice.
10. Key goals are to:
 - Get more people out fishing and hunting. That includes people who have done it in the past and first-timers.
 - Raise awareness of the organisation and the work it does, including species management and environment protection work.
 - Build public support for our mahi and our organisation.

Campaign Update: ReWild continues to connect with Kiwis

From campaign launch until May 31st, our ReWild messaging has been seen **10.5 million** times across Facebook/Instagram, YouTube, Stuff, and NZ Herald. During this period, we have reached **875k** unique people on Facebook/Instagram **5.4** times each.

During May we largely focused our social strategy on opening weekend, game bird hunting tips, and our new Wild Your Kai photo competition running across May-June. We also ran two YouTube video ads to embed ReWild campaign messaging during a relevant time for kiwis getting into the outdoors and enjoying game bird hunting.

What have we achieved in May?

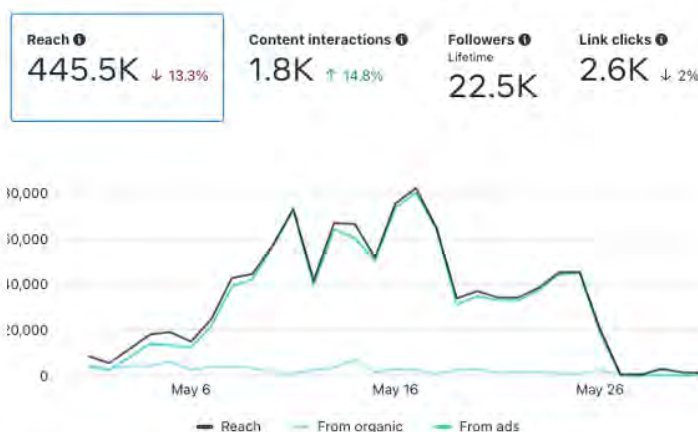
Awareness: Our posts on Facebook and Instagram were seen **1.1 million** times by New Zealanders. Within this, we reached **445k** people on average **2.6** times each. Our reach slightly decreased this month as we decided to turn off boosted posts for a few days near the end of May to mitigate harsh comments on the West Coast Fish & Game diversion.

Engagement: In May we received **1.8 thousand** content interactions (likes, comments, reactions, shares), as well as **2.6 thousand** link clicks. Compared to April, our content interactions increased by **14.8%**. We also received **85** entries into our Wild Your Kai photo competition of people out ReWilding across New Zealand.

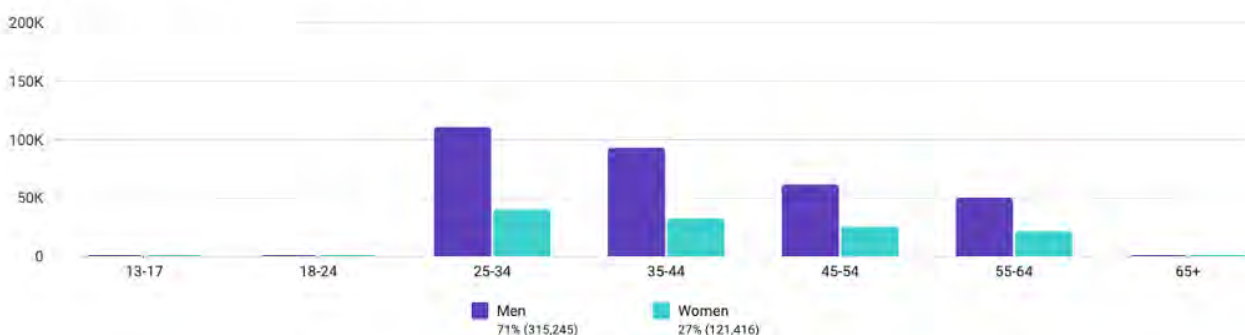
We gained **113** followers on Facebook and **54** followers on Instagram, in-line with results from April.

Embed: During May, we ran two ads on YouTube, embedding our ReWild campaign messaging into the minds of our audience through 15-second videos. Our ads were seen **92,534** times on YouTube, with **94%** of viewers watching the videos to completion. Within this, our ads were seen on the TV screen **97%** of the time – extending reach and impact to other viewers likely behind the screen.

