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Conservation Management and Processes Bill
Policy Unit
Department of Conservation
PO Box 10420
Wellington 6143



cmap@doc.govt.nz

Conservation Management and Processes Consultation

About the New Zealand Game Animal Council

The New Zealand Game Animal Council (GAC), established under the Game Animal Council Act 2013, is a statutory agency with responsibilities for, *inter alia*, advising and making recommendations (in relation to game animals) to the Minister of Conservation, raising awareness of the views of the hunting sector, and advising on and managing aspects of game animals and hunting.

Game animals are defined under the Game Animal Council Act 2013 as wild pigs, chamois, tahr, and all species of deer.

General comments

1. The GAC recognises the importance of this consultation and acknowledges the requirement to improve conservation management planning and the permissions system. However, we are concerned at the length and breadth of the discussion document. Submitters are asked to consider nearly 120 pages and 110 individual questions. That is a big task for any organisation and while the GAC does have limited staffing resources to achieve this, many clubs and volunteer-run organisations in the recreation, tourism and conservation sectors do not. We recommend that the Department reflects on this when considering future consultation as part of the ongoing conservation law reform process. This would also reflect the third objective "cost and time effectiveness".
2. Greater efficiency, improved processes, and modernisation with regards to conservation management planning are important. However, that must be balanced with a suitably high level of public engagement. Conservation, recreation, and tourism stakeholders are heavily invested in what takes place on public conservation land, and as well as the general public, provide on-the-ground insights that must be considered and, where appropriate, incorporated into the development of planning documents. The GAC does not wish to see an erosion in the overall requirement for public consultation in planning documents.

3. The GAC is generally supportive of measures to simplify the processes around the granting of concessions provided that does not lead to conflict with recreationists or the environment. It is also critical that concession holders and those who apply for concessions are provided as much certainty as possible throughout the process and are provided a fair and equitable opportunity to tender for concessions where that is applicable.
4. There is concern that reducing statutory processes around the establishment of scientific and nature reserves could lead to a flurry of these being established in conservation areas with a resulting loss of public access.

Method

5. The GAC has not responded to each question individually, instead, we have provided broad recommendations on each section. We have focused on issues that sit within our statutory mandate, that affect the hunting sector and may impact the management of game animals.
 6. The numbered paragraphs in this submission do not reflect the question numbers in the discussion document.
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Objectives

7. The GAC broadly agrees with the six objectives outlined; however, we recommend that 'recreation and tourism' is added to 'Conservation values' (e.g., 'Conservation recreation and tourism values'). The Department of Conservation and the management and processes that guide it have a critical (and statutorily defined S6(e)) role in fostering recreation and allowing tourism on public conservation land and that should be fairly reflected in the objectives of this review.
 8. We would also see the need to add "accountability" under Regulatory stewardship as decisions made by DOC especially in the concessions space can affect the livelihoods of those applying and operating concessions
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Chapter 1. Conservation Management Planning

Issue 1A: The requirement that conservation management strategies, conservation management plans and national park management plans are fully reviewed every 10 years is contributing to the growing backlog of documents in need of full review or development.

9. Option 1 and 2: Replacing 10-year full-review requirements with a statutory check-in every 10 years, is the preferred option together with extending the timeframe for a full review to 20 years. However, the GAC opposes any decrease in public consultation and would recommend that methods are found to retain the

opportunity for the public to participate in decision-making. This should include provisions for stakeholders and the public to shape partial reviews. We also do not want to see plans simply continued ad infinitum by simply adding 'bandage' provisions to address issues. There must be a requirement for a full review at some point in time. With the current pace of change especially in technology, 20 years should be the maximum. There must also be a mechanism for the public to have input into decisions on partial reviews. Requiring the Director General to only have regards to the views of tangata whenua, NZCA and conservation boards is inadequate.

10. The GAC does not wish to see the implementation of Option 1 and 2 as a means to disregard stakeholder issues within CMSs, CMPs and NPMPs. Stakeholders and the public require a mechanism to identify issues within existing planning documents and trigger a partial or full review.
11. While the GAC is sympathetic to the resources required by DOC to undertake full reviews of these planning documents, those reviews are a key statutory function of the Department and appropriate resourcing should have been allocated.

