



Briefing: Final policy decisions to strengthen and modernise Fish and Game

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| To | Minister for Hunting and Fishing | Date submitted | 28 March 2025 |
| Action sought | Make final policy decisions on the framework for legislative change to Fish and Game New Zealand | Priority | High |
| Reference | 25-B-0120 | DocCM | DOC-10220676 |
| 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 | 4 April 2025 Your direction is needed by 4 April 2025 to meet legislative timelines. |
| 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. You have indicated your intention to continue the work initiated by Minister McClay to support Fish and Game and enhance the organisation's efficiency and effectiveness, ultimately delivering greater value for anglers and game bird licence holders.
2. This briefing seeks your final decisions by 4 April 2025 on the following:
 - a. Confirming the majority of initial decisions made by Minister McClay, which DOC recommends (Appendix 1).
 - b. Clarifying or revisiting some initial decisions made by Minister McClay considering feedback received from FGCs and the NZC (Appendix 3). DOC's key recommendations include:
 - i. Assigning the New Zealand Council (NZC) the responsibility of developing, in consultation with Fish and Game Councils (FGCs), a financial strategy and to follow a funding allocation model to provide transparency and certainty in financial decision-making.
 - ii. Providing remuneration for the NZC considering its increased role and responsibilities.
 - c. Further decisions on new policy proposals (Appendix 4). DOC's key recommendations include:
 - i. Enabling the NZC to intervene in regional advocacy when it contradicts the binding advocacy policy defined by the NZC.
 - ii. Implementing a transition period to give Fish and Game sufficient time to implement the necessary reforms.
3. DOC anticipates strong reactions to some of the proposed changes particularly regarding budget, advocacy and the transition period. The select committee will provide an opportunity for wider consultation, with the interim phase a chance to discuss specific aspects with Fish and Game in more detail to prepare for this period. DOC will provide you with further advice on communications as you progress this work.
4. DOC is finalising a Regulatory Impact Statement and will finalise a Cabinet Paper once your final decisions are made, aiming to lodge it with Cabinet Economic Committee on 30 April 2025. This should enable you to deliver this reform by the end of this Parliamentary term.

We recommend that you ... (Ngā tohutohu)

| | | Decision |
|----|--|----------|
| a) | Agree to confirm policy decisions made by Minister McClay at Appendix 1 | Yes / No |
| b) | Agree to provide your decisions on additional policy matters in Appendices 2 and 4, in the indicated 'decision' field | Yes / No |
| c) | Note that DOC will draft a Cabinet paper for your review and feedback, following your policy decisions | Noted |

| | | |
|----|--|----------|
| d) | Agree to lodge a Cabinet paper at ECO on 30 April, noting that your policy decisions are required by 4 April to deliver legislation this Parliamentary term | Yes / No |
| e) | 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 |
| f) | 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: 28 / 03 / 2025

Date: / /

Sam Thomas
Director Policy

Hon James Meager
Minister for Hunting and Fishing

Purpose – Te aronga

1. This briefing seeks your agreement to the following:
 - a. Confirming the majority of initial decisions made by Minister McClay, following feedback received from Fish and Game Councils (FGCs) and New Zealand Council (NZC).
 - b. Clarifying or revisiting several preliminary decisions made by Minister McClay considering feedback received from FGCs and the NZC.
 - c. Further decisions on two new main policy proposals (other minor and technical proposals are included in Appendix 4).
 - d. Agreement to provide a Cabinet paper expected to be lodged with the Cabinet Economic Committee (ECO) on 30 April 2025.

Background and context – Te horopaki

2. Previous reviews of Fish and Game have highlighted the need for legislative reform to address dysfunction within the organisation, including issues related to governance, operations, and responsibilities.
3. The Government has committed to “support Fish and Game”. To deliver on this commitment, Minister McClay agreed to legislative reform focused on:
 - a. Ensuring confidence in regulatory performance.
 - b. Providing for effective governance and accountability.
 - c. Ensuring value-for-money for licence holders through efficient use of resources.
4. You have indicated your intention to continue the work initiated by Minister McClay. You have also confirmed your overall focus is on reducing the administrative burden on FGCs, allowing local resources to be directed towards enhancing hunting and fishing opportunities. This will be achieved by enabling the NZC to set clear direction, collect licence fees, and rationalise the budget model across the wider organisation.
5. Minister McClay provisionally agreed to policy decisions (24-B-0453 and 24-B-0520 refer) subject to targeted engagement with FGCs. These decisions established a framework proposal which aligns with your focus and objectives.
6. You have now met with all FGCs to inform your final policy decisions.