Facebook/Instagram – Reach and Engagement



Age and Gender Distribution



Our Top Performing Posts

Highest reach – 286k

Day licences on sale

Fish & Game New Zealand
Published by Eva Pattullo · May 13 at 4:40 PM ·

GAME BIRD DAY LICENCES ON SALE NOW!
Keen to take a mate hunting? If they don't want to purchase a whole season pass, day licences are on sale now - only \$26 for an adult or \$10 for a junior.
Game bird hunting is one of the great social, recreational sports in New Zealand, offering a special opportunity to connect with nature, build your fitness, source sustainable wild food and spend quality time with friends and family like no other. ... [See more](#)

Day Licences on Sale Now!
#ReWild

Fish & Game New Zealand
Public & Government Service

[Shop now](#)

[See Insights and ads](#) [Boost post](#)

36 12 comments 4 shares

Most Likes/Reactions – 133

Maimai it's a beauty

Fish & Game New Zealand
Published by Maggie Tait · May 14 at 9:32 PM ·

Sally Wenley's family love hunting and she got into as a nipper, aged eight. A bus crash in 1987 left her in a wheelchair and one of the things she lost was the ability to go duck hunting. Sally can now get back into it with an accessible maimai built especially for people like her. You can hear about Sally's hunting experience on RNZ <https://tinyurl.com/53xcpzdf> from 7:40 to 15:10. For more about our accessible maimai read this: <https://tinyurl.com/5bt3yjht>
Fish & Game want... [See more](#)

Maimai it's a beauty!
#ReWild

Fish & Game New Zealand
Public & Government Service

[Send message](#)

[See Insights and ads](#) [Boost post](#)

133 13 comments 6 shares

Our May Competition Winners



Thank you to the regions for staying involved & helping communicate our ReWild message!

Hawke's Bay Fish & Game
May 9 at 1:35 PM · 🌐

Keeping Our Future Wild
#ReWildHabitats

9

Otago Fish and Game Council
May 14 at 8:49 PM · 🌐

Anglers have waded in to help a catchment group and a high-country farm restore and rewild an important spawning stream in Wānaka. The native restoration project took another big step today at Fern Burn, at Alpha Burn Station, at Glendhu Bay. The Wānaka Catchment Group's Wai Ora Project and Alpha Burn Station have contributed more than \$25,500 for 850 metres of new fencing for a streamside section retired from grazing. Fourteen volunteers from the [Upper Clutha Angling Club](#) Jo... [See more](#)

[rewild.fishandgame.org.nz](#) #ReWildHabitat

Nelson Marlborough Fish & Game
May 3 at 12:48 PM · 🌐

With the Opening Day of the game bird season starting tomorrow, anticipation is high for the ~60K game bird hunters who love this iconic day on the Kiyi calendar.

What makes Opening Weekend so special? It's the build-up tradition; reuniting with family and good mates and; of course, feed of wild duck for the table.

To everyone heading out this weekend, look after each other. [See more](#)

Southland Fish & Game
May 6 at 10:30 AM · 🌐

OPENING WEEKEND WRAP-UP – We hope all hunters had a memorable opening weekend, enjoying time with friends and family while harvesting some tasty waterfowl. Hunting conditions were variable across the region and hunter success was a mixed bag, as is typical on opening day. It was nice to have some wind this year which undoubtedly helped hunters tra ducks into the decoys. Over the weekend, our staff teamed up with Police compliance and this year,... [See more](#)



Nelson Marlborough Fish & Game
Nonprofit

Great memories
#ReWild

Dreaming of fish?
Benjamin Boris sent us this photo of a beautiful brown trout he caught spin-fishing with a lure at Poolburn Dam only two days before the season closed. "Made my season for sure!" he said. "Put him back in the hope he could be in the double figures next year!"
What was your favourite fishing memory of the season? Comment and share your photos. Don't forget, plenty of fisheries are open year-round. Check the South Island 2023-24 fishing regulation guide for wat... [See more](#)



