



Briefing: Clarifications for final policy decisions to strengthen and modernise Fish and Game

To	Minister for Hunting and Fishing	Date submitted	8 April 2025
Action sought	Approve amended policy decisions presented in this paper	Priority	High
Reference	25-B-0147	DocCM	DOC-10230626
Security Level	In Confidence		
Risk Assessment	Medium There are some risks of a strong reaction from some in Fish and Game New Zealand on options for change. Messaging will need to be carefully managed.	Timeframe	11 April 2025
Attachments	Appendix 1 – Previous decisions made by Minister McClay which DOC recommends confirming Appendix 2 – Descriptive overview of the proposed functions and responsibilities split between the New Zealand Council and Fish and Game Councils Appendix 3 – Decisions made by Minister McClay which DOC recommends clarifying or amending Appendix 4 – New policy proposals for improvements to Fish and Game New Zealand		
Contacts			
Name and position			Phone
Sam Thomas, Director, Policy			s9(2)(a)
Nicola Molloy, Policy Manager			

Executive summary – Whakarāpopoto ā kaiwhakahaere

1. This paper provides supplementary advice and clarifications further to the briefing *Final policy decisions to strengthen and modernise Fish and Game* (briefing 25-B-0120) and our meeting with you on 2 April. We seek your final decisions on the following by April 11:
 - a. Initial decisions made by Minister McClay with alternative proposals (Appendix 1). Following feedback from Fish and Game Councils (FGCs), you have indicated you would like to amend some of the decisions made by Minister McClay. For example, voting rules for the NZC to adopt its annual operational work plan, and the number of councillors on each FGC.
 - b. Clarifying or revisiting other initial decisions made by Minister McClay (Appendix 3). Key clarifications include:
 - i. Maintaining your ability to set remuneration for councillors through secondary legislation if needed
 - ii. Remunerating Ministerial appointees
 - iii. Enhancing transparency between the NZC and FGCs and clarifying that FGCs will maintain decision-making power on local matters.
 - c. Providing direction on new policy proposals (Appendix 4).
2. This paper also provides advice on creating a single Fish and Game Act. Officials believe the simplest approach is to transfer existing legislation from section 5A of the Conservation Act 1987 to a new piece of legislation. However, this approach opens the full range of legislation in s5A for debate at Select Committee, which risks expanding the final shape of reform beyond the currently agreed scope. This could impact the length or focus of the Select Committee stage. There is also a risk to timelines to deliver your reforms this term, as Parliamentary Counsel Office (PCO) will need more time to prepare relevant legislation. DOC therefore does not recommend providing for a stand-alone Fish and Game Act.
3. DOC is finalising a Regulatory Impact Statement and will complete a Cabinet paper once your final decisions are made, aiming to lodge a draft of this document with the Cabinet Economic Committee on May 1, 2025. This should enable you to deliver this reform by the end of this parliamentary term.

We recommend that you ... (Ngā tohutohu)

		Decision
1.	Agree to provide your decisions on policy matters in Appendices 1, 3 and 4, in the indicated 'decision' field	Yes / No
2.	Note that DOC will draft a Cabinet paper for your review and feedback, following your policy decisions	Note
3.	Agree to keep Fish and Game provisions within the Conservation Act 1987 (Status quo) (DOC Recommended)	Yes / No
	OR	
	Agree to remove section 5A from the Conservation Act 1990 and transfer to a new stand-alone Fish and Game Act	Yes / No

4.	Agree that, following Cabinet Approvals, DOC will work with Fish and Game to refine the detail of an allocation model and transition arrangements	Yes / No
5.	Note that DOC will provide further advice on the length and nature of the transition period, in addition to the funding allocation model, in due course	Note

s9(2)(a)

Date: 08/04/2025

Sam Thomas
Director, Policy

Date: / /

Hon James Meager
Minister for Hunting and Fishing

Purpose – Te aronga

1. This paper clarifies final decisions, following our discussion with you on 2 April, for your reform of Fish and Game New Zealand (Fish and Game).
2. This paper also provides advice on how to provide a single Act covering Fish and Game's functions.

Background and context – Te horopaki

3. You are developing a package of reforms to Fish and Game which will improve the organisation's efficiency and effectiveness and coherence. These changes will improve outcomes and provide better value for money for licence holders.
4. On 28 March, we provided a list of final decisions relating to the reform of Fish and Game (briefing 25-B-0120 refers). This paper provides minor clarifications and additional advice in response to your questions.
5. You also previously requested advice on establishing a single Fish and Game Act, similar to the Game Animal Council Act. Following discussions with the Parliamentary Counsel Office (PCO), we provide advice and options for a decision on this matter.

Clarifications and alternative options for decision

Making clear that local issues are decided at a local level

6. You asked that we clarify where local decision makers will maintain a significant role in addressing local issues and how the provisions that increase transparency for the New Zealand Council (NZC) will also apply to the regional Fish and Game Councils (FGCs). We have made amendments to the text in the annexes to reflect these clarifications.

Payment of councillors (Annex 3, decisions 16-20)

7. Minister McClay previously decided to pay councillors a small honorarium in recognition of their contributions to Fish and Game. We recommended that councillors be paid in line with the Cabinet Fees Framework (CFF). We do not believe that payment of fees under the CFF would have a significant impact on recruitment to roles on an FGC, but it may encourage more people to stand for a role on the NZC, or to put their name forward for Chair.
8. You have indicated that you do not wish to pay councillors a fee but have requested the ability to introduce remuneration through secondary legislation, if it proves to be necessary. The Minister already has a power to introduce remuneration through secondary legislation (sections 26M and 26ZF(1) of the Conservation Act 1987 (the CA)). This decision therefore maintains the status quo.

Ministerial appointees (annex 1, decisions 8-12 & annex 3, decisions 21-23)

9. You have indicated you wish to be able to make appointments to Fish and Game Councils. We previously recommended that Ministerial appointees were paid in line with the CFF to reflect their expertise and common practices. We indicated this payment would likely come from Fish and Game's licence fee revenue. You asked for examples of how this works for other similar organisations.
10. The Kaiteriteri Recreation Reserve Board is comparable in this regard, as all income is generated by the reserve, and board members are paid. The Minister of Conservation (MOC) recently appointed members to the board who will be paid under the CFF from revenue raised by the reserve.¹

¹ Appointments are made by Gazette notice, annual fees are Chair \$24,995; Deputy Chair \$10,432; Members \$8,694

11. DOC continues to recommend that Ministerial appointees should be paid, and that this payment should come from Fish and Game licence fee revenue. This approach recognises the specific skills appointees will bring to the role and the added value they will provide to Fish and Game. Since Ministerial appointees are intended as a backstop measure, to be used only if other intervention options fail, this should not have significant financial consequences. This is especially true given your indication that appointees should not be eligible to become chairs of either FGCs or the NZC (see table 1 for indicative costs).

Table 1: Indicative costs of paying Ministerial appointees under the CFF

	FGC members (not the Chairs)	NZC members (not chair)
Daily/Meeting fee (regional meetings)	\$165 - \$226	
Meetings per year	6	
Annual Fee for Group 3a entities level 5	N/A	\$7,161 - \$15,615
Total per appointed member per annum	\$990 - \$1,356	\$7,161 - \$15,615

Agreeing the NZC's annual operational work plan (annex 1, decisions 3-5)

12. You have preliminarily agreed that the NZC must prepare an annual operational work plan, similar to the current requirement for FGCs. The primary aim of this measure is to improve transparency and accountability of the NZC. You have asked that we clarify the role of FGCs in inputting to this process and potentially having the work plan agreed by a two-thirds majority vote in the NZC.
13. You have separately indicated your preference for the NZC to be comprised of the chairs of the FGCs. The simplest approach would therefore be to encourage NZC members to discuss potential inclusions into the NZC workplan with their council prior to it being agreed. A vote by these members - as the NZC - would then represent a vote by the FGCs themselves.
14. DOC recommends a simple majority, in line with other voting procedures. We consider the combined action of the NZC being required to produce an operational plan, and FGCs having a role (through their NZC members) in considering and approving it, would provide for greater FGC engagement in NZC operations. We are also concerned that requiring a two-thirds majority vote could slow down NZC decision making on an annual process.
15. DOC notes that agreement of the annual operational work plan should be relatively minor as most functions will be developed in other areas, such as in development of binding policies and the drafting of the financial strategy. These will be drafted by the NZC in discussion with the FGCs. This should create clarity and transparency in decision making.

General Transparency Clause

16. You wish to ensure that FGCs have sufficient input into the decisions made by the NZC and that there is transparency between the FGCs and the NZC into how those decisions are made. You indicated you were interested in potentially adding a transparency clause to the bill so that relevant information was available to all Fish and Game councillors.
17. We do not consider that a general transparency clause is necessary and believe levels of transparency should increase as a result of other changes recommended in these reforms.

18. For example, making FGC chairs members of the NZC should see a greater flow of information and influence between FGCs and the NZC. The change process will also highlight the need for improvements in the NZCs adherence to the Local Government Official Information and Meetings Act 1987 by publishing minutes more quickly.