Advice to support your final policy decisions

7. DOC is now seeking your agreement to:
 - a. confirm the majority of initial decisions made by Minister McClay. DOC recommends proceeding with these decisions, following feedback received from FGCs and the NZC (Appendix 1).
 - e. clarify or revisit several preliminary decisions made by Minister McClay considering feedback received from FGCs and the NZC (Appendix 3).
 - f. make further decisions on two main new policy proposals (and other minor ones listed in Appendix 4).
8. We highlight some of the key decisions in this briefing.

DOC recommends confirming the majority of decisions made by Minister McClay

9. DOC believes the majority of the initial decisions made by Minister McClay should be confirmed (Appendix 1) because these will achieve the reform objectives you have

endorsed.

10. These decisions include the following (further details can be found in Appendix 1):

- a. **Rebalancing functions and responsibilities between the NZC and FGCs:** A series of proposals to enhance effectiveness, efficiency and outcomes for licence holders. This includes confirming that the NZC will collect licence fees, and set binding policies and templates, in consultation with FGCs, to ensure consistency across the organisation. This will reduce the administrative burden on FGCs, who will be able to focus more on regional matters. DOC has provided further clarity on the proposed division of these functions in Appendix 2.
- b. **Improving transparency and strengthening checks and balances:** A range of provisions that includes clearer powers for the Minister to review the operations and performance of Fish and Game, as well as additional flexibility for the Minister to amend Anglers' Notices and an approved Game Notice.
- c. **Improving governance:** A range of governance provisions to support the shift in functions, improve decision-making, and better align Fish and Game with more modern governance arrangements in comparable entities. This includes reducing the number of councillors in each FGC to seven, changing the composition of the NZC to include the Chairs of FGCs (instead of appointees from the FGCs), and enabling councillors to be reimbursed for expenses incurred in performing their functions.
- d. **Modernising election arrangements:** A range of provisions will support and strengthen the democratic foundations of Fish and Game and enhance credibility. This includes expanding eligibility to seek election, eligibility to vote as well as improve ease of voting. This should improve the pool of candidates and create greater choice for an expanded electorate.
- e. **Facilitating mergers:** Provisions will better enable regions and councils to merge and subsequently adjust boundaries, with the Minister's agreement, but will not mandate mergers of Fish and Game regions.
- f. **Other users' interests:** Provisions will improve how Fish and Game manages its relationships with other users and better consider other users' interests in decision-making. This would provide a fairer approach for other users (e.g. farmers, tangata whenua, aviation safety) and fairer use of natural resources (e.g. highly threatened native species).

Clarifying or revisiting previous decisions considering feedback and further analysis

11. You have now received written and verbal feedback from all FGCs. DOC recommends revisiting some of the provisional decisions made by Minister McClay to take account of these views. These are stepped out at Appendix 3. Key policy aspects explaining some of these proposals are detailed below.

Funding allocation model and financial strategy

12. To acknowledge the increased decision-making role the NZC would have and to support Fish and Game in providing value-for-money and transparency in decision-making, DOC recommends:

- a. the NZC be responsible for developing, in consultation with FGCs, a financial strategy (as suggested by Fish and Game Financial Subcommittee) to provide transparency to FGCs and licence holders about how the organisation's resources will be distributed (recommendation 5, Appendix 3). 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. For example, it could cover a shared set of objectives for the organisation over the short, medium, and long term; direction and purpose of use of accumulated funds (e.g. reserves and contestable fund); and consistency in budget reporting and planning. DOC recommends that the frequency of setting or reviewing the financial strategy be further discussed with Fish and Game following Cabinet decisions in May.

- b. a funding allocation model is enabled in primary legislation, with the model itself sitting in secondary legislation so it can be more easily adapted in the future (recommendation 6, Appendix 3). The intent of the model is to provide transparency and certainty of financial decision-making and allocation. DOC will need to discuss the details of this model with Fish and Game prior to making a recommendation. We suggest that the Cabinet paper steps out the parameters for the model, to provide Cabinet with enough information to agree to the enabling provision and secure authority for you to make subsequent decisions. The parameters being, that the model would:
 - i. apply to licence fee revenue
 - ii. provide a method to prioritise funding for both FGC's and the NZC's key functions; and to split remaining funding between FGCs and a contestable fund.

