

# Regulatory Impact Statement: Enable commercial upland game preserves to continue operating, and provide for three additional preserves

## Coversheet

Purpose of Document	
Decision sought:	This analysis was produced for the purpose of informing a Cabinet decision on whether to agree to an Order in Council to allow commercial upland game preserves to continue operating, and provide for three additional preserves.
Advising agencies:	Department of Conservation
Proposing Minister:	Minister of Conservation
Date finalised:	10 February 2022
Problem Definition	
<p>Commercial upland game preserves have been operating for 20 years but if no regulatory action is taken, all such preserves will be required to cease operating at the close of 6 May 2022, when the Wildlife Order 2019 expires. However, the continuation of commercial preserves is desired by affected parties and most other stakeholders.</p>	
Executive Summary	
<ol style="list-style-type: none"> <li>1. An upland game preserve is an area of privately-owned land where captive-bred game birds (mainly pheasants) are released and then hunted recreationally. Upland game preserves have been operating for 20 years, provide valued recreational hunting opportunities, contribute \$6.7 million annually to the economy, and provide 40 full-time jobs. If no regulatory action is taken, all commercial game preserves will be required to cease operating at the close of 6 May 2022, and only non-commercial preserves will be able to continue operating.</li> <li>2. Commercial game preserves were being required to close because of concerns they were inconsistent with the requirements of section 23(2) of the Wildlife Act 1953, which prohibits the sale of hunting rights. Cabinet accordingly agreed to the making of the Wildlife Order 2019 (LI 2019/154), creating a temporary regime to allow commercial preserves to wind down their operations over three years and then close [ENV-19-MIN-0021].</li> <li>3. Through recent historical research, DOC officials have now established that commercial game preserves are consistent with the original policy intent of the Wildlife Act because preserve operators create their own hunting resource and are not utilising a resource created at the expense of Fish and Game Councils, which manage game bird populations and game bird hunting.</li> </ol>	

4. The problem being considered in this paper is not about the merits of game bird hunting, nor is it about whether game preserves should continue to operate. This paper is merely considering whether game preserves operators should be allowed to operate only as non-commercial syndicates or whether they should also be allowed to operate commercially by charging a fee for access to a resource they have created at their own expense. Both commercial and non-commercial preserves have been operating for 20 years and the sole question being considered is whether the commercial ones should be allowed to continue.
5. DOC officials have identified only one potential regulatory regime that could allow commercial game preserves to operate in ways that allow game birds outside preserves to be managed by Fish and Game Councils and allow interactions between hunting activities on preserves and in surrounding areas to be appropriately managed. Only one of the four options considered in detail by this paper (Option 2) is able to meet essential criteria and is therefore preferred.
6. The preferred option (Option 2) would maintain the economic activity and employment benefits, would impose no costs on unaffected parties, and would provide ongoing recreational benefits for preserve hunting participants and for game licence holders hunting in areas surrounding preserves. This option is supported by the New Zealand Fish and Game Council (the Minister of Conservation's statutory advisor on game bird hunting issues), and the New Zealand Game and Conservation Alliance (the national association of preserve operators).
7. Option 2 would require Cabinet's agreement to a new Order in Council under section 8 of the Wildlife Act to make the current temporary regime permanent and allow existing commercial preserves to continue operating. At the same time, provision can be made for three additional preserves. The Minister of Conservation would then need to approve hunting on commercial preserves by publishing a notice under section 6 of the Act that set out hunting conditions. Finding a more flexible method to authorise new preserves (one that does not require Orders in Council) could be considered as part of the current review of the Wildlife Act.

#### Limitations and Constraints on Analysis

8. Existing legislation (section 23(2) of the Wildlife Act and the Wildlife Order 2019) and a 2019 Cabinet decision [ENV-19-MIN-0021] mean that, in the absence of further regulatory action, all commercial game preserves will need to cease operating at the close of 6 May 2022.
9. Options considered were constrained by a need to be implementable by 6 May 2022 without requiring amendment to primary legislation.
10. Commercial game preserves have been operating for 20 years, and the continued operation of such preserves has been discussed at length among the New Zealand Fish and Game Council, all regional Fish and Game Councils, and all other affected parties, including preserve operators, since 2018. The full range of views among affected parties is consequently well known. The details, costs, and benefits of the various options are similarly known with a high level of confidence.
11. While there are some licence holders and some Fish and Game Councils that oppose the existence of commercial game preserves, the NZ Council and game preserve operators support the preferred option. Additional consultation for this long running activity is therefore considered unnecessary.