Game

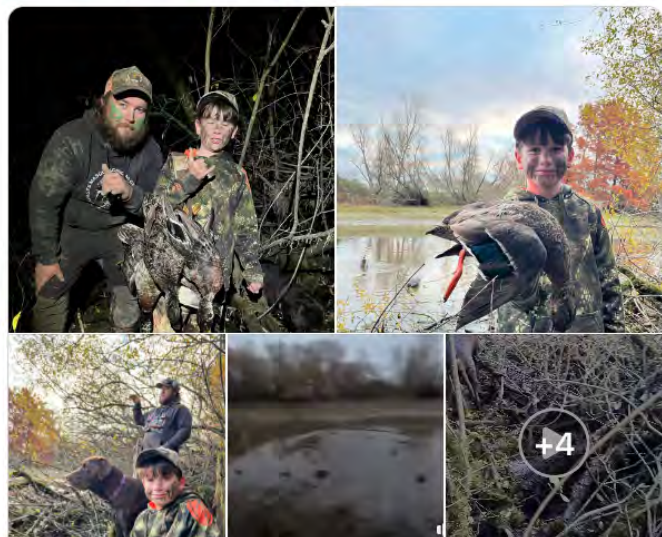
"Covered in mud, smelling like damp swamp and big grins as we dragged our gear and haul of mallards out."

Sounds like a great time to us!!
[#rewild](#) [#fishandgamenz](#) [#duckhunting](#) [#waterfowl](#)

Wild your kai & win
#WildKai

Fish & Game New Zealand
Public & Government Service [Learn more](#)

Fish & Game New Zealand
Published by Eva Pattullo · May 17 at 11:00 AM · 🌐
The best furry companion. Snap a pic of your pup with your [#WildKai](#) and be in to win! Those puppy dog eyes could win you a selection of awesome prizes includi... [See more](#)



3

1 share

And check out support from the angling & hunting community!

Hunting & Fishing New Zealand
May 23 at 6:30 PM · 🌐

Congrats to our [Hunting & Fishing New Zealand, Wairarapa](#) winner from the "Banded Together" competition alongside [Fish & Game New Zealand](#).

It's a key programme that allows Fish & Game NZ to monitor population trends, and help staff manage game bird resources with the tools of season lengths and bag limits. The information gathered is vital for waterfowl hunting in New Zealand, and benefits each and every game bird hunter.

If you've successfully harvested a duck with a band o... [See more](#)



NZ Salmon Anglers Association - Inc
5 days ago · 🌐



Protecting species for the future
#ReWild

Fish & Game New Zealand

👍 33

👍 Like 💬 Comment ↻

The Outdoors Hut
May 15 at 11:26 AM · 🌐

Shooting is a sport for all abilities and acapabilities.
You'll find something for you



Maimai it's a
#ReWild

Fish & Game New Zealand
Public & Government Service

Women on The Fly NZ
May 4 · 🌐




Wild your kai & win
#WildKai

Be in to win the Grand Prize!
an Ultimate Relaxation Package valued at \$1,465
CROSS HILL
#WildKai

Fish & Game New Zealand
Published by Eva Pattullo

COMPETITION ALERT

To celebrate the opening o
have an awesome competi
Take a photo of y... [See mo](#)

Wright Fishing & Outdoors
May 2 · 🌐






Two Days to go

Fish & Game New Zealand
Published by Eva Pattullo · May 2 · 🌐

TWO DAYS UNTIL OPENING – who's excited?

The start of hunting season has been a significant part of our Kiwi culture for generations. This weekend is all about... [See more](#)

Tongariro River Motel
May 24 at 1:14 PM · 🌐

Fish & Game New Zealand
Published by Maggie Tait · May 23 at 1:43 PM · 🌐

Reel Recovery is a national non-profit organization that conducts free fly-fishing retreats for men living with all forms of cancer. Adult men (age 21+) in any ... [See more](#)

👍 2

👍 You and 1 other

👍 4

👍 2

Website:

Content and development (see also new content)

- In development: adding campaigns section to the website which includes ReWild
- Photo competitions Wild Your Kai
- Election forms
- Salmon Forms
- Wellington/Taranaki Regional Hunting Bulletin
- News items