13. The model and strategy would be supported by other reform measures to create further value-for-money (e.g. single set of binding corporate policies) and reduced opportunity costs (e.g. time spent replicating functions).

Further details on the funding allocation model

14. The model is a key component of your objective to improve efficiency and effectiveness and to build trust between the NZC and FGCs. We consider the funding allocation model would likely need to set out that:

- a. key functions (e.g. compliance, monitoring, research, FGC and NZC council servicing costs, planning and reporting) would be prioritised for funding first.
- b. remaining funding would be allocated by angler and hunter activity and to a contestable fund. We anticipate that the portions of funding allocated to these components could be determined via the financial strategy or your preferences for the modernisation of Fish and Game.

15. Given its importance DOC recommends the model be further developed with Fish and Game (and possibly others) following Cabinet decisions in May.

16. We will provide further advice on how to progress the model in due course.

Governance: Proposals to support governance improvements

Minister McClay agreed to introduce an honorarium for all Fish and Game councillors

17. Minister McClay agreed to introduce remuneration for all FGCs' councillors on the basis of an 'honorarium', paid for from licence fee revenue and consulting on the amount and specific mechanism.

18. Eleven out of thirteen councils opposed paying all councillors, arguing it contradicted Fish and Game's ethos and could deplete declining funds. DOC observes that this feedback has been provided by councillors already willing to volunteer their time.

19. We do not recommend remunerating all councillors (recommendation 15, Appendix 3),

because the costs outweigh the likely benefits. Under the Cabinet Fee Framework¹ (CFF), this option would cost between 1.3 per cent to 2.3 per cent of Fish and Game's annual budget. Under the CFF a councillor (who is not a Chair) would be remunerated from \$165 to \$226 per meeting, which is unlikely to attract significantly more candidates and enhance professionalism.

20. We recommend remunerating, from licence fee revenue, NZC councillors only (recommendation 14, Appendix 3). The total cost of this option would represent between 0.7 per cent and 1.5 per cent of Fish and Game's annual budget. Some FGCs noted that the workload and availability required to undertake the NZC role discourages candidacy. This option recognises the increased role of the NZC and smaller role of FGCs in a future model, noting that NZC members would also be FGC Chairs under the new framework.

21. The following table outlines how the costs are calculated under the CFF:

| | FGC members (not the Chairs) | NZC members (also FGCs Chairs) | NZC Chair | Overall total |
|---|---------------------------------|--------------------------------------|------------------------|--------------------------|
| 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 | \$14,328 - \$30,085 | |
| Number of individuals | 72 | 11 | 1 | |
| Total if only the NZC is remunerated | | | | \$93,099 – \$201,850 |
| Grand Total | \$71,280 - \$97,632 | \$78,771 - \$171,765 | \$14,328 - \$30,085 | \$164,379 - \$299,482 |

22. DOC recommends applying the CFF as it is the agreed Cabinet mechanism. While it is possible to deviate from the CFF with the agreement of the Minister for the Public Service and possibly Cabinet, DOC does not recommend this. The CFF serves as a basis for judgement in setting fees ensuring a consistent approach and would be an appropriate basis in recognising a larger role for the NZC.

Ministerial appointees will need to be remunerated according to the CFF

23. Ministerial appointees to the NZC are intended to be a backstop measure, used only if other avenues of intervention fail, and therefore should not have significant financial consequences. Any Ministerial appointees would need to be remunerated, also from the licence fee. DOC recommends setting the remuneration following the CFF.

New decisions sought

24. DOC is seeking new decisions on a number of proposals at Appendix 4 following further analysis and suggestions from Fish and Game. DOC highlights one in particular to support other decisions made on advocacy.

¹ The CFF provides a basis in setting fees for all statutory bodies, non-statutory bodies and committees in which the Crown has an interest, that are outside the Remuneration Authority or other fee-setting bodies' jurisdiction.

