

27 March 2023

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Tēnā koe [REDACTED]

Thank you for your Official Information Act request to the Department of Conservation, received on 02 March 2023 in which you asked:

1. *“Does the operator have a concession to conduct WARO in the Opera Range? I request a copy of their concession.*
2. *Was the operator being contracted by DOC to conduct any other work at the time?*
3. *What policy does DOC have when WARO operators encounter other recreational users including hunters during their operations?*
4. *Has DOC considered the H&S ramifications of having people discharging firearms from helicopters near other recreational users, if so, what if any measures have been proposed to deal with this issue?*
5. *What notification/information are WARO operators required to give DOC of their intended or past WARO activities on public conservation land?*
6. *Have DOC considered providing a map, the same as their current 1080 one, which requires WARO operators to provide recently completed and proposed WARO operations? Why has something like this not been implemented?*
7. *Does DOC require an accurate break down of the animals being harvested through WARO activities, including age and sex demographics. Can I receive any data available?*
8. *Does DOC consider the preferential culling of stags due to higher carcass weights and selling of hard antler as a tactic that underpins sound game management and a method to control deer populations? Does DOC have any formal policy on deer management activities being conducted through WARO operations.”*

On 10 March 2023 you clarified that your request should refer to travel and observations on the 17 and 20 February 2023 and not the month of March.

Before responding to your specific questions, I will provide some context relating to the issuing of WARO permits under the Wild Animal Control Act 1977 (WACA). When considering applications, the Department must consider its obligation to ensure concerted efforts against the damaging effects of wild animals, the purpose of the land and potential adverse effects on recreational hunters and others. In 2009, a ‘bulk’ process to issue national permits to WARO operators was introduced whereby applications were encouraged and

considered simultaneously, along with a review of a national land schedule, and new permits offered in accordance with the approved schedule.

The last long-term permits were active from 2015 to 2018 after which another land schedule review and consideration of applications began for the issuance of new permits. In the meantime, short-term permits were granted to enable existing operators, including for the operator you have identified, to continue with the previously authorised activities. Unfortunately, the review has taken longer than anticipated with the short-term permits remaining active until the completion of the new process which is now expected to be the end of May 2023.

Your specific questions and our responses are noted below:

1. *Does the operator have a concession to conduct WARO in the Opera Range? I request a copy of their concession.*

Based on the registration provided, yes, the operator has a short-term permit to conduct WARO according to the 2015 approved land schedule. Their permit and land schedule Map 11 covering the Opera Range are attached and remains active until a decision on new applications is completed. Access to the Opera Range is restricted to the dates in the permit and includes the date on which you observed aerial hunting. Helicopter registrations can change and are updated, including the one reported, in our permissions database.

2. *Was the operator being contracted by DOC to conduct any other work at the time?*

The operator was not being contracted by the Department to undertake other work at the time.

3. *What policy does DOC have when WARO operators encounter other recreational users including hunters during their operations?*

The Arms Act 1983 s24B(1)(a) requires that the holder of a firearms licence “act in a way that does not pose a risk to themselves or others” and the Civil Aviation Act 1990 s44 makes it an offence to operate an aircraft in a manner that causes unnecessary danger to any other person. The Department’s WARO permit contains conditions that reinforce this:

“5.2 The concessionaire must:

(a) Take all reasonable steps to protect the safety of all persons present on the land in the vicinity of the concession activity;”

as well as those under part 7 Compliance, particularly 7.6 referencing the Civil Aviation rules and law.

4. *Has DOC considered the H&S ramifications of having people discharging firearms from helicopters near other recreational users, if so, what if any measures have been proposed to deal with this issue?*

Yes, the Department has considered the health and safety implications and is not aware of evidence to suggest aerial shooting has a greater risk compared to firearms



discharged on the ground. This is kept under review but, in the end, the primary responsibility falls on the firearms' holder.

5. *What notification/information are WARO operators required to give DOC of their intended or past WARO activities on public conservation land?*

WARO operators, and other concession holders, are generally not required to notify the Department of intended activities undertaken in accordance with their concession. There are some exceptions, for example notification of aircraft landings in certain locations.

Under permit special conditions 7-16, the operator is required to keep GPS flight track and kill logs and the Department has the authority to obtain this information from MPI processors, for compliance and conservation management purposes. Under the current review, it is proposed that permit conditions be changed to require such information to be provided directly to the Department for the same purposes.

WARO operators are also not required to inform the Department of their past activities (except in relation to live capture).

6. *Have DOC considered providing a map, the same as their current 1080 one, which requires WARO operators to provide recently completed and proposed WARO operations? Why has something like this not been implemented?*

The 1080 map serves a different public health and safety information purpose.

Similar suggestions to your question have been raised during stakeholder consultation on the WARO land schedule review. These have been rejected because of commercial sensitivity and comparable treatment of other concession holders eg guiding.

7. *Does DOC require an accurate break down of the animals being harvested through WARO activities, including age and sex demographics. Can I receive any data available?*

Further to the answer to question 5 above, this is currently obtained inconsistently and only for compliance and conservation management purposes. Under the current review the gathering of this information would be more direct however the purpose would not change. Because the information is commercially sensitive and to release would likely prejudice our ability to secure information in the future, I am declining your request for any such data under section 18(a) by virtue of section 9(2)(b)(ii) of the Official Information Act.

8. *Does DOC consider the preferential culling of stags due to higher carcass weights and selling of hard antler as a tactic that underpins sound game management and a method to control deer populations? Does DOC have any formal policy on deer management activities being conducted through WARO operations."*

The Department needs the support, effective application and regulation of all hunting groups to better manage deer populations to protect conservation values. WARO operations must be considered and conducted in accordance with the WACA and the Department's Deer Control Policy 2001, adopted under that Act. Consideration is also being given to the Te Mana o te Taiao – Aotearoa New Zealand Biodiversity Strategy 2020 and the Te Ara ki Mua Framework, subject to the Act. This information is available on the Department's website at:

- <https://www.doc.govt.nz/nature/biodiversity/aotearoa-new-zealand-biodiversity-strategy/te-mana-o-te-taiao-implementation-plan/>; and
- <https://www.doc.govt.nz/nature/biodiversity/aotearoa-new-zealand-biodiversity-strategy/te-ara-ki-mua-framework/>

Please find the following documents attached:

Item	Date	Document description	Decision
1	1 July 2018	Wild Animal Recovery Operation Permit	Released in part, redactions under Sec 9(2)(a), Sec 9(2)(b)(ii)
2	2015	Approved WARO Land Schedule Map 11	Released in full

I have decided to release the relevant parts of the documents listed above, subject to Information, including harvested animal data, being withheld under one or more of the following sections of the Official Information Act, as applicable:

- personal contact details of officials, under section 9(2)(a) – to protect the privacy of natural persons, including deceased people; and
- commercially sensitive information, under section 9(2)(b)(ii) – to protect the commercial position of the person who supplied the information, or who is the subject of the information.

In making my decision, I have considered the public interest considerations in section 9(1) of the Official Information Act and determined there are no public interests which outweigh the grounds for withholding.

You are entitled to seek an investigation and review of my decision by writing to an Ombudsman as provided by section 28(3) of the Official Information Act.



Please note that this letter (with your personal details removed) and enclosed documents may be published on the Department's website.

Nāku noa, nā



Steve Taylor
Director, Office of Regulatory Services
Department of Conservation
Te Papa Atawhai