**Responsible Manager(s) (completed by relevant manager)**

Guy Kerrison  
Policy Manager  
Resource Management Policy  
Department of Conservation



10 February 2022

Released by the Minister of Conservation

### Quality Assurance (completed by QA panel)

Reviewing Agency:	Department of Conservation
Panel Assessment & Comment:	<p>The Department of Conservation's Regulatory Impact Assessment Panel has reviewed the Regulatory Impact Statement prepared by the Department of Conservation and associated supporting material, and considers that the Regulatory Impact Statement partially meets the Quality Assurance criteria.</p> <p>The criteria of consultation have not been met fully. The Panel supports that the consultation undertaken is appropriate because the proposed changes do not amount to a full review of game preserves. The RIS sets out why the targeted consultation is proportional to the proposed minor and technical changes. The RIS also clearly sets out the limitations of a targeted consultation and that the views of stakeholders are well known.</p>

Released by the Minister of Conservation

## Section 1: Diagnosing the policy problem

What is the context behind the policy problem and how is the status quo expected to develop?

### Game bird management

1. Recreational game bird hunting is managed by Fish and Game Councils established under section 26P of the Conservation Act 1987. The 12 regional Fish and Game Councils must manage, maintain, and enhance the game bird resource in the recreational interests of hunters (section 26Q(1) of Conservation Act). Regional Fish and Game councillors are elected by holders of whole season sports fishing and game bird hunting licences.
2. A national coordinating body, the New Zealand Fish and Game Council (NZ Council), established under section 26B of the Conservation Act, is made up of one representative from each of the 12 regional Fish and Game Councils. The 12 regional Councils and the NZ Council refer to themselves collectively as Fish & Game.
3. A function of the NZ Council is to advise the Minister of Conservation on issues relating to sports fishing and game bird hunting (section 26C(1)(b) of Conservation Act), including recommending Open Season for Game notices for the Minister's approval (sections 15 and 16 of Wildlife Act). These notices set the hunting seasons, daily take limits, and other conditions for hunting the various game bird species. The Minister may approve a draft notice or require it to be amended in such manner as the Minister may specify. The NZ Council is then required to publish the notice.
4. Fish & Game is independent of Government and not subject to Ministerial direction on matters of policy or sports fish or game bird management. The only exception is in regard to the wording of Open Season for Game notices.
5. Fish and Game Councils sell approximately 100,000 sports fishing licences and 38,000 game bird hunting licences annually. Sports fish are those species listed on Schedule 1 of the Freshwater Fisheries Regulations 1983 and game birds are those species listed on Schedule 1 of the Wildlife Act 1953. Species listed on Schedule 3 of the Wildlife Act are not game species (and therefore not managed by Fish and Game Councils) but may be hunted in accordance with conditions specified in a notice published by the Minister of Conservation. Species listed on Schedule 5 of the Wildlife Act are not protected and may be hunted or killed by anyone at any time.

### Role of DOC

6. Fish and Game Councils are public entities but are non-governmental organisations. Any advice provided to the Minister by Fish and Game Councils, and any sports fish or game management work undertaken by the councils, must be in the interests of sports fishers and game bird hunters (sections 26B(1), 26P(1), and 26Q(1) of Conservation Act). Such advice and management is not necessarily aligned with the needs and interests of other community sectors or the general public.
7. The Department of Conservation has a function to administer the Conservation Act and Wildlife Act and a role in providing the Minister with a whole-of-government and wider society perspective on matters relating to Fish and Game Councils and sports fish and game bird management.