Other matters we have amended

19. You requested we increase FGC council size from 'up to 7' to 'up to 8', to reflect current practice by many FGCs, and feedback you have received on providing adequate breadth of knowledge. While this creates an even number of members and the potential for tied votes, we note that chairs can cast a deciding vote should a tie occur.
20. You asked whether the Minister can amend standing orders. We have clarified that this is already possible, by submitting a notice in the Gazette.
21. You also indicated, further to your discussions with FGCs, you wished to amend Minister McClay's decisions in the following areas (specific advice is included in the relevant annex):
- You do not wish Ministerial appointees to be chairs (Annex 1, Decision 10)
 - You wish to be able to appoint council members for any reason (Annex 1, Decision 12)
 - You want to be able to initiate a review of a FGC or the NZC without the need to inform or consult with them in advance (Annex 1, Decision 16)
 - You do not wish there to be a maximum term limit for councillors (Annex 1, Decision 38).
 - You have asked for FGCs to have a power to request information from the NZC to mirror the power the NZC has to request information from FGCs (Annex 4, decisions 5 and 6)

Introducing a single Fish and Game Act

Status quo

22. The statutory responsibilities of the national and regional Fish and Game councils (including their powers and functions) are primarily set out in Part 5A of the Conservation Act 1987. Other legislation relating to sports fishing and game bird hunting is spread across 15 other pieces of both primary and secondary legislation.
23. The status quo is well understood by most users and will be clarified further through the reform package you are considering. We understand the main objective in creating a stand-alone Act would be to recognise and raise the profile of Fish and Game as an organisation.
24. The most comprehensive option involves bringing all relevant legislation – spread across 16 statutory instruments – into one Act. However, our analysis indicates this would be complex, would create difficulties when cross-referring to the legislation they are taken from, and will add significant timeframes to the drafting and Select Committee stages of your Bill.
25. There is a simpler option which would achieve your objective without creating unnecessary complexity.

Remove Part 5A of the Conservation Act and transfer to its own piece of legislation

26. Part 5A contains most of the provisions necessary for Fish and Game to operate. Some amendments would be needed so the new Act continues to link to references in other legislation.
27. This approach will increase the amount of legislation of relevance to sports fishing and game bird hunting from 16 to 17. However, we do not expect this will increase the complexity of the legislation.
28. Transferring existing legislation to a new Act would open all relevant legislation to debate at the Select Committee stage (especially where there are complex links to the original legislation). This could lengthen this stage or change the scope of your final reform.

Timing

s9(2)(h)

s9(2)(g)(i)

s9(2)(h)

Recommendation

32. DOC does not recommend creating a single Act for Fish and Game. Introducing this change now creates a risk for the timeline to introduce and approve Fish and Game reform this parliamentary term. We are also conscious there are risks to your broader objectives by opening more of the legislation to discussion and possible change at Select Committee.

Risks, implications, and consultation

Risks

Reform of Fish and Game

33. The previous briefing [25-B-0120 refers] outlined what we consider the most significant risks of this reform. The clarifications in this paper do not materially impact those risks.
34. Depending on the decisions you make, there may be some risk that the decisions in this paper will slow down some of the functions of Fish and Game, which could impact the organisation's performance.

Single Fish and Game Act

35. Introducing legislation to create a new Fish and Game Act will open provisions for discussion and amendment at Select Committee, which are currently out of scope. There is a risk that this could significantly change the final shape of your reforms or

lengthen the Select Committee stages, potentially preventing the reform from being achieved this term.

Financial implications - Te hiraunga pūtea

36. As noted in briefing 25-B-0120, we expect Fish and Game to benefit from efficiency gains because of these reforms, but there may be some administrative costs in the short term for the organisation.

Legal implications – Te hiraunga a ture

37. Legislative amendments would be required to the Conservation Act 1987, with minor amendments to the Wildlife Act 1953.
38. Other consequential amendments will be required, including to secondary legislation associated with Fish and Game (for example, the Fish and Game Council Elections Regulations 1990 and Standing Orders for Rules for the Conduct of Meetings).
39. There will be legislative implications for the Conservation Act 1987 should you decide to progress with a single Fish and Game Act based on the provisions in Section 5A of that Act.

40. s9(2)(h)

Consultation – Kōrero whakawhiti

41. Briefing 25-B-0120 outlines the consultation approach taken for these reforms. We have not consulted on the specific points in this briefing.

Treaty principles (section 4) – Ngā mātāpono Tiriti (section 4)

42. Section 4 of the Conservation Act (the Act) directs that the Act shall so be interpreted and administered as to give effect to the principles of the Treaty (and extends to all legislation listed in Schedule 1 of that Act, which includes the Wildlife Act 1953). The section 4 directive applies to the development of your policy decisions, and to all decisions taken by Fish and Game at both the national and regional levels.
43. To inform decision making, Minister McClay, sent a letter to 20 Post Settlement Governance Entities who have a statutory relationship or arrangement with Fish and Game in their respective Treaty settlements or deeds. This provided an opportunity for them to submit their views on the operation and governance of Fish and Game.
44. From the feedback received to date, DOC does not recommend any new or revised policy proposals. DOC does not anticipate the proposals in this paper will have any impacts on Settlement Acts or Deeds, including Ngāi Tahu's role as a statutory advisor to all South Island FGCs on matters relating to native game birds.
45. Further information is included in briefing 25-B-0120.

Next steps – Ngā tāwhaitanga

46. Your decisions on this paper are needed by 11 April so that we can submit a Cabinet paper for your approval and Ministerial consultation prior to lodgement for the Cabinet Economic Committee (ECO) on 7 May.
47. We expect to provide a Cabinet Paper to your office on 17 April with Ministerial consultation beginning on 22 April.

48. Timing is tight and we request that your office turn around decisions quickly so that we may meet your objectives.

Item/Action	Date
Final policy decisions paper	4 April
Draft Cabinet paper for agency/ministerial consultation	22 – 29 April (truncated to one week and public holidays considered)
Cabinet paper (ECO) lodgement	1 May
<i>Game bird season starts</i>	6 May
Cabinet (ECO)	7 May
Cabinet (LEG)	12 May
<i>Minister's announcement of reforms</i>	Anytime post-LEG
PCO drafts Bill	12 May – October (approx. six months)
Bill introduced to the House and First Reading	October
Select Committee	October – April 2026 (approx. six months and considered)
Second Reading	April/May 2026
Committee of the Whole House	April/May 2026
Third Reading	May/June 2026
Royal Assent	May/June 2026

ENDS

Appendix 1: Previous decisions made by Minister McClay which DOC recommends confirming

Italics represent additional clarification points raised by Minister McClay.

Proposal	Decisions made by Minister McClay and alternative options	Decisions	Summary Analysis
FUNCTIONS – Provide a new framework for Fish and Game to improve efficiencies, effectiveness and operational performance			
Rebalance the functions between the New Zealand Council (NZC) and Fish and Game Councils (FGCs)	<ol style="list-style-type: none"> Agreed that functions and decision roles would be assigned to the New Zealand Fish and Game Council and regional Fish and Game Councils to enhance efficiency and effectiveness Agreed that this will include a proposal for licence fee revenue to be collected centrally by the New Zealand Fish and Game Council 	<p>Yes / No</p> <p>Yes / No</p>	<p>Rebalancing some decision-making and responsibilities between the NZC and FGCs will improve effectiveness, efficiencies and outcomes for licence holders.</p> <p>FGCs will retain the lead for local policy decisions, but key national functions will be led by the NZC. This should reduce duplication and create efficiencies across all of Fish and Game.</p> <p>Officials have provided an updated table (Appendix 2) to more clearly illustrate how the split of functions and responsibilities would look like in practice.</p> <p>Minister McClay agreed that the NZC would be responsible for the collection of licence fees and issuing of licences. This would support more efficient collection of the licence fee and resolve some challenges. DOC does not suggest you revisit this proposal.</p> <p>Currently the licence fee is collected regionally and where the money goes is</p>

			<p>determined by the licence holder at the time that they purchase their licence. This decision could be based on where the licence holder lives or where he/she spends the most time fishing or hunting.</p> <p>This system:</p> <ul style="list-style-type: none"> • creates perverse incentives for FGCs to underestimate their projected licence fee revenue and overestimate their activity costs. Over the last 11 years this has resulted in almost \$2 million dollars accumulated in regional reserves and not levied. • does not always allow funding to follow need or licence holder activity. For example, we understand that there has been a southward shift of angling activity over the years, but resource movements have not matched this. <p>Minister McClay agreed that, as part of the combined annual report the NZC will review the performance of individual FGCs, and Fish and Game as a whole. Officials believe that this approach will foster better transparency and strengthen FGCs' accountability towards the NZC and enhance Fish and Game's accountability towards licence</p>
--	--	--	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

			<p>Under the new proposed framework, the NZC will be composed of the Chairs of FGCs and members will have a say on the proposed NZC annual operational work plan. We expect that NZC members, as chairs of FGCs, will consult with their council on what should be included in the work plan prior to it being discussed at the NZC.</p> <p>Officials believe that introducing this 'super-majority' mechanism might slow down NZC decision-making, as more members would need to agree to the annual operational work plan.</p>
Require operational work plans to state intended outcomes and future assessment, and be consistent with relevant Sports Fish and Game Management Plans	<p>6. Agreed that annual operational work plans must:</p> <ul style="list-style-type: none"> a. Describe the outcome each work programme is intended to achieve; b. Describe how the performance of each work programme will be measured; and c. Be consistent with relevant Sports Fish and Game Management Plans 	Yes / No	<p>To improve accountability and transparency and align with existing Fish and Game reporting requirements under the Public Finance Act, we recommended (and have clarified) that annual operational work plans for <u>both</u> the NZC and the FGCs be required to state the outcomes anticipated from work programmes, and how success will be measured.</p>
Additional reporting requirements on legal proceedings			
Providing accountability for legal proceedings taken under the Conservation Act	<p>7. Agreed to require Fish and Game Councils (New Zealand Fish and Game Council and Fish and Game Councils) to report to DOC on legal proceedings made under the Conservation Act, the Wildlife Act, and regulations made under those Acts</p>	Yes / No	<p>DOC has responsibility for good regulatory stewardship but is not always aware of the circumstances and results of legal proceedings by Fish and Game under the Conservation Act (CA). We recommended that "Fish and Game</p>