Issue 1B: Once a planning document is approved, it cannot be easily updated to reflect changing needs, new technology and evolving pressures.

12. Option 2: Retain the status quo, is the preferred option. The GAC understands the impediments that currently exist to partially reviewing planning documents, however we are concerned that the Option 1 proposal does not contain provisions to sufficiently identify all stakeholders affected by a proposed change. We also consider that the current processes could be streamlined. Addressing the backlog of current reviews is a separate issue.
13. Conservation boards, Post Settlement Governance Entity's and tangata whenua do not adequately represent the scope of stakeholders with an interest in conservation recreation and tourism and would not necessarily have the knowledge of wider interest groups to judge whether a streamlined process is appropriate. It is also unlikely that DOC would be able to identify all persons and groups affected by a proposed change. See also point 9 above.
14. The GAC sees the maintenance of broad public engagement as important to fair and inclusive decision-making.

Issue 1C: The current legislative process for public engagement in reviewing planning documents is outdated and inflexible.

Issue 1C(i) – The requirement to publicly notify the intent to develop or review an NPMP is inefficient.

15. Option 1 is the preferred option. The GAC agrees that the legislation as it is currently, creates a situation where public input is duplicated across two different processes.

Removing one of those is sensible to reduce costs, staff resources and time (this would also be of benefit to many stakeholders) while still providing a reasonable opportunity for public participation.

Issue 1C(ii) – The requirements for public notification and seeking public input on a notified draft planning document are outdated and overly prescriptive.

16. Option 2 is the preferred option. The GAC agrees that public notification requirements need to be changed and modernised to reflect how people access information. For the majority of stakeholders online notifications are more relevant than newspaper advertising
17. The GAC sees value in retaining a hearings process both to provide the public and stakeholders with a forum to discuss issues with officials as well as an opportunity for decision-makers to test their designs with knowledgeable external stakeholders.
18. The GAC believes that public engagement needs to be meaningful as well as inclusive and maintains that hearings can be successfully run alongside a wider range of engagement options and in this way can contribute to an improvement in public consultation. These can be streamlined through the use of adequate pre-review engagement processes to identify issues and solutions.

Issue 1C(iii) – The requirements for publishing draft or approved planning documents do not reflect modern preferences for accessing information.

19. Option 1 is the preferred option as long as hard copies are made available if requested.

Question 33

20. As a contributor to the 10-year partial review process, DOC should record annual engagement of stakeholders and the public together with a 5-yearly survey to gauge satisfaction with the operations of planning documents. These could be staggered so they are not taking place at the same time so as to be a drain on resources.

Chapter 2. Changes to improve efficiency and enable more proactive approaches to concessions management

Issue 2A: Individual concession applications are required for all activities, even where the effects are minimal and well managed.

21. Option 1 is the preferred option. The proposal makes sense, but it is critical that the proposed criteria and processes are designed to ensure that the authorised activities do not impact the rights of recreational users of public conservation land.

22. There remains a risk that by authorising certain activities (e.g., drone use) some locations (particularly areas that are easily accessible with high amenity value) could become hotspots for those activities, which could in turn impact both the environment (including the behaviour of game animals) and recreation activities (e.g., hunting). These locations would need to be identified in consultation with recreation stakeholder groups.

Issue 2B: DOC cannot make a concession for pre-approved activities available on demand.

23. Option 1 is the preferred option although the GAC does have concerns as outlined in our consideration of Issue 2A above.

24. It is stated that ‘an activity could be removed quickly if undesirable impacts on conservation values were observed, or concerns were raised by tangata whenua.’ The GAC does not believe this goes wide enough as it does not include the impact on recreation. The general public and recreation users should be provided a facility to raise concerns regarding the undesirable impacts of pre-approved activities.

Issue 2C: There are limits on when concessions can be tendered.