## Differences between waterfowl and upland game

8. Waterfowl game species include the native grey duck, paradise shelduck, Australasian shoveler, and pūkeko, the self-introduced black swan, and the human-introduced mallard duck. Mallard and grey ducks have been hybridising for nearly a century and have been regarded legally as a single species since 1953.
9. When waterfowl are hunted over water, birds which have bred naturally in the wild are lured down into an area that appears safe. Decoys are placed on the water and the birds go to land near the decoys, and are then hunted by concealed shooters just before they land on the water. Limits on take are set in Open Season for Game notices (enforced by Fish and Game Councils) to ensure that the populations remain stable from year to year.
10. Upland game species include pheasants, two species of partridge, chukor, and three species of quail. All upland game species are human-introduced and are less abundant in this country than game waterfowl. Pheasants, in particular, have long had to be bred in captivity and released into the wild to provide good populations for hunting. This is reflected in the definition of “domestic bird” in section 2(1) of the Wildlife Act where pheasants that are being bred and reared in captivity are considered “domestic” (and therefore not “wildlife”), but once they have been released from captivity they are “wildlife” and no longer “domestic”.
11. When upland game are hunted, birds are flushed from cover in areas of scrubby farmland (which provides suitable habitat) and hunted by shooters as they seek to escape. In areas outside game preserves, limits on the take of upland game are set in Open Season for Game notices, and for pheasants only small numbers of cock pheasants may be hunted. In areas inside pheasant game preserves, the numbers of cock and hen birds that may be hunted are managed by the preserve manager.
12. While waterfowl game species may impact farm crops and pasture (especially paradise shelduck, pūkeko, and black swan), upland game species are not known to adversely impact farmland or indigenous biodiversity.

## Upland game preserves

13. An upland game preserve is an area of privately-owned land where captive-bred game birds (mainly pheasants, but some red-legged partridge) are released and then hunted recreationally. Some game preserves are operated commercially; others are operated non-commercially by private syndicates or family trusts. The land on which game preserves operate is normally used also for other farming activities, including livestock and crops.
14. Game preserves offer two kinds of pheasant hunting. In walk-up hunting, one or two hunters walk on either side of the guide (who is usually the gamekeeper) who will be controlling a dog. The dog follows the scent on the pheasant and once it is close, the bird will fly from cover. Once the bird is airborne, the hunters can shoot. The per hunter fee for a day of walk-up hunting on a commercial preserve is around \$750-\$1000.
15. In driven hunting, a line of people will flush birds from cover and cause them to fly over a line of hunters, who will try to shoot the birds as they pass high over their heads. Driven hunting requires a high level of planning and coordination, as it might require 30 people assisting the hunters. The per hunter fee for a day of driven shooting starts from \$2000.
16. Birds within a game preserve are supported by supplementary feeding and predator control, to encourage them to remain within the preserve area and reduce the number

that are predated before they are hunted. However, many birds will “leak” out of a preserve area into surrounding areas if there is suitable food available there.

17. There is a possibility that hunting activity on a game preserve in the month prior to opening weekend of the duck season could make ducks wary and harder to hunt. This risk can be addressed by not allowing preserve shooting during the month before opening weekend of the duck season. However, it can be noted that preserves are generally located in upland areas well away from swamps and waterbodies where ducks are hunted. Also, pest control of Canada geese and pigeons together with the operation of bird scaring devices (which make artificial gunshot sounds) to protect vineyards and seed crops occurs throughout the month before duck season.

#### *Differences between commercial and non-commercial preserves*

18. Game preserve operators order their birds from breeders in early September for the following year’s hunting season, which normally runs from the start of May until the end of August.
19. A non-commercial preserve is privately-run, with family members and friends forming a syndicate to fully fund the costs of the following year’s hunting season. The costs and risks associated with preparing for and operating the hunting days is shared over the whole season by syndicate members. Such preserves do not sell hunting rights and are therefore compliant with section 23(2) of the Wildlife Act.
20. Commercial preserves allow anyone to join in the hunting if they are willing to pay, although in the case of driven hunting many additional people also participate, many as volunteers, by assisting with flushing birds from cover, dog handling, catering, participant safety and bird welfare monitoring, and other tasks. A financial risk is taken on by the preserve operator, and the costs are covered by the number of days shooting and shared by the “guns” (that is, those people actually shooting) on the hunting days. Such preserves do sell hunting rights, and therefore would be operating contrary to section 23(2) of the Wildlife Act if the hunting was for game birds.
21. Driven hunts are highly social full-day events that can involve and bring together people of a wide range of ages, abilities, and socioeconomic backgrounds. Volunteer helpers will often be given meat from hunted birds at the end of a hunting day.
22. Non-commercial syndicates are more likely to be local rural residents who are working together, and participation is therefore limited to people with family or social links to the farmland concerned. The ability to more readily involve a larger number of participants to fund a preserve’s operation allows commercial preserves to be larger in scale and provide more hunting days and better supporting facilities. Commercial preserves therefore allow a much wider level of community participation, including urban dwellers with no rural connections, and provide well-managed, safe, driven hunting for people with no prior experience.