Functions: Proposed framework for NZC intervention in FGC advocacy activities

25. Under the proposed new framework, the NZC will develop, in consultation with FGCs, binding policies for FGCs' advocacy activities (as outlined in Appendix 2).
26. Currently the NZC has no role, nor statutory ability, to intervene or restrict regional advocacy whether litigious or otherwise where there is the possibility of conflict, or the advocacy runs contrary to the interests of Fish and Game generally (including other FGCs and the NZC).
27. To address this, DOC recommends enabling the NZC to intervene in regional advocacy actions undertaken by FGCs, but only when such actions are contrary to the binding advocacy policy defined by the NZC, in consultation with FGCs. This limitation would avoid potential overreach by the NZC (recommendation 3, Appendix 4).
28. In practice, this would mean that:
 - a. 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
 - b. 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
 - c. Court actions: FGCs' court actions will be subject to the direction of the NZC (see recommendation 3, appendix 3).

Transitional arrangements

A transition period is needed to give effect to the proposed reforms

29. Transitional arrangements to the new system will be necessary (recommendation 15, Appendix 4). Transitional arrangements were introduced when the acclimatisation societies were replaced by the regional FGCs (collectively, Fish & Game New Zealand) in 1990. These arrangements created transitional councils to replace Acclimatisation Society councils and set out rules for the conduct of the first council elections.
30. A transition period gives Fish and Game, with support from DOC, time to develop and implement the changes set out in the Bill, including secondary legislation.
31. As we have not yet discussed the changes in the Bill with Fish and Game, we are unsure of their capacity and capability to implement the necessary reforms.
32. We will be unable to fully describe the length and manner of the transition period without discussion with Fish and Game. s9(2)(h)

Transition may take up to three years from Royal Assent

33. Our understanding of the needs of the transition period are still developing. However, we believe it is likely to require up to three years for all reforms to come into effect.
34. Our initial view is that certain elements of the Bill will come into effect on day one following Royal Assent. These include:
 - a. Proposals relating to standards of behaviour for councillors.

- b. Amendments to elections regulations (noting these would not have a practical effect until the next Fish and Game elections).
35. These changes will set a pathway for a new NZC to be in place following elections in 2027. Following this election, the NZC could then be granted powers to set national policies, which would be binding at such time the NZC agrees them. This would also enable a new NZC to make appropriate budget decisions based on a new framework.
36. While it may be appropriate to introduce an 'early election' to give effect to changes, we note that the NZC is likely to need time to prepare to make sure change is successful.

Risk assessment – Aronga tūraru

37. DOC notes that Fish and Game's feedback has been provided on open questions on the current Fish and Game model and potential improvement options, rather than on specific reform proposals [25-M-0005 refers]. We anticipate a range of reactions from Fish and Game to the proposals themselves, in particular on budget, advocacy, and the transition period. We have not consulted and have therefore been unable to consider broader stakeholders' views (e.g., licence holders, hunting and fishing clubs, aviation and farming sectors).
38. The Select Committee stage will provide opportunities for wider consultation and amendments.
39. DOC is uncertain about Fish and Game's capacity and capability to implement the necessary reforms, particularly for the NZC to prepare for and drive forward changes. Further discussion will help to establish an appropriate transition period. DOC might also need to provide additional support to Fish and Game during a transition period. We will provide you with further advice on communications as you progress this work along your agreed timeframes.

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

40. 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.
41. To inform decision making, Minister McClay, sent a letter to 20 Post Settlement Governance Entities (PSGEs) 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. Status report 6 outlined the feedback received.
42. From the feedback received to date, DOC does not recommend any new or revised policy proposals. DOC notes that policy proposals relating to improving the consideration of non-hunting and fishing interests in Fish and Game decision-making and the possibility of Ministerial appointments may go some way towards improving outcomes for iwi and hapū.
43. 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.

Consultation – Kōrero whakawhiti

44. You agreed to endorse Minister McClay's approach of conducting targeted engagement with Fish and Game to gather the organisation's views on the current Fish and Game model, its challenges and future opportunities.
45. Past reviews of Fish and Game, feedback to Minister McClay's letters to Fish and Game and PSGEs, and your meetings with all FGCs have informed the proposals in this paper.
46. While Minister McClay encouraged FGCs to consider and reflect the views of their licence holders, Māori interests, and other stakeholders, DOC has limited insight into whether FGCs have done so.
47. From Fish and Game's response letters to Minister McClay, DOC understands that:
- a. Most councils are likely to be broadly supportive of improvements to governance practice and decision-making.
 - b. There is significant tension between the NZC and FGCs regarding funding and communications.
 - c. Shifting more functions and responsibility to the NZC could raise concerns among FGCs, as they might view this shift as a loss of regional autonomy.
 - d. There is little support for receiving an honorarium and merging regions.