25. Option 2 is the preferred option. The GAC believes this option provides for both a fair and timely tender process. Our concern with Option 1 is that an open-ended timeframe may unnecessarily hold up the tender process and mean considerable ongoing uncertainty for applicants whose businesses and livelihoods are at stake.

26. Option 2 still affords tangata whenua sufficient ability to engage in the tender process and provides them with the same opportunities as other tender applicants. In fact, it could be argued that tangata whenua would still be provided an enhanced opportunity under Option 2 if they are proactively engaged prior to any tender being initiated. The GAC questions whether this is appropriate and suggests that any tender process should be structured to be fair and equitable for all applicants.

Issue 2D: The tender process does not allow a successful tender candidate to be offered a concession outright.

27. Option 1 is preferred and removes an unnecessary administrative step.

Issue 2E: There is no statutory timeframe to seek a reconsideration on a concession decision.

28. Option 1 is preferred, and 15 working days is an appropriate timeframe to seek a reconsideration.

Chapter 3. Minor and technical changes for the purposes of regulatory stewardship

Issue 3A: NZCA members and conservation board members could be personally liable for their decisions when exercising their statutory powers in role.

29. Option 1 is preferred to ensure consistency with other statutory provisions and enable the NZCA and conservation boards to undertake their duties effectively. Option 1 is consistent with section 15 of the Game Animal Council Act 2013.

Issue 3B: The financial statements of reserve boards and reserve administering bodies must be audited, regardless of their annual revenue and expenditure.

30. Option 1 is the preferred option but the GAC questions whether \$1 million in annual revenue or expenditure is an appropriate minimum requirement. The GAC is required to undertake an annual audit with revenue far less than \$1 million. If only three reserve boards or administering bodies had incomes over \$500,000 then that figure may be an appropriate minimum for an audit.

Issue 3C: The Public Service Commission must provide written consent for any power delegated to the Director-General of DOC under the Public Service Act 2020 to be delegated to a DOC officer or employee.

31. Option 1 is the preferred option.

Issue 3D: Under the Reserves Act 1977, the role of Commissioner may only be delegated to a specified individual and their specific role.

32. Option 1 is the preferred option.

Issue 3E: Part of the statutory process to establish a nature reserve or scientific reserve does not contribute to the effective regulation of establishing such reserves.

33. Option 2 is the preferred option. The GAC is concerned that Option 1 will lead to the reclassification of many more conservation areas into nature or scientific reserves. Such reclassification has a negative impact on the provision of public (including hunter) access to those areas.

Issue 3F: The Reserves Act 1977 only allows public notification via newspapers.

34. Option 1 is the preferred option. The GAC supports initiatives that enhance public consultation with regards to issues that may impact public access.

Issue 3G: The Conservation Act 1987 does not explicitly state when an aircraft concession is required.

35. Option 1 is the preferred option in order to achieve statutory clarity.

Issue 3H: The Conservation Act 1987 does not explicitly state that recreational aircraft users require a concession to operate on public conservation land.

36. In principle, Option 1 is preferred; however, we would like clarification on the following question: Is requiring a concession for a recreational activity consistent with the purpose of issuing a concession (Recreational compared with commercial)?

37. We also wish to state that the GAC does not wish to see an erosion of aircraft access into our backcountry. The restriction of aerial access in places has contributed to poor conservation outcomes as it has made hunter-led game animal management in certain locations much more difficult to achieve.

Issue 3I: The definition of a 'conservation management plan' in the Conservation Act 1987 does not include management plans approved under the National Parks Act 1980.

38. Option 1 is preferred.

Issue 3J: The New Zealand Police requires approval from DOC to hold item(s) seized under the Wild Animal Control Act 1977.

39. Option 1 is preferred.

Issue 3K: The Conservation Act 1987 does not appropriately define a 'disability assist dog'.

40. Option 1 is preferred.

Issue 3L: The National Parks Act 1980 does not correctly refer to the Westland National Park/Tai Poutini National Park.

41. Option 1 is preferred.

If you have any queries relating to this submission, please contact me on 021 688 531 or at tim.gale@nzgac.org.nz.

Yours sincerely



Tim Gale
General Manager
New Zealand Game Animal Council