			Councils” be required to report to DOC on legal proceedings made under the CA, as they already must under the Wildlife Act. For clarity, we are clarifying that this refers to the NZC and FGCs for both Acts.
Ministerial powers			
General discretion to appoint to a Fish and Game Council or the New Zealand Fish and Game Council			
Minister to have the discretion to make appointments to enhance decision-making	<p>8. Agreed to enable the Minister to, at any time, appoint up to two additional members onto a Fish and Game Council with voting rights</p> <p>EITHER</p> <p>9. [recommended, Minister McClay’s decision] Agree that a member appointed by the Minister can be the Chair of the relevant Fish and Game Council</p> <p>OR</p> <p>10. Agree that a member appointed by the Minister cannot be the Chair of the relevant Fish and Game Council</p> <p>EITHER</p> <p>11. [recommended, Minister McClay’s decisions] Agree that the reason for a power to appoint onto a Fish and Game Council would be to provide knowledge or skills in one or more of the following areas:</p> <ul style="list-style-type: none"> a. Public sector governance b. Financial management c. Te ao Māori 	<p>Yes / No</p> <p>Yes / No</p> <p>Yes / No</p> <p>Yes / No</p>	<p>Minister McClay was interested in the responsible Minister having powers to make appointments to the Fish and Game Councils on a discretionary basis. The intention is to use this power as a ‘backstop measure’ should other mechanisms in the model (e.g. co-opting, improved codes of conduct etc) not deliver improved outcomes.</p> <p>Officials previously recommended that a Ministerial appointee can serve as the Chair of the FGC if elected by other members of the FGC, following the usual and democratic process of electing the FGC’s Chair. However, officials note this may increase the perception that appointed members represent the Minister’s views or have special standing.</p>

	<p>d. Technical, ecological or scientific skills</p> <p>e. Any other skill that would enhance the decision-making of the Fish and Game Council</p> <p>OR</p> <p>12. Agree that no reason need to be given for the decision to use discretion to appoint a member to a Fish and Game Council</p>	<p>Yes / No</p>	<p>Given the significance of using such a power and to ensure transparency, officials recommend that legislation specify the circumstances under which the Minister could make such appointments.</p> <p>One option we presented to Minister McClay was to not set specific criteria/rationale for appointing a member to a FGC. This option remains available to you.</p> <p>Any Ministerial appointment increases the perceived or real risks to the Minister for the actions and decisions then taken by the relevant Council. The decision to use a discretionary power would also be subject to judicial review. These risks are likely increased by not limiting appointments to specific areas.</p>
--	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Expanded ability for the Minister to remove a member of a FGC			
Amend (and expand) the ability for the Minister to remove a member of a FGC (and therefore a member of the NZC as it will be constituted of the Chairs of the FGCs)	13. Agreed to amend (and expand) the existing criteria for the removal of a council member on a Fish and Game Council and the New Zealand Fish and Game Council to take a just cause or similar approach to the removal of a member from office.	Yes / No	<p>The responsible Minister currently has the power to remove a FGC member for a specified list of reasons: bankruptcy, inability to perform the functions of the office, neglect of duty, misconduct, or a conviction for an offence involving sports fish or game or protected wildlife.</p> <p>Ministerial removal of a council member carries a high risk of judicial review if the principles of natural justice are not observed. In past cases, evidence of poor governance or behaviour specific to reasons stepped out in the legislation has proven hard to gather and establish.</p> <p>Given there have been challenges in applying the current power, officials recommended amending the scope of the power so that it is not unduly restrictive, whilst still ensuring natural justice principles are met, in line with comparable provisions in other legislation. Comparable bodies have removal provisions based on 'just cause' which we recommended should be applied to Fish and Game.</p> <p>This power will also apply to NZC members as the NZC will be constituted of the Chairs of FGCs.</p>

New ministerial powers to improve accountabilities			
New ministerial powers to improve accountabilities	14. Agreed the responsible Minister shall have an explicit power to review the operations and performance of Fish and Game New Zealand as a whole, an individual Fish and Game Council, or the New Zealand Fish and Game Council, at any time	Yes / No	Officials recommended giving the responsible Minister the power to review operations and performance of Fish and Game as a whole, the NZC and individual FGCs.
	EITHER		
	15. [recommended, Minister McClay's decisions] Agree that, before the responsible Minister initiates a review, they must: <ul style="list-style-type: none"> a. Consult with the affected body on the purpose and nature of the review, and b. Consider any submissions made by the affected council 	Yes / No	This will act as a backstop and evidential base to inform other interventions if needed (such as removing a Councillor). Setting out the process ensures fairness and transparency, and this proposal is similar to that provided for other entities. Not including a process for beginning a review will likely increase the efficiency of the review. However, Fish and Game Councillors are likely to see this as increased Ministerial oversight.
	OR		
	16. Agree that no conditions apply for using the power to review the operations and performance of Fish and Game New Zealand as a whole, an individual Fish and Game Council, or the New Zealand Fish and Game Council, at any time	Yes / No	The Minister cannot amend an Anglers Notice before approving, which has previously resulted in delays to the start of the sports fishing licence sales. This proposal would allow the Minister to amend an Anglers Notice before approving (as is currently the case for Game Notices under the Wildlife Act 1953). Under this proposal, Fish and Game Councils retain the right of initiation.
	17. Agreed to strengthen the Minister's power so the Minister may amend an Anglers Notice before approving it.	Yes / No	

New ministerial powers to meet wider community needs	18. Agreed that the responsible Minister may prohibit the transfer of sports fish to a location where they already exist	Yes / No	Fish and Game Councils can transfer sports fish to locations where that species already exists. The Minister of Fisheries may prohibit such a transfer (for the purposes of the Fisheries Act), but the Minister of Conservation and Minister for Hunting and Fishing do not have such a power. We recommended this additional power to help Ministers address future Treaty needs.
Remove administrative barrier relating to Game Notices	19. Agreed to enable the Minister to amend an approved Game Notice before the game season begins	Yes / No	A past drafting error means approved Game Notices can, in practice, be amended only from May to the following February, and not between /February and opening weekend. This recommended amendment would allow approved Game Notices to be amended between February (when they are approved) and the start of the game season. This is the period when a need for changes is most likely to be detected, and changes generally need to be brought into effect for opening weekend. Fish and Game Councils will retain the right of initiation but this would provide greater flexibility for amending hunting conditions (with Ministerial agreement) when needed.

Ensuring the suitability and good conduct of councillors			
Candidates for Fish and Game Councils must meet appropriate standards to be public entity governors	20. Agreed that candidates of Fish and Game Councils should be subject to a 'Fit and Proper Person' test (or equivalent) and cannot stand if they fail to meet these requirements (elected councillors would be held to the same standards and, if convicted, would be unable to remain in office)	Yes / No	<p>Officials consider that the current test for elected councillors, including those related to sports fish and game bird crimes, does not meet the standards expected of similar public entities.</p> <p>Officials recommended enhancing the provisions to require a wider 'Fit and Proper Person' test or equivalent is met to prevent/remove candidates with any serious criminal history to be elected, or to remain in office if convicted. It would still be important to preclude candidates or councillors convicted of an offence involving sports fish, or game or protected wildlife or freshwater habitat or the use of firearms which typically result in fines rather than imprisonment.</p>

GOVERNANCE – Improve decision-making quality

Number of Councillors on Fish and Game Councils

<p>Reduce the number of elected members on Fish and Game Councils</p>	<p>EITHER</p> <p>21. [recommended, Minister McClay's decision] Agree that each Fish and Game Council will consist of "up to seven members"</p> <p>OR</p> <p>22. Agree that each Fish and Game Council will consist of "up to eight members"</p>	<p>Yes / No</p> <p>Yes / No</p>	<p>Officials recommended reducing the size of each regional FGC from 12 to 7 to better reflect the level of decision-making required under the new proposed functions split.</p> <p>While 7 members could still be large for the local decisions required, it provides good geographical/knowledge representation across the area.</p> <p>This formulation of words 'up to 7' as an upper limit is intended only to ensure FGCs can be constituted even if there are fewer than 7 candidates standing and reflects the current legislative formulation. It is <u>not the intention that</u> Councils can reduce the number of places on their Council on their own initiative.</p> <p>Many FGCs have already reduced their number of councillors to 8, and feedback from most Fish and Game Councils agreed a reduction from 12 would be helpful. While an odd number would avoid potential voting ties, officials note that the Chairs have a casting vote in the case of a tie.</p>
-----------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Membership of the New Zealand Council			
Establish membership of the NZC and relationship with the FGCs	23. Agreed that New Zealand Fish and Game Council membership will be comprised of the Chairs from each of the Fish and Game Councils; and	Yes / No	<p>Officials recommended the NZC is made up of the Chairs of each FGCs (instead any chosen member of FGCs in the status quo). This supports a model where there is a greater role for the NZC in setting binding policies, and handling finances: FGCs need to have a clear role and connection with the NZC to influence and be part of key decisions in the interests of their FGC. This should build trust and confidence between national and regional bodies in the delivery of functions being carried out nationally with local knowledge and mandate and supports the democratic foundations of Fish and Game.</p> <p>This does create a risk of local interests being advocated in matters requiring a national perspective, but in a new model where the NZC is responsible for key functions, it should incentivise more positive working relationships.</p> <p>We propose to remove the standalone clause that an NZC member can be removed at any time by their FGC by majority vote (an issue raised by many in the current model), but consider it is important that FGCs retain the ability to change their Chair, and as such their representative to the NZC. DOC</p>
	24. Agreed to remove the ability for New Zealand Fish and Game Council members to be removed by way of a majority vote of their Fish and Game Council at any time; and	Yes / No	
	25. Agreed that Fish and Game Councils must set out their rationale in writing to the New Zealand Council if they wish to change their Chair (and therefore representative on the New Zealand Council)	Yes / No	