48. s9(2)(g)(i)



Financial implications – Te hīraunga pūtea

49. Legislative change provides opportunities for financial efficiencies (e.g. economies of scale). These changes should enhance value-for-money for licence holders by ensuring revenue is better directed towards hunting and fishing activities.
50. However, there would be administrative costs associated with implementing structural changes. This is hard to quantify based on current information available. DOC will discuss these costs with Fish and Game as soon as practicable to ensure a clear understanding and effective planning.
51. Some proposals, such as remuneration for certain roles (if you wish to progress this proposal), will incur specific additional costs. These costs would be borne by Fish and Game, with the expectation that efficiencies gained from the broader changes will offset them.

Legal implications – Te hīraunga a ture

52. Legislative amendments would be required to the Conservation Act 1987, with minor amendments to the Wildlife Act 1953.
53. 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).
54. We understand that you wish to consider a standalone Act for Fish and Game, similar to the Game Animal Council Act. We will provide advice on this option shortly.

Next steps – Ngā tāwhaitanga

55. Your final decisions are required by 4 April 2025, to enable us to prepare a draft Cabinet paper, which we expect to send to you on 11 April 2025. DOC is also finalising a Regulatory Impact Statement which will need to be submitted with the Cabinet paper.

56. The Cabinet paper will provide a high-level outline of your policy intent. A schedule of changes will be annexed to the Cabinet paper that will reflect your final policy decisions.

57. We anticipate decisions at ECO on 7 May, which will allow us to deliver this reform by the end of this Parliamentary term.

58. A summary timeline is provided below:

| Item/Action | Date |
|---|---|
| Cabinet paper ready for agency/ministerial consultation | 17 – 28 April |
| Cabinet paper (ECO) lodgement | 30 April |
| Cabinet (ECO) | 7 May |
| Cabinet (LEG) | 12 May |
| PCO drafts Bill | 12 May – September (approx. 5 months) |
| Bill introduced and First Reading | October |
| Select Committee | October – April 2026 (approx. 6 months and factoring recess over Dec/Jan) |
| 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 | 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>Rebalancing some decision-making and responsibilities between the NZC and FGCs will improve effectiveness, efficiencies and outcomes for licence holders.</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 licence fee collection 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 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 they spend the most time fishing or hunting.</p> |

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| | | <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 holders. If any concerns arise from the NZC review, the Minister will be able to review the operations and performance of FGCs, the NZC and Fish and Game as a whole. This will act as a backstop and will provide evidential base to inform other interventions if needed (such as removing a councillor).</p> |
|--|--|--|

| CHECKS AND BALANCES – Enhance accountability, transparency, and trust | | |
|--|---|--|
| Defining clearer and more consistent reporting requirements | | |
| NZC will prepare an annual operational work plan | 3. Agreed that the New Zealand Fish and Game Council be required to prepare an annual operational work plan | In the new framework, the NZC will have new functions and responsibilities (Appendix 2), including to provide specialist skills and advice in support of the performance of operational matters at the regional level. We recommended that the NZC be required to prepare its annual operational work plan to ensure transparency for both outcomes and expenditure, and for annual reporting. |
| Require operational work plans to state intended outcomes and future assessment, and be consistent with relevant Sports Fish and Game Management Plans | 4. Agreed that annual operational work plans must: <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 | To improve accountability and transparency and align with existing Fish and Game reporting requirements under the Public Finance Act, we recommended that annual operational work plans be required to state the outcomes anticipated from work programmes, and how success will be measured. |
| Additional reporting requirements on legal proceedings | | |
| Providing accountability for legal proceedings taken under the Conservation Act | 5. Agreed to require Fish and Game Councils to report to DOC on legal proceedings made under the Conservation Act | 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 FGCs be required to report to DOC on legal proceedings made under the CA, as they already must under the Wildlife Act. |

| 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>6. 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>7. Agreed that a member appointed by the Minister can be the Chair of the relevant Fish and Game Council</p> <p>8. Agreed 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 d. Technical, ecological or scientific skills e. Any other skill that would enhance the decision-making of the Fish and Game Council | <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. Given the significance of using such a power and to ensure transparency, it was also agreed that legislation specify the circumstances under which the Minister could make such appointments.</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.</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) | <p>9. 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.</p> | <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 | <p>10. 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</p> <p>11. Agreed that, before the responsible Minister initiates a review, they must:</p> <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 <p>12. Agreed to strengthen the Minister's power so the Minister may amend an Anglers Notice before approving it.</p> | <p>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.</p> <p>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.</p> <p>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).</p> |
| New ministerial powers to meet wider community needs | <p>13. Agreed that the responsible Minister may decline the transfer of sports fish to a location where they already exist</p> | <p>Fish and Game Councils can transfer sports fish to locations where that species already exists. The Minister of Fisheries may decline 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.</p> |