#### *History of upland game preserves*

23. The first upland game preserves began operating in 2001. They were established under annual Open Season for Game notices (section 15 of Wildlife Act) which define certain areas as ‘Upland Game Properties with Special Conditions’ and allow unlimited hunting of the specified game species within those areas.

24. There are currently 22 upland game preserves, of which 18 operated over the 2021 season. The preserves contribute approximately \$6.7 million annually to the New Zealand economy and employ the equivalent of about 40 people full-time (FTEs).
25. The national association of game preserve operators, the New Zealand Game and Conservation Alliance (NZGCA), believes the industry has largely reached maturity and considers that no more than a further five medium to large preserves are likely to open over the next few years. There may be a number of small preserves that may wish to open but these will tend to be family and friends on farms and non-commercial in nature. This understanding is based on the fact that prior to 2018 there were no barriers to the creation of new preserves and the number of preserves had stabilised, with just a few starting up and a few closing each year. Preserve hunters are predominantly domestic and the few visiting hunters come mainly from Australia.

### **Legality problem and response**

26. Section 23(2) of the Wildlife Act 1953 prohibits the sale of hunting rights for game species. From 2001 until 2018, upland game preserves operated in the understanding that they avoided breaching this prohibition by charging for guiding and the many other (generally costly) services provided to clients on upland game preserves, while providing free hunting rights.
27. However, in 2018 (as a result of investigation by the NZ Council about another matter) it was realised that, because many of the services provided on a game preserve by the guides and other helpers are non-discretionary (a hunter cannot choose not to have them), the prohibition on the sale of hunting rights in section 23(2) of the Act still applies to commercial game preserves despite the exemption for guiding services provided in section 23(4)(a).
28. The NZ Council decided in 2018 that it could not in future recommend an Open Season for Game notice to the Minister for approval if the notice included provisions that would essentially authorize non-compliance with section 23(2). The actual policy intent of section 23(2) was not known at that time. The NZ Council consulted the regional Fish and Game Councils and decided that all commercial game preserves should close within three years, by the end of the 2021-2022 game season (*i.e.*, by the close of 6 May 2022). This was intended to allow commercial game preserves time to wind down their operations in an orderly manner. Non-commercial preserves, on the other hand, would be allowed to continue operating.
29. This policy was recommended by the NZ Council, considered by DOC to be the best of the identified options, and adopted by the Minister and Cabinet in 2019 [ENV-19-MIN-0021 refers]. To implement the policy, an Order in Council was made to remove pheasants and red-legged partridge from Schedule 1 of the Wildlife Act and place them temporarily on Schedule 3, when on commercial game preserves. For areas outside commercial game preserves, the two species remain on Schedule 1 of the Act. The sale of hunting rights for Schedule 3 species is not prohibited by section 23(2) of the Act, and such species may be hunted if the Minister of Conservation authorises hunting via a published notice.
30. The Wildlife Order 2019 (LI 2019/154) and associated Wildlife (Pheasant and Red-legged Partridge) Notice 2019 (2019-go3221), which implement this policy, were therefore designed as an interim measure to allow commercial game preserves to operate from the beginning of the 2019-2020 game bird hunting season to the end of the 2021-2022 season. The Order and the Notice both expire at the close of 6 May 2022.

31. If no regulatory action is taken, all commercial game preserves will be required to cease operating at the close of 6 May 2022, resulting in a loss of business activity, employment, and recreational enjoyment. Only non-commercial preserves will be allowed to continue operating.

### **New analysis – policy intent of section 23(2) of Wildlife Act**

32. Through historical research, DOC officials recently established<sup>1</sup> that the policy intent of section 23(2) of the Wildlife Act was to prevent private landowners from deriving a financial benefit from a resource provided at the expense of others. Since game preserve operators create their hunting resource at their own expense, charging for hunting on preserves is not contrary to the policy intent of section 23(2), despite being contrary to that section as worded. Further details of this are provided below.