			<p>considers they are less likely to do this without good reason in the new model.</p> <p>Requiring FGCs to set out their rationale for removing the Chair in writing to the Minister will act as a disincentive for poor behaviours (such as frequently replacing their representative on the NZC from one NZC meeting to the next).</p>
Selection of a Chair of the NZ Council			
Appointing the Chair of the New Zealand Fish and Game Council	26. Agreed that the Chair of the New Zealand Fish and Game Council will continue to be appointed by the members of the New Zealand Fish and Game Council	Yes / No	<p>Officials recommended retaining the current practices for appointing the Chair of the NZC. A Ministerial appointment was considered but would signal a change in how the council operated as a democratic body, and in the relationship between Fish and Game and Government, reducing the arms-length nature of the organisation and increasing the perceived or real risks to Ministers.</p>
Clarifying internal practices and roles to improve Fish and Game's reputation			
Confirming managers are appointed by elected representatives and managers appoint staff	27. Agreed that Fish and Game Council Managers and the New Zealand Fish and Game Council Manager should appoint their staff, rather than councillors appointing staff	Yes / No	<p>The legislation currently states that staff as well as managers are all appointed directly by each council. Officials recommended that the legislation be aligned with current practice, where councils appoint their managers, and then managers appoint their staff.</p>

No elected representative can also be employed by a FGC or the NZC	28. Agreed that a member of a Fish and Game Council or the New Zealand Fish and Game Council cannot also be an employee during the time that member is in office	Yes / No	Making roles clear will support other measures by enabling Fish and Game to demonstrate a separation in roles between governance and management – which will support Fish and Game to improve its reputation.
Wider changes to support Governance improvements			
Provide for Fish and Game council members to be reimbursed for expenses	29. Agreed all members of Fish and Game Councils and the New Zealand Fish and Game Council will be reimbursed for actual and reasonable expenses incurred in performing functions and duties as a council member	Yes / No	<p>The Conservation Act does not allow (unless regulations are made) members of the NZC or FGCs to be reimbursed for expenses incurred while performing their functions.</p> <p>This reflects the organisation's origins but is inconsistent with most other democratically elected bodies and public entities.</p> <p>Officials recommended introducing provisions to enable reimbursement of actual and reasonable expenses. It would be at the discretion of each councillor to claim reimbursement or not.</p>
Remove entitlement to compensation or payment if no longer a council member	<p>30. Agreed that:</p> <p>a. a council member who is removed from their position on a Fish and Game Council or the New Zealand Fish and Game Council by the Minister shall not be entitled to compensation for loss of office</p> <p>b. a council member who leaves their position on a Fish and Game Council or the New Zealand Fish and</p>	<p>Yes / No</p> <p>Yes / No</p>	<p>It is appropriate and consistent with other entities that a member removed from office is not compensated for the loss of office.</p> <p>It is also appropriate that payment for members ceases at the end of the term served, or if they leave office during the term for any reason.</p>

	Game Council for any other reason will cease to be paid (if paid)		If you wish to proceed with remunerating some or all councillors, officials recommend maintaining this decision.
Adjust requirements for a minimum number of meeting days to be held a year	31. Agreed to not limit the number of annual meetings of the New Zealand Fish and Game Council	Yes / No	Currently, the NZC is required to meet at least two meetings a year and FGCs at least six times a year. Given the changes proposed to both functions and governance arrangements at both levels, it is recommended that these requirements are changed so that the NZC can meet as and when it needs to reflect its increased decision-making role. This change would also require a change to the Standing Orders.
Clarifying replacement rules if a Council is discharged by the Minister			
Replacement council to hold office only until next nationwide council elections	32. Agreed that if the Minister discharges a council and new elections have to be held, the term of the replacement council shall be until the time that the discharged council would have completed its three-year term of office, <i>except if new election takes place within 1 year of normal election then they continue for next term</i>	Yes / No	This addresses a flaw in the current legislation, whereby a replacement council would hold office for three years, and its elections would then be out of cycle with the three-yearly elections for the other councils.
Improving Fish and Game's democratic basis and voting arrangements			
Expand eligibility and ability to both vote and seek election	33. Agreed that any New Zealand resident who has held an adult licence in the 3-year term prior to an election is eligible to stand for election onto a Fish and Game Council	Yes / No	Currently only whole-season licence holders can vote and stand for election. This excludes all other forms of licence holder from voting, despite these groups having valid perspectives. It also

	<p>34. Agreed that any New Zealand resident who has held an adult licence in the 3-year term prior to an election is eligible to vote in Fish and Game Council elections</p> <p>35. Agreed that any New Zealand resident who buys an adult licence is to be automatically included on the electoral roll for Fish and Game Council elections</p>	<p>Yes / No</p> <p>Yes / No</p>	<p>limits the pool of eligible candidates for election.</p> <p>Officials recommended expanding eligibility to vote and seek election to all adult New Zealand Fish and Game licence holders. This supports and strengthens the democratic foundations of Fish and Game.</p> <p>Specifying a time period of the 3-year term prior to an election enables day licence holders and short-term licence holders to vote. Elections are held once every 3 years.</p> <p>Officials also recommended any holder of a licence in the 3-year term prior to an election should be able to vote in that election without the requirement to 'opt-in'.</p>
Clarifying voting arrangements	<p>36. Agreed that the region indicated in the most recent licence purchase be the region that licence holder is entitled to vote in</p>	<p>Yes / No</p>	<p>This would prevent double voting and behaviours which have distorted the results of previous elections. Many people buy more than one licence (e.g. a game licence and a fishing licence) and can vote in more than one FGC election if they buy their licences from different regions.</p> <p>Where no election is required in a region (candidates do not exceed the seats available), voters have in the past</p>

			<p>changed their voting region to influence the outcome of elections elsewhere.</p> <p>We note that licence holders will still need to nominate their region of choice when they buy their licence: at each new licence purchase, if a new region is nominated, that would override the previous region indicated.</p>
Consequential changes to update and modernise the Conservation Act 1987 and Fish and Game Council Elections Regulations 1990	<p>37. Agreed that alongside new provisions to improve governance, electoral and organisational arrangements, primary and secondary legislation will be updated to contemporary legislative drafting standards, including for:</p> <ul style="list-style-type: none"> a. public notification processes b. electronic voting in Fish and Game Council elections. 	Yes / No	<p>Legislative change is an opportunity to ensure the administrative and mechanical working of the legislation meets modern standards. Currently, provisions in both the primary legislation and secondary legislation, such as the Fish and Game Council Elections Regulations, do not provide flexibility in the way public notification is required (via newspapers) or are not up to date for electronic voting.</p>
Limit the number of terms a council member can serve	<p>EITHER</p> <p>38. [recommended] Agree that there is no maximum number of consecutive terms a member can be elected to a Fish and Game Council (status quo)</p> <p>OR</p> <p>39. [Minister McClay's decision] Agree that any member appointed by election to a Fish and Game Council can serve a maximum of two consecutive terms</p>	<p>Yes / No</p> <p>Yes / No</p>	<p>There is currently no limit on the number of terms a council member can sit on a FGC. Officials believed that restricting members to two terms would be consistent with other decision-making bodies, balances opportunities for refreshing councils and encouraging licence holders to get involved.</p> <p>However, officials note that imposing a limit on the number of consecutive terms a councillor can serve, could also result in a knowledgeable councillor being forced to step down. For this</p>

			reason, officials recommend maintaining the status quo.
Status of member seeking re-election after removal	<p>40. Agreed that, should an elected member be removed from office by the responsible Minister, that person must stand down for at least one full term before standing again for election; and</p> <p>41. Agreed that a member previously removed from office would need to declare they had previously been removed from office as part of the process of standing for election</p>	<p>Yes / No</p> <p>Yes / No</p>	<p>Officials previously advised that a member removed from office should not be allowed to stand again for election, to improve the integrity and credibility of the organisation.</p> <p>Officials suggested an alternative approach could be to require a stand down period for any council member removed from office, which could be at least one full term. Schedule 2 of the Fish and Game Council Elections Regulations 1990 would be amended to ensure candidates previously removed declare their previous removal.</p>
MERGING REGIONS – Supporting Fish and Game in providing for further efficiencies in future			
Number of Fish and Game Councils	42. Agreed to prescribe in legislation a range of seven to twelve regions	Yes / No	Officials recommended the proposed model will work best if the number of FGCs does not drop below seven. This is for geographical as well as governance (if NZC is constituted of FGC Chairs) reasons.

Making it easier to merge Fish and Game Regions and Councils in future	<p>43. Agreed that:</p> <ul style="list-style-type: none"> a. No mergers of Fish and Game Council regions will be prescribed as part of the current legislative change programme; and b. Fish and Game Councils must seek approval from the responsible Minister for the merger of two or more regions; and c. Future mergers will take effect at the time of elections 	<p>Yes / No</p> <p>Yes / No</p> <p>Yes / No</p>	<p>Merging regions could bring further efficiencies and reduce costs to licence holders. We proposed enabling Fish and Game Regions to be merged at any time in the future (rather than effecting mergers through this legislative process).</p> <p>We proposed that any new FGC would be constituted at the following election to represent the newly merged region, to simplify associated processes including voter and councillor changes.</p>
Provide for allocation of assets and continuation of SFGMPs, licences, etc, when regions merge	<p>44. Agree that when regions are merged or altered:</p> <ul style="list-style-type: none"> a. The Minister be able to allocate and transfer assets as Minister considers appropriate b. All proceedings by or against a Fish and Game Council may be continued c. Land Registrars be empowered to give effect to the transfer of any land d. All fishing and hunting licences and SFGMPs in respect of that region to continue in force until their expiry, replacement, or cancellation 	<p>Yes / No</p> <p>Yes / No</p> <p>Yes / No</p> <p>Yes / No</p>	<p>Mergers of Fish and Game regions have not been feasible because provisions relating to the allocation of assets and continuation of proceedings, regional hunting and fishing licences, and SFGMPs, when regions merge were not included in the legislation when Fish and Game was established.</p> <p>Officials recommended the necessary provisions be provided in the legislation.</p>