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| Remove administrative barrier relating to Game Notices | 14. Agreed to enable the Minister to amend an approved Game Notice before the game season begins | A past drafting error means approved Game Notices can, in practice, be amended only from May to the following February. This recommended amendment would allow approved Game Notices to be amended at any time of the year. |
| Ensuring the suitability and good conduct of councillors | | |
| Candidates for Fish and Game Councils must meet appropriate standards to be public entity governors | 15. 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) | <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> |

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| <p>Ensure the conduct and behaviour of council members is consistent with comparable public entity standards and practice</p> | <p>16. Agreed there should be consistent standards of conduct and behaviour across the New Zealand Fish and Game Council and each Fish and Game Council, including conflict of interest provisions</p> <p>17. Agreed to update Standing Orders for Rules for the Conduct of Meetings so that they:</p> <ul style="list-style-type: none"> a. Reflect the substantive decisions made relating to governance arrangements for the New Zealand Fish and Game Council and Fish and Game Councils b. Are mandatory for all Fish and Game Councils as well as the New Zealand Fish and Game Council | <p>Under current Conservation Act provisions, Standing Orders set the rules for meetings for the NZC but only provide for the Minister to set 'model rules' for regional FGCs. There is autonomy and variation in how meetings are conducted across regions.</p> <p>FGCs and the NZC are required to comply with Part 7 of the Local Government Official Information and Meetings Act 1987 (LGOIMA) (e.g. public notification of meetings, agendas, public exclusion, and maintenance of order).</p> <p>Separately, Standing Orders are the only mechanism for declaring conflicts of interest. There have been reported instances of conflicts of interest in FGCs in the past.</p> <p>Officials proposed to provide clarity in the Conservation Act to ensure meetings are conducted consistently across all of Fish and Game, with improved clarity on handling conflicts of interest through Standing Orders.</p> |
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| GOVERNANCE – Improve decision-making quality | | |
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| Number of Councillors on Fish and Game Councils | | |
| Reduce the number of elected members on Fish and Game Councils | 18. Agreed that each Fish and Game Council will consist of “up to seven members” | <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. While 7 members could still be large for the local decisions required, it provides good geographical/knowledge representation across the area. 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 not the intention that Councils can reduce the number of places on their Council on their own initiative.</p> <p>A majority of FGCs has already reduced their number of councillors to 8 or 9.</p> |
| Membership of the New Zealand Council | | |
| Establish membership of the NZC and relationship with the FGCs | <p>19. Agreed that New Zealand Fish and Game Council membership will be comprised of the Chairs from each of the Fish and Game Councils; and</p> <p>20. 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</p> | <p>Officials recommended the NCZ 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</p> |

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| | <p>21. 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)</p> | <p>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>While FGCs could still remove their representative from the NZC (an issue raised by many within the with the current model), DOC considers they are less likely to do this in a new model and where that person is also Chair to their own FGC, without good reason. To complement this measure, we proposed increased transparency by requiring FGCs to set out rationale in writing for removing the Chair, which can also act as a disincentive for poor behaviours.</p> |
| Selection of a Chair of the NZ Council | | |
| Appointing the Chair of the New Zealand Fish and Game Council | <p>22. 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</p> | <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 | | |
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| Confirming managers are appointed by elected representatives and managers appoint staff | 23. 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 | 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. |
| No elected representative can also be employed by a FGC or the NZC | 24. 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 | 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 | 25. 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 | <p>The Conservation Act does not allow members of the NZC or FGCs to be reimbursed for expenses incurred while performing their function.</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> |