Analytics

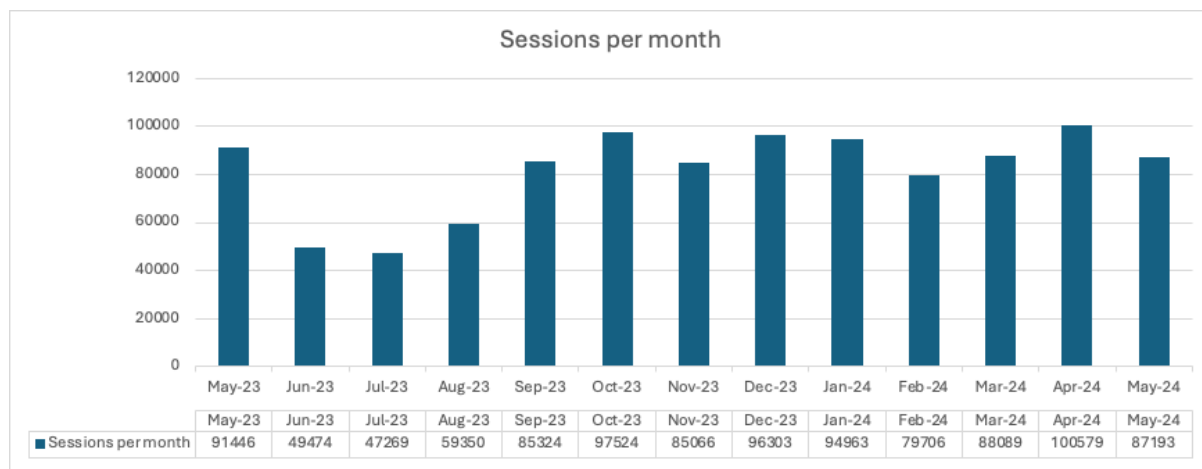
Summary

- 53,535 users in May 2024 vs 57,000 users in May 2023. -6.1%
- 87,193 sessions in May 2024 vs 91,446 sessions in 2023 in May 2023. -4.65%
- 287,215 page views in May 2024 vs 269,640 page views in May 2023 +6.52%

Most viewed pages

Most viewed pages	Views May 2024
Homepage	41,597
/shop (Eyede)	23,500
/cart (Eyede)	17,307
/cart/purchasestepper (Eyede)	15,652
/game-bird-hunting-in-new-zealand/hunting-in-action/this-season/updates/latest-season-and-bag-limits	13,660
/game-bird-hunting-in-new-zealand/hunting-licences-and-regulations/	8,017
/freshwater-fishing-in-new-zealand/fishing-licences-and-regulations/fishing-regulations	5,301
/login	5,088
/freshwater-fishing-in-new-zealand/fishing-licences-and-regulations/standard-licence-options/	3,795
/game-bird-hunting-in-new-zealand/hunting-licences-and-regulations/hunting-regulations/	3,790

Site visits by month 13 month trend.



* A session is a single period of time in which a user is actively engaged with the website, including clicks, page views etc.

** In April 2023, the website switched from Universal Analytics to Google Analytics 4. GA4 tracks sessions and other metrics differently to UA, but these differences are not significant.

New content:

- Updated Upcoming council dates: Hawkes Bay, Southland, Eastern, North Canterbury, Central South Island
- Online enrolment form for election
- Both Barrels May for every region
- Regional Hunting Bulletins for Wellington Taranaki region
- Forest permits
- Seeking Angler feedback
- Fishing News and events
 - o Anglers from sisterhood bonds in river of resilience
 - o Native restoration project reels in anglers for help
 - o Women's introduction to fly fishing workshop
 - o Game bird season opening keeps up Kiwi tradition
 - o Hunters gear up for game bird hunting season
 - o Fostering future hunters with fun experience

Most Searched Queries in Google in May 2024

Most viewed pages	Views May 2024
fish and game regulations	40
duck shooting season nz 2024	34
eastern fish and game	31
south island fishing regulations	27
fish and game	26
fish and game rotorua	23
fish and game otago	20
fish and game hawkes bay	19
lake coleridge fishing season	17
eastern region fish and game	16