Removal of sub-regions	45. Agreed to remove the current provision for Fish and Game Councils to determine sub-regions, and abolish existing sub-regions	Yes / No	<p>This system can lead to perverse election results. Some FGCs divide their regions into sub-regions for election purposes to ensure representation from all parts of the region. However, anyone can stand in any sub-region, including people with no connection to it, so they do not help deliver local representation. Since all voters get to vote for candidates in all sub-regions, sub-regions can result in candidates winning seats despite receiving fewer votes overall.</p> <p>With the framework providing for fewer council members (from up to 12 to up to 8, depending on your decision), we recommended abolishing existing sub-regions.</p>
OTHER INTERESTS – Better meeting the needs of non-hunting interests			
Ensure that Fish and Game Councils take appropriate account of other users	46. Agreed that the Fish and Game Council function to manage sports fish and game for the benefit of licence holders be subject to 'having regard to' the impact of management on other resources and other users of the habitat	Yes / No	<p>The need to have regard to other interests is stated in legislation only in relation to the preparation of sports fish and game management plans. We recommended this minor amendment to make it clear that it applies to all Fish and Game Council management to ensure other users, and the natural environment are considered in general decision-making.</p>

Ensuring Fish and Game Councils do not compromise key matters when managing sports fish and game	<p>47. Agreed that the Fish and Game Council function to manage sports fish and game birds for the benefit of licence holders be subject to ensuring actions will:</p> <ul style="list-style-type: none"> a. not compromise aviation safety b. not impede conservation of isolated populations of highly threatened native fish 	<p>Yes / No</p> <p>Yes / No</p>	<p>Fish and Game has a requirement to consider the needs of other users (for management planning), but also to maximise hunting and fishing opportunities. In the past, this has led to FGCs then prioritising game bird hunting over aviation safety, and sports fishing over the conservation of physically isolated populations of highly threatened native fish.</p> <p>This new provision would ensure that management decisions will not compromise these specific matters that are in the wider public interest.</p>
Ensure that Fish and Game Councils take appropriate account of other users	48. Agreed that Sports Fish and Game Management Plans are required to describe how conflict between the needs of non-hunting/fishing interests and management for the benefit of licence holders will be managed	Yes / No	SFGMPs do not always adequately describe how conflict between the wider needs of other interests and management for the benefit of licence holders will be addressed. This has created uncertainty for the farming sector, in particular. We recommended this new requirement for SFGMPs to address this.
Enable Fish and Game Councils to control game birds impacting non-hunting interests	49. Agreed that Fish and Game Councils have a <i>carefully defined</i> new power to control game birds causing damage or risk without requiring an authority from the Department of Conservation	Yes / No	Currently, Fish and Game Councils must obtain an authorisation from DOC whenever they need to control game birds impacting (for example) farm crops or aviation safety. This provision would remove the need for a specific authorisation from DOC, which creates costs for the organisation and can prevent a timely response and will allow

			<p>Fish and Game Councils to better meet the needs of non-hunting interests.</p> <p>Officials propose to give effect to Minister McClay's qualified approval by empowering the Director-General to delegate to FGCs (subject to conditions) their power to authorise control of game birds damaging crops etc; if an FGC used the power inappropriately, the delegation to that FGC could be withdrawn.</p>
OTHER MINOR, OR TECHNICAL AMENDMENTS			
Streamline the creation of upland game preserves	50. Agreed that commercial upland game preserves be authorised by the responsible Minister by Gazette notice rather than by Order in Council	Yes / No	Non-commercial upland game preserves are authorised by Gazette notice, but commercial preserves must be authorised by Order in Council. We recommended aligning the approaches for commercial and non-commercial preserves, consistent with the policy intent of the Wildlife Act, which will also streamline the process.

Appendix 2: Descriptive overview of the proposed functions and responsibilities split between the New Zealand Council and Fish and Game Councils

Functions	New Zealand Council (NZC)	Fish and Game Councils (FGCs)
Licence fee revenue collection and distribution	<ul style="list-style-type: none"> The NZC will issue licences and collect licence fees. The NZC will set, in consultation with FGCs a financial strategy for the organisation <i>[new policy decision]</i>. The NZC will distribute licence fee revenue across Fish and Game supported by a funding allocation model [set in secondary legislation] and financial strategy. 	<ul style="list-style-type: none"> FGCs will utilise their respective budget in accordance with the financial strategy set out by the NZC. FGCs will continue to be able to obtain income from other sources (i.e., not from the sale of licences) consistent with restrictions in the Conservation Act.
Staff	<ul style="list-style-type: none"> The NZC will employ its Chief Executive. The NZC's Chief Executive will employ the NZC staff. The NZC will employ specialist/expert staff who can work across the organisation as needed. 	<ul style="list-style-type: none"> FGCs will employ their respective Chief Executive within the corporate policy set by the NZC. FGCs' Chief Executives will employ their respective staff. NZC will be able to provide specialist staff for FGCs.
NATIONAL POLICIES		
Developing policies to carry out the NZC and FGCs functions	<ul style="list-style-type: none"> The NZC will set policies, in consultation with FGCs: <ul style="list-style-type: none"> national policies for the carrying out of the NZC functions non-binding policies for the carrying out of the FGCs' functions <i>[new policy decision]</i> national binding policies for certain tasks (i.e. corporate, business planning and 	<ul style="list-style-type: none"> FGCs will need to perform certain tasks within binding policies set out by the NZC (i.e. corporate, business planning and reporting, compliance work, resource and activity monitoring, and advocacy) [see subsequent rows for details].

	reporting, compliance work, resource and activity monitoring, and advocacy) and minimum FGC work programmes for key tasks (i.e. business planning and reporting, compliance work, and resource and activity monitoring) [see subsequent rows for details].	<ul style="list-style-type: none"> FGCs will need to have regard to non-binding policy set by the NZC but could adapt to suit local circumstances. FGCs will have to provide information requested by the NZC for general coordination purposes.
National corporate policies		
Human resources	<ul style="list-style-type: none"> The NZC will set, in consultation with FGCs, binding human resources policies. This could, for example, include standard job descriptions, salary bands etc. 	<ul style="list-style-type: none"> FGCs will have to comply with the human resources policies set by the NZC.
Health and safety	<ul style="list-style-type: none"> The NZC will set, in consultation with FGCs, binding [minimum] health and safety standards. 	<ul style="list-style-type: none"> FGCs will have to comply with the health and safety standards set by the NZC.
National monitoring policies		
Monitoring function/responsibilities	<ul style="list-style-type: none"> The NZC will set, in consultation with FGCs, binding policies for sports fish and game resource and licence holder activity monitoring work undertaken by FGCs. This could, for example, include minimum levels of monitoring activity, standardised monitoring methods for conducting monitoring activity, standardised reporting of data, etc. 	<ul style="list-style-type: none"> FGCs will have to conduct minimum levels of monitoring activities in line with binding national policies. FGCs will still assess and monitor <ul style="list-style-type: none"> Sports fish and game populations Licence holders' activity and satisfaction The conditions and trend of sports fish and game habitat. FGCs will be able to set their monitoring priorities to address regional and local needs, subject to also meeting national needs.

National compliance policies		
Compliance function/ responsibilities	<ul style="list-style-type: none"> The NZC will set, in consultation with FGCs, binding policies for compliance activity across all FGCs which would include infringement policy <i>[new policy decision]</i>. This could, for example, include: a minimum level of compliance activity, how compliance activity is reported, how infringement activity is conducted etc. 	<ul style="list-style-type: none"> FGCs will have to conduct a minimum level of compliance activities in line with binding national policies. FGCs will be able to set their compliance priorities to address regional and local needs.
National advocacy policies		
<p>Non-statutory (e.g., writing to/meeting with local government, writing opinion pieces etc.)</p> <p>Statutory (e.g., submitting on consultations relating to RMA, seeking a water conservation order)</p>	<ul style="list-style-type: none"> The NZC will set, in consultation with FGCs, a binding advocacy strategy for the organisation. For example, the advocacy strategy could include agreed Fish and Game positions on priority issues. The NZC will be able to advocate at the national level as per the strategy, inputting into policy processes, legislation, public consultations, national policy statements. The NZC will be empowered to intervene in local advocacy actions undertaken by FGCs when such actions are contrary to the agreed-upon binding advocacy policy <i>[new policy decision]</i>. 	<ul style="list-style-type: none"> FGCs will be able to determine the level of advocacy action they wish to undertake within their budget and the advocacy strategy set by the NZC. For example, a FGC will be able to input to relevant local RMA processes within their budget and advocacy strategy set by the NZC.
Court (e.g., attending court to advocate for Fish and Game's position on matters)	<p><i>In addition to the above</i></p> <ul style="list-style-type: none"> The NZC will be able to direct FGCs' appearances before courts and tribunals except when the FGC is challenging the NZC or another FGC. 	<p><i>In addition to the above</i></p> <ul style="list-style-type: none"> FGCs appearance before courts and tribunals will be subject to the direction of the NZC except when the FGC is challenging the NZC or another FGC.