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| Remove entitlement to compensation or payment if no longer a council member | <p>26. Agreed that:</p> <ul style="list-style-type: none"> 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 b. a council member who leaves their position on a Fish and Game Council or the New Zealand Fish and Game Council for any other reason will cease to be paid | <p>It is appropriate and consistent with other entities that a member removed from office is not compensated for the loss of office. 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> <p>If you wish to proceed with remunerating some or all councillors, officials recommend maintaining this decision.</p> |
| Adjust requirements for a minimum number of meeting days to be held a year | <p>27. Agreed to not limit the number of annual meetings of the New Zealand Fish and Game Council</p> | <p>Currently, the NZC is required to hold 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.</p> |
| Clarifying replacement rules if a Council is discharged by the Minister | | |
| Replacement council to hold office only until next nationwide council elections | <p>28. 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</i></p> | <p>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.</p> |

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| | <i>place within 1 year of normal election then they continue for next term</i> | |
| Improving Fish and Game's democratic basis and voting arrangements | | |
| Expand eligibility and ability to both vote and seek election | <p>29. 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</p> <p>30. 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>31. 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>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 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 | 32. Agreed that the region indicated in the most recent licence purchase be the region that licence holder is entitled to vote in | 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 |

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| | | <p>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 changed their voting region to influence the outcome of elections elsewhere.</p> |
| Consequential changes to update and modernise the Conservation Act 1987 and Fish and Game Council Elections Regulations 1990 | <p>33. 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. | <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>34. Agreed that any member appointed by election to a Fish and Game Council can serve a maximum of two consecutive terms</p> | <p>There is currently no limit on the number of terms a council member can sit on a FGC. Restricting members to two terms would be consistent with other decision-making bodies and balances opportunities for refreshing councils and encouraging licence holders to get involved with ensuring some continuity that maximises knowledge and experience.</p> |
| Status of member seeking re-election after removal | <p>35. 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>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> |

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| | 36. 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 | 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. |
| MERGING REGIONS – Supporting Fish and Game in providing for further efficiencies in future | | |
| Number of Fish and Game Councils | 37. Agreed to prescribe in legislation a range of seven to twelve regions | 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 | 38. Agreed that: <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>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> |

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| Provide for allocation of assets and continuation of SFGMPs, licences, etc, when regions merge | <p>39. 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>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 | <p>40. Agreed to remove the current provision for Fish and Game Councils to determine sub-regions, and abolish existing sub-regions</p> | <p>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. This system can lead to perverse election results. Only some FGCs currently choose to have subregions.</p> <p>With the framework providing for fewer council members (from up to 12 to up to 7), we recommended abolishing existing sub-regions.</p> <p>Since all voters can vote for candidates in all sub-regions, sub-regions can result in candidates winning seats despite receiving fewer votes overall.</p> |

| OTHER INTERESTS – Better meeting the needs of non-hunting interests | | |
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| Ensure that Fish and Game Councils take appropriate account of other users | 41. 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 | 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. |
| Ensuring Fish and Game Councils do not compromise key matters when managing sports fish and game | 42. 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: <ul style="list-style-type: none"> a. not compromise aviation safety b. not impede conservation of isolated populations of highly threatened native fish | 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. This new provision would ensure that management decisions will not compromise these specific matters that are in the wider public interest. |
| Ensure that Fish and Game Councils take appropriate account of other users | 43. 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 | 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. |

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| <p>Enable Fish and Game Councils to control game birds impacting non-hunting interests</p> | <p>44. Agreed that Fish and Game Councils have a new power to control game birds causing damage or risk without requiring an authority from the Department of Conservation <i>but carefully defined</i></p> | <p>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 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> |
| <p>OTHER MINOR, OR TECHNICAL AMENDMENTS</p> | | |
| <p>Streamline the creation of upland game preserves</p> | <p>45. Agreed that commercial upland game preserves be authorised by the responsible Minister by Gazette notice rather than by Order in Council</p> | <p>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.</p> |

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) |
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| 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]. |

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| | 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 | | |
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| 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. | <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. |

| REPORTING | | |
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| 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 define 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. |

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

| Proposal | Options | Decision | Summary Analysis |
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| 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>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 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</p> |

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| | | | regional flexibility but risks inconsistent public positions, potentially harming the organisation's reputation. |
| 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</p> <p>OR</p> <p>4. Agree that Fish and Game Councils can take matters to court <u>without</u> the New Zealand Council <u>being able to intervene</u> (<i>status quo</i>)</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 (which has already 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. 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> |
| Funding allocation model and financial strategy | | | |
| Enhancing Fish and Game's funding allocation model | 5. Agree that the New Zealand Council would have a new function to develop a financial strategy, in consultation with Fish and Game Councils. | Yes / No | 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 |

