

[In Confidence]

Office of the Minister of Hunting and Fishing
Cabinet Economic Policy Committee

Providing for three additional commercial upland game preserves

Proposal

- 1 This paper seeks Cabinet's agreement to an Order in Council to provide for three additional commercial upland game preserves.

Relation to government priorities

- 2 This is a routine operational adjustment that supports this Government's aims to provide economic opportunities and enable businesses to grow, and ensures hunters can operate within a permissive environment.

Background

Game birds and preserves

- 3 "Game birds" are those species listed on Schedule 1 of the Wildlife Act 1953. Wild-bred populations of these are managed by the 12 regional Fish and Game Councils in the interests of recreational hunters. I have Ministerial responsibility for Fish and Game New Zealand.
- 4 An upland game preserve is an area of privately-owned land where captive-bred pheasants (or potentially partridges) are released and then hunted recreationally. There are currently 22 upland game preserves. Three are non-commercial, operated by private syndicates or family trusts. Nineteen are operated commercially, where the costs of providing the hunting resource and associated activities are met by the landowner charging hunters a fee.
- 5 Commercial game preserves have been operating for over 20 years. The existing preserves provide valued recreational hunting, employ the equivalent of about 40 people full-time, and contribute approximately \$7 million annually to the New Zealand economy. Other hunters can also benefit from 'leakage' of the birds bred on private game preserves into the surrounding areas.

Establishing new commercial game preserves

- 6 An Order in Council is the current mechanism to provide for new commercial game preserves. This is a legislative workaround to provisions in the Wildlife Act 1953 that would have unintentionally prevented commercial preserves operating.¹

¹ The Wildlife Act prohibits the sale of hunting rights for game birds. This was intended to prevent landowners benefiting financially from resources provided by others (i.e. Fish and Game). Game preserve operators provide their hunting resource at their own expense: such charging is not contrary to the original policy intent of the Act.

- 7 Cabinet agreed in 2018 and 2022 to provide for the continuation of commercial game preserves, and established this mechanism in the absence of a vehicle to amend primary legislation [ENV-22-MIN-0009].
- 8 An Order in Council would list commercial game preserves in Schedule 3 of the Wildlife Act, which allows for commercial hunting of listed species outside of Fish and Game control. The most recent additions of preserves to the schedule were made by Cabinet in 2022.
- 9 An Order in Council is a necessary step at present to support these businesses. I separately intend to simplify this process, reducing red tape, through my wider plans for legislative improvements to the Fish and Game regime. I plan to bring my proposals for this to Cabinet in 2025.

Proposal for three new preserves

- 10 I want to enable three new commercial game preserves to begin operating, providing more opportunities for hunters, increasing financial sustainability of the preserves, and supporting local economic growth. This is supportive of my aims to ensure a permissive environment for recreational hunting activities in New Zealand. The proposed new preserves (fully described in Appendix 1) are:
 - 10.1 Mangakahi (Whangārei) (359 ha)
 - 10.2 Lagoon Hill (southern Wairarapa) (653 ha)
 - 10.3 Grange Hill (Timaru) (2481 ha)
- 11 The preserves wish to begin operating at the start of the next game bird hunting season in May 2025. A swift decision from Cabinet and clear signal of support will enable them to make business decisions accordingly ahead of time.
- 12 I therefore seek Cabinet's agreement to the making of an Order in Council under section 8 of the Wildlife Act to include the three new preserve areas to the list of preserves in Part 2 of Schedule 3 of the Act. As one preserve falls within the Northland Fish and Game Region, this would also be added to the Schedule.

Implementation

- 13 Once the Order in Council is made, the three new preserves will come within the scope of the Wildlife (Pheasant and Red-legged Partridge) Notice 2022, which prescribes the conditions for hunting on commercial game preserves.

Financial Implications

- 14 The matters considered in this paper have no financial implications for this Government, DOC or Fish and Game Councils. Listing the new preserves in the schedule to the Act will enable three new commercial businesses to operate, increase employment, and provide additional business for supporting companies.

Legislative Implications

- 15 To implement the proposals in this paper, an Order in Council under section 8 of the Wildlife Act will be required to include another Fish and Game region and three additional preserve areas (described in Appendix 1 of this paper) to Part 2 of Schedule 3 of the Act.
- 16 If no regulatory action is taken, the preserves cannot operate commercially.