EDMs

Date	Subject	Open	Open %	Clicked %	Unsubscribe + spam %
1 May	Sea Run Salmon Return Form	7,242	62%	17,9%	0.10%
2 May	Wellington/Taranaki hunting bulletin	4,746	41.7%	3.4%	0.15%
9 May	Wellington/Taranaki hunting bulletin	5,149	42.9%	2.3%	0.14%
14 May	Newsletter May – Licence Holders & stakeholders	149,232	33.4%	0.5%	0.26%
16 May	Wellington/Taranaki hunting bulletin	5,123	41.4%	1.5%	0.28%
23 May	Wellington/Taranaki hunting bulletin	5,096	38.3%	0.9%	0.12%
23 May	Seeking Angler Feedback - Residents	3,694	55.9%	7.7%	0.08%
23 May	Seeking Angler Feedback – Non Residents	791	64.3%	12.1%	1.40%
24 May	Both Barrels – May 2024	32,768	52.7%	11.1%	0.16%
30 May	Wellington/Taranaki hunting bulletin	5,074	37%	0.4%	0.16%

Industry standard open rate for Forestry, Fishing and Hunting is 27.3%

Proactive Media Calendar – April – May 2024

Date	Topic	Channel	Spokesperson and comms person	Published
7 May	Compliance		Anthony (Maggie)	Duck hunting opening weekend: Two people have guns seized - NZ Herald
4 May	Bird counts, game bird season	TVNZ	Corina and Matt K (Hamish)	Aerial surveys tally ducks as shooting season starts (1news.co.nz)
2 May	Opening Weekend	RNZ Nights	Corina (Maggie)	Duck hunters ready for season RNZ
		RNZ Morning Report	Corina (Maggie)	Duck shooting season set to begin RNZ
4 May	Wheelchair maimai	RNZ Country life	Corina and Bruce (Hamish)	Duck hunting season begins with first wheelchair-accessible maimai RNZ News
3-4 May	Opening day		Corina (Maggie)	Northland news in brief: Bird hunting season kicks off, Whangārei author up for award - NZ Herald https://www.nzherald.co.nz/nz/weather-good-for-ducks-on-day-one-of-shooting-season/BH7P42OIQZCQZKQGHV3ZYZIXIA/ Manawatu Guardian
May	Game bird season	Rod and Rifle magazine	Hamish	Hard copy -scanned and saved here
30 April	Pre season PR	PR	Corina (MT)	https://www.stuff.co.nz/nz-news/350261812/still-promise-despite-dry-start-game-bird-season-te-taiuhu https://www.ruralnewsgroup.co.nz/rural-news/rural-general-news/bring-on-the-bad-weather-say-hunters Duck hunting: Game bird opening weekend - season conditions in your region - NZ Herald Eye on the sky as game bird season opens (farmersweekly.co.nz) HB App

				RNZ bulletins Manawatu Standard Ashburton Courier Hunters gear up for game bird hunting season Marlborough App
tbc	Safety ahead of Opening Weekend	Radio 1XX Newsroom in Whakatane	Richie	No link
		Rex	Richie	No link
3 May	Wheelchair access	Seven Sharp	Corina (HC)	link
19 April	Wheelchair maimai	RNZ the Panel	Hamish C	RNZ Audio Player
11 April	Repeat offender convicted, fined and forfeits valuable fishing rod - Fish and Game NZ	PR	Hamish Stevens	Angler convicted, fined for fishing without licence Stuff
6 April	Women fishing	Your Weekend supplement in Press, Post and Waikato Times	Corina (RC and MVT)	article

Future work and emerging risks

Elections – Richie has consulted managers on the comms plan for this year’s election and it is now being implemented. External comms will commence later this month raising awareness and encouraging people to vote in the elections and make it easy to enrol using an online form.

Document marking 35 years of Fish & Game. This document contains stories highlighting our work and successes over the years.

Risks

Enforcement: Publicising enforcement activity in light of publicity around the West Coast diversion case. The current approach is to defer PR around convictions.

Hunter behaviour: Gamebird season – ongoing monitoring around hunter behaviour.