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| | <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>Noted</p> <p>Noted</p> | <p>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. 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 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> |
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CHECKS AND BALANCES – Enhance accountability, transparency, and trust

Ensuring Fish and Game candidates and members are fit and proper persons

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| <p>Candidates for Fish and Game Councils must meet appropriate standards to be and remain public entity governors</p> | <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> <ul style="list-style-type: none"> a. a person who is an undischarged bankrupt b. a person who has been convicted of an offence involving sports freshwater fish or game or protected wildlife or freshwater habitat or the use of firearms 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 d. a person who is disqualified under another Act. <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</p> | <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>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 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 does not meet 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> |
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| | <p>1.(a-d) to stand as, or continue 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> | Note | |
| Setting standards for conduct of meetings and behaviour of councillors, including conflicts of interest | <p>13. Agree that the Minister be able to establish:</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>Yes / No</p> <p>Yes / No</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>The Minister establishing rules for the conduct of both NZC and FGC meetings and conduct of councillors updates the former Standing Orders for the NZC and (optional) model rules for the FGCs.</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>14. [Recommended] 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</p> <p>OR</p> | Yes / No | <p>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, 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> |

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| | | | If you wish to pursue remuneration, officials recommend following the Cabinet Fees Framework (CFF) for consistency with other like bodies. Deviating from the CFF would require discussion with the Minister for the Public Service and possibly Cabinet approval. |
| MERGING REGIONS – Supporting Fish and Game in providing for further efficiencies in future | | | |
| Clarifying the Minister's and FCGs' powers in initiating mergers | <p>18. Agree that the responsible Minister retains the ability to:</p> <ul style="list-style-type: none"> 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 b. abolish any region and include any part or parts of that region in any other region <p>19. 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. 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 |
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| 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 s9(2)(g)(i) as, 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> |

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| | | | 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 |

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| | | | <p>private one, rather than the official Fish and Game position on a matter</p> <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. However, this option might be perceived as an overreach by the NZC and could raise concerns among FGCs about losing regional autonomy. For this reason, DOC recommends limiting this intervention to specific cases where the binding national advocacy policy is not followed by FGCs.</p> |
| CHECKS AND BALANCES – Enhance accountability, transparency, and trust | | | |
| NZC to have a new power to require FGCS to provide certain information | <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> <ol style="list-style-type: none"> financial information performance reporting information compliance information (including actions of enforcement officers) monitoring information and data 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>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. This could enhance transparency between the FGCs and the NZC and strengthen the accountability of FGCs</p> |

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| | | | towards the NZC for their actions. Overall, the proposal is expected to lead to a more effective organisation. |
| 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 | 6. 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 | 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 | <p>7. Note a Fish and Game Council requires a minimum of three members (from a maximum of seven) to function to be able to break tied votes</p> <p>EITHER</p> <p>8. [Recommended] Agree that a Fish and Game Council can choose to fill a vacancy or vacancies, or not, by election at any time during its term if the number of its members is below seven but at or above a minimum of three</p> <p>9. [Recommended] Agree that at any election, all vacant positions must be filled unless there are fewer candidates standing than vacancies, or standing candidates are ineligible to become members</p> <p>10. [Recommended] Agree that a Fish and Game Council must hold an election to fill all vacant</p> | <p>Note</p> <p>Yes / No</p> <p>Yes / No</p> <p>Yes / No</p> | <p>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 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</p> |

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| | <p>positions if Fish and Game Council membership falls below the minimum number of three members</p> <p>OR</p> <p>11. 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>) | Yes / No | <p>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 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 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>12. [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</p> |

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| | <p>OR</p> <p>13. 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> | <p>Yes / No</p> | <p>FGCs, potentially creating conflicts of interest, especially if the interests of those FGCs diverge.</p> <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 | <p>14. Agree to allow the New Zealand Council and Fish and Game Councils to meet and vote electronically</p> | <p>Yes / No</p> | <p>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</p> |

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| | | | 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>15. Agree that a transition period will be necessary for the implementation of the Fish and Game Governance and Organisational Improvements Amendment Bill</p> <p>16. 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 | 17. 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 |

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| | | | 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 | 18. 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 | 19. 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. |