REPORTING		
Reporting function/responsibilities	<ul style="list-style-type: none"> NZC to determine, in consultation with FGCs, mandatory forms and templates for sports fish and game management plans, annual operational work plans, and annual reporting. The NZC will compile all 13 annual reports into one combined Fish and Game annual report for the Minister to present to the House. As part of the combined annual report, the NZC will provide a review of the NZC and FGCs performance and summarise any discrepancies between the performance and performance expectations of the NZC and FGCs. This would include a review of Fish and Game as a whole. 	<ul style="list-style-type: none"> FGCs will retain their decision-making over the content of SFGMPs, annual operational work plans, and annual reports, subject to relevant binding policies, forms and templates set by the NZC. FGCs will provide their operational work plans and annual reports to the NZC.
AUDIT		
Audit function/responsibilities	<ul style="list-style-type: none"> The NZC will continue to be able to audit the performance of individual FGCs and Fish and Game as a whole (this is an existing function performed on an as-needed basis). 	<ul style="list-style-type: none"> FGCs will have to provide information requested by an audit by the NZC.
SPORTS FISH AND GAME RESOURCE MANAGEMENT		
Sports fish and game resource management	<ul style="list-style-type: none"> The NZC will collate and edit (form, readability and useability only) Angler and Game Notices before submitting them to the Minister for approval. The NZC may provide independent advice to the Minister on the sustainability (e.g. will the resource become depleted), suitability (e.g. is there a good rationale for a particular condition), and consistency (within and between regions) of Anglers and Game notice conditions 	<ul style="list-style-type: none"> FGCs will retain their decision making over regional and local species and habitat management FGCs will continue to prepare Angler and Game Notices for the Minister's approval, including seasons, bag limits, and other conditions.

	<p>recommended to the Minister by FGCs. However, the NZC will not be able to amend or decline the substance of Anglers and Game notices prepared by FGCs.</p> <ul style="list-style-type: none">• The NZC may provide independent advice to the Minister on the suitability of provisions in draft sports fish and game management plans submitted to the Minister for approval by FGCs.	
--	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--

Proactively Released by the
Minister for Hunting and Fishing

Appendix 3: Decisions made by Minister McClay which DOC recommends clarifying or amending

Proposal	Options	Decision	Summary Analysis
FUNCTIONS – Provide a new framework for Fish and Game to improve efficiencies, effectiveness and operational performance			
Clarifying the role of the New Zealand Council (NZC) in setting binding policies for advocacy in consultation with Fish and Game Councils (FGCs)	<p>EITHER</p> <p>1. [Recommended] Agree that the New Zealand Council will have the authority to set, in consultation with Fish and Game Councils, national binding policies for statutory, and non-statutory advocacy actions undertaken by both the New Zealand Council and Fish and Game Councils.</p> <p>OR</p> <p>2. Agree that the New Zealand Council will have the authority to set, in consultation with Fish and Game Councils, national binding policies only for statutory advocacy and court actions undertaken by both the New Zealand Council and Fish and Game Councils.</p>	<p>Yes / No</p> <p>Yes / No</p>	<p>Minister McClay agreed that the NZC should define binding national policies for advocacy, in consultation with FGCs. Advocacy by Fish and Game includes non-statutory advocacy (such as public campaigns and engaging with political leaders), statutory advocacy (e.g. in relation to a process set out in legislation (such as RMA)), and court action (such as appealing or challenging a statutory decision or management).</p> <p>FGCs will retain control of the amount and type of advocacy they wish to undertake in their region providing it is in line with the policy set at the NZC.</p> <p>The NZC will be able to monitor FGCs' compliance with national binding policies through their annual reports. In cases of non-compliance, these reports will provide an evidential basis for other interventions if needed, such as removing councillors.</p> <p>Officials recommend enabling the NZC to set binding policy, in consultation with FGCs, for all levels of advocacy. This would ensure a unified and consistent approach in Fish and Game advocacy actions, which would enhance the organisation's credibility. While this might be perceived as an overreach from the NZC, officials believe that this risk will be managed by defining policy in</p>

			<p>consultation with FGCs- the Chairs of whom will also constitute the NZC.</p> <p>An alternative would be to enable the NZC to set, in consultation with FGCs, binding policy for statutory advocacy and court action only. This would allow more regional flexibility but risks inconsistent public positions, potentially harming the organisation's reputation.</p>
FGCs to take court actions, subject to the direction of the NZC	<p>EITHER</p> <p>3. [Recommended] Agree that Fish and Game Councils can continue to take matters to court, but now subject to the direction of the New Zealand Council, except when a Fish and Game Council is challenging the New Zealand Fish and Game Council or another Fish and Game Council</p> <p>OR</p> <p>4. Agree that Fish and Game Councils can take matters to court <u>without the New Zealand Council being able to intervene (status quo)</u></p>	<p>Yes / No</p> <p>Yes / No</p>	<p>Currently, FGCs can take matters to court without needing to discuss proposals with the NZC, nor to inform the NZC of their action.</p> <p>While this grants FGCs the regional autonomy to address matters in a timely manner, it also risks creating situations where court actions may conflict with national or other regional positions (as has happened in the past). Additionally, the lack of clarity on the costs associated with court actions makes it difficult to assess whether these actions always deliver value for money for licence holders.</p> <p>To mitigate these risks, officials recommend that FGCs retain their ability to undertake court actions, but subject to the direction of the NZC, except when a FGC is challenging the NZC or another FGC. DOC believes this approach would foster greater consistency across the organisation and would ensure that all court actions align with Fish and Game's overall objectives and binding advocacy policy. An action could be ceased if it was realised that pursuing it could be detrimental to wider Fish and Game interests. However, this option might be perceived by FGCs as overreach by the NZC.</p>

			This approach will not prevent FGCs from taking each other to court, or from issuing a legal challenge against the NZC. However, we will work with Fish and Game to develop a conflict resolution system aimed at limiting the need for court action.
<i>Funding allocation model and financial strategy</i>			
Enhancing Fish and Game's funding allocation model	<p>5. Agree that the New Zealand Council would have a new function to develop a financial strategy, in consultation with Fish and Game Councils.</p> <p>6. Agree that a funding allocation model would be enabled in primary legislation with the model itself set out in secondary regulations during the transition period and developed with a select group of stakeholders.</p> <p>7. Note that DOC has begun developing a draft funding allocation model that could form the basis for consultation.</p> <p>8. Note we will provide further advice on a consultation approach following Cabinet approval.</p>	<p>Yes / No</p> <p>Yes / No</p> <p>Note</p> <p>Note</p>	<p>Officials recommend that the NZC should be responsible for developing, in consultation with FGCs, a financial strategy to provide transparency to FGCs and licence holders about how the organisation's resources will be distributed. The strategy will also guide the funding allocation model which would allocate licence fee revenue to FGCs. The strategy would support decisions for how funding is used to meet the objectives for the organisation.</p> <p>We understand that Fish and Game's current budget setting process lacks rigour and transparency. A funding allocation model and strategy would provide transparency of financial decision-making, and support value-for-money and trust between the NZC and FGCs by improving allocation across the organisation. This also supports a move to a centralised budget collection model, where FGCs will want reassurance about how resources will be provided in future.</p> <p>As there may be reason to adapt the funding allocation model over time DOC recommends that the model is set in secondary legislation. This would enable the model to be more easily and quickly amended in future. We anticipate that the model</p>

			<p>would be developed during the transition period and with a select group of stakeholders.</p> <p><u>Design of the funding allocation model</u></p> <p>DOC recommends that the funding allocation model should be discussed with Fish and Game.</p> <p>We consider the model would likely need to set out that:</p> <ol style="list-style-type: none"> 1. key functions (e.g. compliance, monitoring, research; FGC and NZC council servicing costs, and planning and reporting) would be prioritised for funding first. 2. remaining funding would be allocated by angler and hunter activity <u>and</u> via a contestable fund. <p>Given its importance DOC recommends the model be further developed with Fish and Game following Cabinet decisions in May.</p>
CHECKS AND BALANCES – Enhance accountability, transparency, and trust			
<i>Ensuring Fish and Game candidates and members are fit and proper persons</i>			
Candidates for Fish and Game Councils must meet appropriate standards to be and remain public entity governors	<p>9. Agree that a person is disqualified from standing for election to a Fish and Game Council, or remaining as a Fish and Game Council member, if, while in office, the member is or becomes:</p> <ol style="list-style-type: none"> a. a person who is an undischarged bankrupt b. a person who has been convicted of an offence involving freshwater fish or 	<p>Yes / No</p> <p>Yes / No</p>	<p>Officials recommend aligning Fish and Game standards with those expected of similar public entities, while retaining current exclusion conditions. It would still be important to preclude candidates or councillors convicted of an offence involving firearms, freshwater habitat, freshwater fish, and wildlife.</p> <p>The proposed pre-election test will also include a Ministry of Justice criminal background check, and</p>