Impact Analysis

- 17 The Ministry for Regulation has determined that this proposal is exempt from the requirement to provide a regulatory Impact Statement on the grounds that it has no or only minor impacts on businesses and individuals. It has very localised impacts involving three small areas of farmland, and the implications are limited to a small number of people.
- 18 A regulatory impact statement was produced two years ago when 19 commercial game preserves were continued or established by Order in Council. The three additional preserves proposed do not raise any new issues.

Climate Implications

- 19 The Climate Implications of Policy Assessment (CIPA) team has been consulted and confirms that the CIPA requirements do not apply to this policy proposal, as the threshold for significance is not met.

Consultation

- 20 The continued operation of such preserves was discussed at length by the New Zealand Fish and Game Council (NZ Council), and among the 12 regional Fish and Game Councils and all affected parties (including the national association of preserve operators, the NZ Game and Conservation Alliance (NZGCA)), from 2018 to 2022. Cabinet agreed in 2022 that commercial preserves could be formally established and continue operating [ENV-22-MIN-0009].
- 21 The NZ Council, and the Northland, Wellington, and Central South Island Fish and Game Councils (within whose regions the three new preserves will operate), support the creation of the new preserves.
- 22 I do not consider that additional consultation is necessary for the proposed small increase in hunting opportunities provided by this long running activity.
- 23 The following government agencies were consulted in the preparation of this paper: Ministry for Regulation, DIA, MBIE, MPI, and Parliamentary Counsel Office. The Department of Prime Minister and Cabinet has been informed.

Communications

- 24 Once a decision has been made, DOC will advise the NZ Council and the NZGCA, who will advise the game preserve operators.

Proactive Release

- 25 Once decisions are confirmed by Cabinet, I intend to delay the release of this paper until later announcements about wider Fish and Game legislative reform (which I have signalled in this paper), have been made.

Recommendations

The Minister for Hunting and Fishing recommends that the Committee:

- 1 **note** that commercial upland game preserves have been operating for over 20 years, providing opportunities for hunters and local economic growth;
- 2 **note** that the New Zealand Fish and Game Council supports the establishment of commercial game preserves as they provide increased hunting opportunities both within such preserves and beyond preserve boundaries;
- 3 **agree** that an Order in Council under section 8 of the Wildlife Act be made to add three new areas (described in Appendix 1) to the list of game preserves listed in Schedule 3 of the Act;
- 4 **invite** the Minister for Hunting and Fishing to issue drafting instructions to the Parliamentary Counsel Office for an Order in Council to give effect to the intention in paragraph 3 above, the new Order taking effect as soon as practicable.

Authorised for lodgement

Hon Todd McClay
Minister for Hunting and Fishing

Appendix 1 – Three new preserve areas proposed for addition to Part 2 of Schedule 3 of Wildlife Act 1953

- 1 The area proposed for addition to Part 2 of Schedule 3 of the Wildlife Act 1953, under a new subheading *Northland Fish and Game Region* (placed above the existing subheading *Eastern Fish and Game Region*), is as follows:
 - (aa) Mangakahia (Whangārei): 359 ha, more or less, being Sections 6–8 and 16 Block XI Mangakahia SD, and Lot 1 DP 64375, Lot 2 DP 497257, Lots 2 and 3 DP 40927, Pt Lot 1 DP 208325, and Pt Lot 1 DP 45308 North Auckland Land District:
- 2 The area proposed for addition to Part 2 of Schedule 3 of the Wildlife Act 1953, under the subheading *Wellington Fish and Game Region*, is as follows:
 - (ja) Lagoon Hill (southern Wairarapa): 653 ha, more or less, being Lots 1 and 4 DP 579663 Wellington Land District:
- 3 The area proposed for addition to Part 2 of Schedule 3 of the Wildlife Act 1953, under the subheading *Central South Island Fish and Game Region*, is as follows:
 - (ma) Grange Hill (Timaru): 2481 ha, more or less, being the area covered by Certificates of Title CB24B/742, CB24B/723, CB20B/632, and CB529/225 Canterbury Land District: