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Crown Pastoral Land Consultation
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Submission on proposed new regulations and standards Supporting the Crown Pastoral Land Reform Act 2022

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. Game animals are also recognised as valued introduced species in Te Mana o te Taiao – the Aotearoa New Zealand Biodiversity Strategy 2020.

New Zealand Hunting Sector

Hunters play a key role in the management of wild animals and conservation and it is estimated that recreational hunters alone are responsible for harvesting approximately half a million game animals and pest goats each year.¹

This management is important to maintain the health of our native ecosystems as well as game animal herds.

Outdoor recreation is an important part of New Zealand life and culture. The value of recreation is recognised in legislation, including the National Parks Act 1980 and the Conservation Act 1987. Both these Acts require the fostering of recreational activities, such as hunting, on public conservation land.

Access to public conservation lands is crucial to ensure New Zealanders are able to reach the wild areas they value for recreation and food gathering.

¹ GN Kerr & W Abell (2014) Big game hunting in New Zealand: per capita effort, harvest and expenditure in 2011–2012, *New Zealand Journal of Zoology*, 41:2, 124-138, DOI: 10.1080/03014223.2013.870586

Introduction

1. The GAC welcomes the opportunity to provide this submission on the proposed new regulations and standards that will support the new Crown Pastoral Reform Act 2022.
2. Broadly, the GAC believes the new regulations and standards should aim to provide accountability and transparency for the management of Crown Pastoral Land while safeguarding the environment and allowing greater public involvement and access.
3. The GAC points out that under the Wild Animal Control Act 1977, all wild animals belong to the Crown and "...the presence of any wild animal on any land confers no right of ownership of the wild animal."
4. This submission will not deal with issues concerning any proposed regulations relating to ensuring the use of good farming practices other than to state that the GAC strongly supports the need to protect the environment when Crown Pastoral land is being used for commercial purposes, including agriculture.
5. Instead, this submission focuses on key themes reflecting the GAC's statutory mandate, and any potential impact administration of the Crown Pastoral Land Reform Act 2022 could have on the hunting sector or effective management of game animals.

Game Animal Management

6. Crown Pastoral Land holdings are extensive and the more than one million hectares they encompass are home to game animal populations valued by the hunting community. As well as the significant recreational opportunities the animals offer, these game animals also provide employment through hunting tourism ventures, wild animal recovery and other ancillary commercial enterprises (outfitting, accommodation etc).
7. The GAC notes that Crown Pastoral Land abuts large areas of public conservation land where these game animals also roam. An over-population of game animals can have negative environmental and conservation impacts on public conservation land.
8. The GAC is committed to ensuring game animals on public conservation land are managed to keep numbers within the carrying capacity of the ecosystem. Proper management ensures the environment is healthy and able to sustain native and endemic flora and fauna, as well as the valued introduced species identified in Te Mana o te Taiao.
9. The GAC believes proper and effective management of game animals on both Crown Pastoral land and neighbouring public conservation land can be achieved through controlled, targeted hunting by both recreational and commercial hunters, provided reasonable access.

Access

10. Access to public land for hunting and other recreation is a perennial issue and finding a solution acceptable to both sides of the access debate would go a long way to removing existing tensions between Crown Pastoral Land lessees and the recreation sector.
11. An inability to access areas where game animals live make it difficult for recreational hunters to contribute towards effective management. This can lead to increased animal numbers and in some places poor hunting and environmental outcomes.
12. The GAC maintains that healthy environments mean healthy game animals. However, this management goal is not possible when public access is heavily restricted or prohibited.
13. The GAC believes the Crown Pastoral Reform Act 2022 offers an opportunity to improve the current situation.
14. The GAC supports the negotiation consent condition and approach in Schedule 2 of the Standard to follow for resolving public access request disputes and give effect to new subsection 89(2B) of the Land Act.
 - a. The GAC supports the proposal requiring any claim of unreasonable refusal of public access to be supported by evidence as well as the intention to make this process transparent for all parties and consistent across the Crown pastoral estate.
 - b. For more detail on this issue see the section on the Access Resolution Process below.
15. From the recreation sector's view, a blanket 'no' to access through Crown Pastoral Land to reach public conservation land is frustrating and at times, unreasonable. Lessees' use of swingeing charges to use access routes is also unacceptable and, in some cases, appears to be used to actively discourage or prevent public access.
16. The GAC views refusal to allow access as an attempt to secure 'exclusive capture' of recreational opportunities on Crown Pastoral Lease land over and above the terms of the original lease. By preventing the public from reaching public conservation land through lease land and refusing to allow access can provide the lessee with the de facto unhindered commercial use of that public conservation land. Both situations are unacceptable.
17. At the same time, the GAC appreciates the lessees' view that they have the right to manage the land to make a living and that from time-to-time there are sound farming reasons (such as lambing, calving and mustering) why public access cannot be provided.