	<p>game or protected wildlife or freshwater habitat or the use of firearms</p> <p>c. a person who has been convicted of an offence punishable by imprisonment for a term of 2 years or more, or who has been sentenced to imprisonment for any other offence, unless that person has obtained a pardon, served the sentence, or otherwise suffered the penalty imposed on the person</p> <p>d. a person who is disqualified under another Act.</p> <p>10. Agree that a Fish and Game Council is responsible for requesting the Ministry of Justice criminal record check and meeting its associated costs, for all candidates standing for election.</p> <p>11. Agree that a person standing for election to a Fish and Game Council, or remaining as a Fish and Game Council member, must sign a statement declaring their eligibility in respect to 1.(a-d) to stand as a member of a Fish and Game Council.</p> <p>12. Note that a Fish and Game Council is responsible for securely holding candidate data in line with the Privacy Act 2020 and any other relevant Acts.</p>	<p>Yes / No</p> <p>Yes / No</p> <p>Yes / No</p> <p>Yes / No</p> <p>Note</p>	<p>an insolvency register check. While this may be seen as an additional layer of bureaucracy, it ensures a fair and standardised process for all candidates, preventing unsuitable individuals from standing.</p> <p>If, once elected or appointed, a councillor no longer meets the fit and proper person test, this person will not be able to remain a Fish and Game councillor.</p> <p>The estimated cost for the Ministry of Justice criminal background check is moderate, at around \$13 per police record request. There are approximately 100 councillors across all FGCs, which would amount to \$1,300 or \$108 per FGC per election as a starting minimum cost. This cost could increase in the future as more candidates stand for elections. However, officials believe that this cost is justified by the benefits of maintaining high standards and integrity within the organisation. While other measures aim to increase the number of candidates for election, we do not anticipate there would be a significant rise and thus cost to Fish and Game.</p>
--	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Setting standards for conduct of meetings and behaviour of councillors, including conflicts of interest	<p>13. Agree that the Minister be able to establish by notice in the Gazette:</p> <p>a. rules for the conduct of both New Zealand Council and Fish and Game Council meetings.</p> <p>b. rules for the conduct of New Zealand Council and Fish and Game Council councillors while performing their duties.</p> <p>14. Agree that the Rules for the Conduct of Meetings and for the Conduct of New Zealand Council and Fish and Game Council councillors while performing their duties be mandatory for all Fish and Game Councils as well as the New Zealand Council</p> <p>15. Note that the existing Rules for the Conduct of Meetings will need to be amended to reflect the substantive decisions made relating to changed governance arrangements for the New Zealand Council and Fish and Game Councils</p>	<p>Yes / No</p> <p>Yes / No</p> <p>Yes / No</p> <p>Note</p>	<p>Minister McClay agreed that there should be consistent standards for conduct of meetings and the behaviour of councillors, including conflict of interest provisions. However, there was uncertainty on how this could best be achieved. Currently, the Minister has no ability to set rules for the conduct of regional FGC meetings (adherence to model rules is optional) and there are no constraints on the conduct of councillors.</p> <p>Minister McClay agreed that rules for the Conduct of meetings are mandatory for all FGCs and the NZC. Officials believe that, in addition to the above, rules for the conduct of all NZC and FGC councillors while performing their duties should also be mandatory. This would ensure councillors' conduct is consistent with good public entity standards and practices, including noting and taking account of conflicts of interest. The Minister will retain the ability to amend or revoke these by notices in the Gazette at any time.</p>
GOVERNANCE – Improve decision-making quality			
<i>Introducing remuneration to support Governance improvements</i>			
Provide for the New Zealand Council members to be paid for their service	<p>EITHER</p> <p>16. [recommended] Agree that all members of the New Zealand and Fish and Game Councils will remain volunteers (status quo),</p>	Yes / No	Minister McClay agreed to introduce remuneration for all Fish and Game councillors. However, when this proposal was tested in a letter to Fish and Game, eleven out of thirteen councils opposed it,

	<p><i>and that the existing power in legislation to provide for remuneration of NZC and FGC members via regulations be retained</i></p> <p>OR</p> <p>17. Agree that all members of the New Zealand Council will be paid for their service and that all members of Fish and Game Councils will remain volunteers, <i>and that the existing power in legislation to provide for remuneration of FGC members via regulations be retained</i></p> <p>OR</p> <p>18. Agree that all members of the New Zealand Fish and Game Council and Fish and Game Councils will be paid for their services <i>(Minister McClay's initial decision, which was subject to consultation and further policy work)</i></p> <p>OR</p> <p>19. Agree that only the Chair of the New Zealand Council will be paid for his/her services, <i>and that the existing power in legislation to provide for remuneration of NZC and FGC members via regulations be retained</i></p> <p><i>[If option 17, 18 or 19 is chosen]</i></p> <p>20. Agree that:</p> <p>a. Payment of all members (elected or appointed) would be funded by licence fee revenue</p>	<p>Yes / No</p> <p>Yes / No</p> <p>Yes / No</p> <p>Yes / No</p>	<p>arguing it contradicted the organisation's ethos and could deplete declining funds.</p> <p>Officials do not believe paying all councillors (84 in total under the proposed framework) would be cost-effective or attract more candidates.</p> <p>Under the Cabinet Fees Framework (the agreed Cabinet mechanism for setting fees for all statutory, non-statutory bodies and committees that are outside the Remuneration Authority or other fee-setting bodies' jurisdiction), DOC estimates that the daily fee for councillors attending meetings (except the Chair) would range from \$165 to \$226. Officials believe this amount is unlikely to incentivise more candidates or enhance professionalism – other measures proposed are likely to improve the candidate base at a lower cost.</p> <p>The total annual cost of remunerating all councillors, which will need to be covered by licence fees, would be between \$164,279 – \$299,482 per annum (which represents between 1.3 percent and 2.3 per cent of Fish and Game's annual budget).</p> <p>Officials recommended only NZC councillors be paid due to their dual role, under the proposed framework, as both NZC councillors and Chairs of FGCs, which will involve increased responsibilities and required availability. The total annual cost of remunerating the NZC councillors, which will also need to be covered by licence fees, would be between \$93,099 - \$201,850 (which represents between 0.7 per cent and 1.5 per cent of Fish and Game's annual budget).</p> <p>We understand that you wanted further advice on one additional option to only remunerate the NZC</p>
--	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

	<p>c. Payment of Ministerial appointees would be funded by licence fee revenue</p> <p>d. The Cabinet Fees Framework will be applied to determine levels of payment.</p>	<p>Yes / No</p> <p>Yes / No</p>	<p>generated by the reserve. Remuneration levels follow the CFF.</p> <p>If remunerated, officials recommend that Ministerial appointees are remunerated from licence fees. Since Ministerial appointments are intended as a backstop measure, used only if other avenues of intervention fail, officials believe this would not have significant financial consequences, with the intention of providing for improved licence holder outcomes.</p> <p>As a standard practice, officials recommend setting the remuneration following the CFF. Deviating from this practice would require agreement with the Minister for the Public Service and possibly Cabinet approval.</p>
MERGING REGIONS – Supporting Fish and Game in providing for further efficiencies in future			
Clarifying the Minister's and FCGs' powers in initiating mergers	<p>24. Agree that the responsible Minister retains the ability to:</p> <p>a. alter the boundaries of any region by including any defined area in the region, or by excluding any defined area from the region and including that area in any other region</p> <p>b. abolish any region and include any part or parts of that region in any other region</p> <p>25. Agree that Fish and Game Councils can continue to initiate mergers, and mergers will still require the responsible Minister's approval</p>	<p>Yes / No</p> <p>Yes / No</p> <p>Yes / No</p>	<p>Under the current version of the Conservation Act, the responsible Minister has the authority to alter the boundaries of any region, merge regions, or abolish them.</p> <p>Minister McClay agreed that Fish and Game Councils must seek approval from the responsible Minister for the merger of two or more regions. This would allow Fish and Game regions to initiate mergers with the Minister's approval.</p> <p>However, this proposal would unintentionally limit the Minister's ability to initiate mergers independently. Officials seek your <u>clarification</u> on whether you would like to retain the current Ministerial power to initiate mergers independently, which we recommend.</p>

Appendix 4: New policy proposals for improvements to Fish and Game New Zealand

Proposal	Options	Decisions	Summary Analysis
FUNCTIONS – Provide a new framework for Fish and Game to improve efficiencies, effectiveness and operational performance			
Enabling the New Zealand Council (NZC) to define (in consultation with Fish and Game Councils - FGCs) non-binding policies for the carrying out of FGCs' functions	<p>EITHER</p> <p>1. [Recommended] Agree that the New Zealand Council may define, in consultation with Fish and Game Councils, national policies for the carrying out of <u>both</u> New Zealand Council <u>and</u> Fish and Game Councils' functions for sports fish and game</p> <p>OR</p> <p>2. Agree that the New Zealand Council may define, in consultation with Fish and Game Councils, national policies for the carrying out of <u>only</u> New Zealand Council functions for sports fish and game (<i>status quo</i>)</p>	<p>Yes / No</p> <p>Yes / No</p>	<p>Currently, the NZC can develop national policies for the NZC's functions in consultation with FGCs. The NZC is already developing policies intended to apply to FGCs <u>s9(2)(g)(i)</u>. However, under the status quo, the NZC does not have the authority to define <u>non-binding</u> policies for FGCs.</p> <p>Officials believe that enabling the NZC to set non-binding policies, in consultation with FGCs, would normalise current practices and benefit the organisation by creating efficiencies through shared position on various matters.</p> <p>Minister McClay has agreed to enable the NZC to set, in consultation with FGCs, <u>binding</u> policies in specific areas (see Annex 3).</p> <p>To promote consistent approaches across FGCs and enhance the cohesion of Fish and Game as an organisation, DOC recommends enabling the NZC to develop <u>non-binding</u> policies for FGCs' functions, in consultation with FGCs. DOC believes that the non-binding nature of these policies will mitigate the risks of FGCs perceiving this power as overreach.</p>

			As the Chairs of FGCs will sit on the NZC, they will be able to influence and participate in the development of non-binding policies. They will be able to provide feedback on why a policy may not be appropriate and, if they agree to it as an NZC member, commit the FGC to implementing it.
New Zealand Council to have the power to intervene in local advocacy under certain circumstances	<p>EITHER</p> <p>3. [Recommended] Agree that the New Zealand Council should be able to intervene in matters of regional advocacy when the advocacy action taken by a Fish and Game Council is contrary to the binding advocacy policy set by the New Zealand Council.</p> <p>OR</p> <p>4. Agree that the New Zealand Council shall not have the power to intervene in matters of regional advocacy (<i>status quo</i>)</p>	<p>Yes / No</p> <p>Yes / No</p>	<p>Currently the NZC lacks the authority to intervene in regional advocacy without the agreement of FGCs. While this allows FGCs to maintain control over regional advocacy, it also opens the possibility for a regional advocacy action to contradict another FGC or the NZC's position, potentially harming Fish and Game's credibility and reputation.</p> <p>To address this, DOC recommends enabling the NZC to intervene in local advocacy actions undertaken by FGCs when such actions conflict with the binding advocacy policy set by the NZC.</p> <p>In practice, this would mean that:</p> <ul style="list-style-type: none"> • On general advocacy: the NZC would be able to publicly state that a FGC's position, if in breach of the national advocacy strategy, is not the official Fish and Game position on a matter • On statutory advocacy (e.g., submitting on consultations relating to RMA): in addition to the above, the NZC would be able to request a Court to treat an RMA submission as a private one, rather than the official Fish and Game position on a matter