18. The GAC also supports lessees' view that some recreational activities are not compatible with farming operations because of the potential to damage infrastructure, disturb stock or just due to the sheer volume of use.
19. As a solution to the present friction, the GAC recommends that public access should be encouraged and facilitated wherever possible.
20. At the moment, public recreational access can be separated into two parts – public recreation **on** Crown Pastoral Lease Land and public recreational access **through** Crown Pastoral Lease Land to reach public conservation land.
21. The GAC recommends that resolving the issue should involve all statutory bodies with responsibilities in this area – the GAC, Outdoor Access NZ, LINZ and DOC.
22. The GAC accepts that resolving the question of public recreation on Crown Pastoral Lease land is a complex issue which will take time, effort and goodwill. We suggest that while solutions are explored, priority should be given to providing access **through** lease properties to public conservation or other land beyond the lease boundaries. By not inextricably linking the two access issues, it is hoped quicker resolutions can be found to those cases which involve access **through** lease properties and provide more immediate solutions for recreational backcountry users.
23. Given the size of Crown Pastoral Lease properties, this access should, wherever practical, allow vehicle or horse access, as walking may not be realistic or feasible.
24. The GAC recommends that access through Crown Pastoral Lease Land should allow rifles to be carried and hunters to take trained hunting dogs where appropriate.
25. All such access should be clearly signposted at access points and details should be clearly explained on relevant websites. On-site signage should be provided showing the access routes, boundaries and explanations of what recreational activities are allowed and what are not.

Social Licence

26. The GAC submits that it should be a mandatory requirement for the lessee of Crown Pastoral Land to be a good steward of the land on behalf of the public.
27. The GAC believes good stewardship of land should include ensuring that the social licence to maintain Crown Pastoral Land is preserved and maintained. The leasing of Crown Pastoral holdings cannot therefore operate in isolation to the public, their expectations, rights and ability to enjoy publicly-owned land.
28. The GAC believes that the Crown's return on the public land it manages, such as Crown Pastoral Leases, does not need to be monetary. It can also be in the recreational and social benefits provided to the general public and this should be taken into account when granting leases.

Access Resolution Process

29. The GAC supports the intention of the Crown Pastoral Reform Act 2022 to address public access and supports the establishment of a uniform, structured process for resolving these issues.
30. The GAC also supports the intention to make this process transparent for all parties and consistent across the Crown pastoral estate.
31. The GAC supports the negotiation consent condition and approach in Schedule 2 of the Standard which is intended to resolve public access request disputes and give effect to subsection 89(2B) of the Land Act.
32. The GAC supports the proposed negotiation process as outlined in Schedule 2, including the use of mediation to break any impasse.
33. The GAC supports the proposal requiring anyone claiming unreasonable refusal of public access to support their claim with evidence. However, it asks that there be greater clarity around what constitutes acceptable evidence.
34. The GAC supports the intention to make resolutions reached through negotiations or mediation binding and enforceable.
35. The GAC supports the requirement for the Crown agency responsible for managing Crown Pastoral Lands, presently LINZ, to retain a record of the negotiations and outcomes on its files for future reference.

Commercial Recreation Permits

36. The GAC supports the intention of the new Crown Pastoral Land Reform Act 2022 to introduce factors the Commissioner of Crown Lands must consider when determining the impact of a commercial recreation permit on the inherent values of the land.
37. As part of its statutory mandate, the GAC represents the interests of commercial game animal hunting providers, including hunting guides and game estates.
 - a. Feedback from sector representatives is that they value the existing application process for a Commercial Recreation Permit for Crown Pastoral Land. The system is seen as seamless and easy to use, with experienced staff providing a quick turnaround. The GAC recommends that this process and the resources required to maintain it are retained, albeit with any modifications to ensure compliance with the Crown Pastoral Land Reform Act 2022.
38. The GAC supports the intention in the Crown Pastoral Land Reform Act 2022 of using an enforceable undertaking to address the issue of lessees undertaking activities requiring a Commercial Recreation Permit without having first obtained such a permit.

The Game Animal Council does not require the panel making the final decisions on the new Crown Pastoral Land Act 2022 to hear its submissions in person.

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

A handwritten signature in blue ink that reads "Tim Gale". The signature is written in a cursive style with a large, sweeping initial 'T'.

Tim Gale
General Manager
New Zealand Game Animal Council