			<ul style="list-style-type: none"> Court actions: FGCs' court actions will be subject to the direction of the NZC. <p>This would ensure consistent and coherent advocacy actions across the organisation and allow the NZC to prevent significant impacts from actions that do not align with national policy.</p>
CHECKS AND BALANCES – Enhance accountability, transparency, and trust			
NZC to have a new power to require FGCs to provide certain information and <i>vice versa</i>	<p>5. Agree that the New Zealand Council have a new power to require Fish and Game Councils to provide information on request (for the functions where the NZC sets binding policy) related to:</p> <ul style="list-style-type: none"> a. financial information b. performance reporting information c. compliance information (including actions of enforcement officers) d. monitoring information and data e. matters relating to adherence with corporate policies, including personnel policies (subject to Privacy Act considerations for staff employed by the FGC rather than the NZC). <p>6. Agree that Fish and Game Councils have a power to require the New Zealand Fish and Game Council to provide information on request (for the functions where the NZC sets binding policy) related to:</p> <ul style="list-style-type: none"> a. financial information 	<p>Yes / No</p> <p>Yes / No</p> <p>Yes / No</p> <p>Yes / No</p> <p>Yes / No</p> <p>Yes / No</p>	<p>The NZC has often been hindered in its coordination and oversight work by FGCs declining to provide information to the NZC when requested. This may relate to questions about financial information, public complaints against enforcement officers, or other matters, but difficulties cannot be resolved as the NZC has no ability to require that the information be provided by the FGC.</p> <p>Officials believe that this proposal would enable the NZC to better fulfil its functions by ensuring access to the necessary information.</p> <p>Officials believe that FGCs should also be empowered to request information from the NZC regarding binding policies they must comply with.</p> <p>This could enhance transparency between the FGCs and the NZC and strengthen the accountability of FGCs towards the NZC (and <i>vice versa</i>) for their actions. Overall, the proposal is expected to lead to a more effective organisation.</p>

	b. performance reporting information c. compliance information (including actions of enforcement officers) d. monitoring information and data e. matters relating to adherence with corporate policies, including personnel policies (subject to Privacy Act considerations for staff employed by the NZC rather than the FGC). f. Matters relating to the development by the NZC of binding policies	Yes / No Yes / No Yes / No Yes / No Yes / No	
GOVERNANCE – Improve decision-making quality			
<i>Process for resigning and filling a vacancy to improve transparency and cost-effectiveness</i>			
Improving the transparency of the resignation process	7. Agree any member of a Fish and Game Council may at any time resign from a Fish and Game Council in writing addressed to the Minister, signed and dated, with a copy to the Fish and Game Council and the New Zealand Fish and Game Council	Yes / No	Currently, any member of any FGC may resign from their office at any time by writing to the Minister. DOC recommends that a copy of the resignation letter also be sent to the FGC and the NZC. This would ensure transparency and keep the NZC informed about the FGCs' situation and any potential issues that could trigger resignations.
Process to fill a vacant position	8. Note a Fish and Game Council requires a minimum of three members (from a maximum of eight) to function to be able to break tied votes EITHER 9. [Recommended] Agree that a Fish and Game Council can choose to fill a vacancy or vacancies, or not, by election at any time during	Note Yes / No	Currently, if a position on a FGC becomes vacant earlier than six months before the next election, licence holders in the region must be notified. If a majority of eligible voters request a new election to fill the vacancy, an election shall be held accordingly. However, this is unlikely given that national voter participation is around 4.8

	<p>its term if the number of its members is below eight but at or above a minimum of three</p> <p>10. [Recommended] Agree that at any election, all vacant positions must be filled unless there are fewer eligible candidates standing than vacancies</p> <p>11. [Recommended] Agree that a Fish and Game Council must hold an election to fill all vacant positions if Fish and Game Council membership falls below the minimum number of three members</p> <p>OR</p> <p>12. Agree that if any member of any Fish and Game Council dies, resigns, or is removed from office earlier than 6 months before his or her term of office is due to expire, the following provisions shall apply:</p> <ul style="list-style-type: none"> a. if a majority of the eligible voters request that an election be held to fill the vacancy, an election shall be held accordingly: b. in any other case, the Council may appoint a person to fill the vacancy after giving public notice of its intention to do so (<i>status quo</i>) 	<p>Yes / No</p> <p>Yes / No</p> <p>Yes / No</p>	<p>per cent. In any other case, the FGC may appoint a person to fill the vacancy after publicly announcing its intention to do so.</p> <p>DOC believes the current provisions are undemocratic, with a risk of exploitation by Council members, undermining Council credibility.</p> <p>DOC recommends a more democratic process for filling vacancies. The new proposed process would allow a FGC to decide whether to fill a vacancy at any time during its term, as long as it has more than three members (the minimum required for a quorum). It is possible, for example, that a Council does not perceive a need to backfill vacancies. An election would only be necessary if the FGC membership falls below three members.</p> <p>At any election, DOC recommends that all vacant positions must be filled unless there are fewer eligible candidates than vacancies.</p> <p>DOC believes that this option could ensure better transparency, democratic participation, and FGC autonomy.</p> <p>However, if a FGC membership drops to the minimum of three members, there could be representation issues. DOC believes this risk is low and can be mitigated (if the remaining councillors chose not to hold an election) by other backstop measures such as the Minister appointing up to two additional voting members to the FGC.</p>
--	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Wider changes to support Governance improvements			
Clarifying Fish and Game Councils membership	<p>EITHER</p> <p>13. [Recommended] Agree to prohibit Fish and Game councillors from serving on multiple Fish and Game Councils simultaneously</p>	Yes / No	<p>The Conservation Act currently allows one councillor to serve on multiple FGCs simultaneously. This could result in the same councillor being elected as the Chair of multiple FGCs, potentially creating conflicts of interest, especially if the interests of those FGCs diverge.</p>
	<p>OR</p> <p>14. Agree to allow a person to be a councillor of more than one Fish and Game Council, and to be elected as Chair of more than one Fish and Game Council (the same councillor would therefore represent more than one Fish and Game Councils on the New Zealand Council – and have two votes at NZC meetings) (<i>status quo</i>)</p>	Yes / No	<p>The likelihood of this situation arising is very low (and there are likely to be higher numbers of candidates for places in the new model), but has arisen recently in Otago and Central South Island FGCs. This contradicts the principle of maximising participation and representation on FGCs.</p> <p>Restricting membership to only one FGC might further limit minority representation but could equally reduce minority representation if a dominant majority interest councillor got onto two FGCs (thereby displacing a minority interest councillor who would otherwise have held the seat).</p> <p>Limiting membership to one Council would align Fish and Game with the Electoral Act 1993. However, we note that the counter argument is that one candidate or councillor could have fishing interests in one region and hunting interests in another region, providing valuable experience and knowledge relevant to different FGCs.</p>

Modernising practices			
Enabling meetings to be held online	15. Agree to allow the New Zealand Council and Fish and Game Councils to meet and vote electronically	Yes / No	There is currently uncertainty about the legality of the NZC and FGCs holding meetings online. DOC recommends clarifying this by explicitly allowing the NZC and FGCs to meet and vote online. DOC believes this minor provision would help modernise Fish and Game practices, facilitate and improve meeting participation, and reduce the travel costs associated with attending meetings.
TRANSITIONAL ARRANGEMENTS			
A transition period is needed to give effect to the proposed reforms	<p>16. Agree that a transition period will be necessary for the implementation of the Fish and Game Governance and Organisational Improvements Amendment Bill</p> <p>17. Note that the duration and nature of this transition period will be further clarified by officials following discussions with Fish and Game</p>	<p>Yes / No</p> <p>Note</p>	<p>DOC believes a transitional period will be necessary following Royal Assent of the Fish and Game Governance and Organisational Improvements Amendment Bill (the Bill). This transition period would allow Fish and Game, with DOC's support, to develop and implement the changes set out in the Bill, including through appropriate sequencing of provisions and elections.</p> <p>Officials estimate that this transition period would require up to three years for all reforms to come into effect. However, certain elements of the Bill, such as proposals related to councillor behaviour standards and amendments to election regulations, are expected to come into effect immediately following Royal Assent.</p>

OTHER MINOR, TECHNICAL OR CONSEQUENTIAL AMENDMENTS			
Limited annual reporting on FGC enforcement activity	18. Agree that Fish and Game Councils requirements to report annually on enforcement work under an infringement system be expanded to cover all enforcement work	Yes / No	There are requirements in the Conservation Act for FGCs to report in their annual reports on their performance if operating an infringements system (complaints from public, adherence to procedures, etc) but no similar reporting is required for enforcement that leads to court prosecutions. For example, complaints from the public about enforcement actions leading to court prosecution have not needed to be reported. This change would ensure all enforcement work (via courts or infringement notices) is covered in annual reports.
Limit on use of money from court fines	19. Agree that money from court fines under Conservation Act may be applied for any FGC purposes, not just hatchery-related ones	Yes / No	Under the Conservation Act, money received from court fines can be used only for activities relating to the operation of hatcheries (which not all FGCs have), while under the Wildlife Act, money from court fines can be used for any FGC functions. The change would allow fines received under the Conservation Act to be used for any FGC functions.
Aligning Fish and Game Council Elections Regulations with the Conservation Act	20. Agree to align Fish and Game Council Elections Regulations with the Conservation Act and modern practice	Yes / No	The Conservation Act allows electronic voting in Fish and Game elections, but the current Elections Regulations do not. Officials recommend updating Fish and Game Elections Regulations to reflect and enable electronic voting. Enabling this should incentivise more licence holders to take part in elections.