33. Section 23(2) of the Wildlife Act 1953 reads as follows:

(2) No person shall sell or let for fee or reward any right to hunt or kill game on any land or on any water on or adjoining any land.

34. This subsection was not contained in the original Wildlife Bill but was inserted by the Statutes Revision Committee (select committee) considering the Bill just before the Committee reported back to the House. The policy objective of section 23(2) is recorded in Hansard.

35. When presenting the report of the Committee on the Wildlife Bill to parliament and recommending that the Bill be allowed to proceed as amended, Mr Cyril Harker, MP for Hawke's Bay, stated ((19 August 1953) 299 NZPD p549):

"The amendments have been made as the result of representations by the various acclimatisation societies<sup>2</sup> throughout New Zealand...[some members of which]...met the departmental officers yesterday and the Committee this morning... There are two principal amendments to which I would refer briefly. The first is an addition made at the suggestions of the various representatives present<sup>3</sup>, prohibiting the sale of game. This goes further than was proposed in the Bill before the Committee. **It not only prohibits the sale of game after it has been captured or shot, but also prohibits the sale of the rights by private owners to other people to shoot the game on the owner's property.**" [Emphasis added]

36. The corresponding explanatory note in the Wildlife Bill as reported back (Wildlife Bill 1953 (17-2) (Explanatory Note)) read:

"*Clause 23:* ...Subclauses (2) and (3) make it illegal for game shooting rights to be sold."

37. The policy objective for this prohibition on the sale of shooting rights set out in section 23(2) was explained by the Hon William Bodkin, Minister of Internal Affairs, when moving

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<sup>1</sup>The 2019 Order had to be prepared quickly to avoid the immediate closure of all commercial game preserves, and this meant that there was no time available for such research in 2019. At that time, it was also doubted that it would be possible to determine the original policy intent of a clause in legislation nearly 70 years old.

<sup>2</sup> Acclimatisation societies were the forerunners of Fish and Game Councils.

<sup>3</sup> That is, the acclimatisation society representatives present at the meeting with the Statutes Revision Committee on the morning of 19 August 1953, the same day that the Bill was later reported back to the House.

that the Wildlife Bill be considered in Committee of the Whole House on 8 October 1953. He said (300 NZPD p1698):

“The Statutes Revision Committee has written a new provision into clause 23, making it unlawful for any landowner to sell or lease shooting rights. **It was considered wrong that a man who owned an area of swamp land should be allowed to commercialize it by selling shooting rights, because it was the acclimatization society which had gone to the considerable expense of stocking the area.** That is a very wise provision.” *[Emphasis added]*

38. In other words, it was considered not appropriate for a landowner to make a financial gain from a resource that was provided by (non-commercial) acclimatisation societies, with management funded through game licence fees and the efforts of licence-holding volunteers. This principle is very sound and would be recommended by officials today.
39. In the case of game preserves, the hunting resource is created at the expense of the landowner (who pays for the breeding and release of the birds to be hunted) and not at the expense of Fish and Game Councils. Thus, charging for the right to hunt on a game preserve is not contrary to the policy intent of the Wildlife Act.
40. Section 23 of the Wildlife Act has been amended since its enactment by inserting two additional subsections – subsection (2A) relating to penalties, and subsection (4) relating to game hunting guides. Subsection (4) was inserted by section 7 of the Wildlife Amendment Act 1996 and reads:
  - (4) Nothing in this section—
    - (a) Prohibits the provision of game hunting guide services by a game hunting guide in accordance with this Act or the charging of fees in respect of such services; or
    - (b) Prevents the Minister granting to a game hunting guide any concession.
41. The establishment of the first commercial game preserves in 2001, and their subsequent operation until 2019, depended on section 23(4)(a) through the charging of guiding services. The services provided to clients on commercial preserves are substantial and it was believed that charging for these services, in addition to making hunting available, was consistent with the Wildlife Act.
42. The Act on its face does not specifically provide for or specifically prohibit game preserves and it is likely that game preserves (commercial and non-commercial) were not envisaged at the time the Wildlife Act was passed.
43. However, because many of the services provided on a game preserve are non-discretionary, the prohibition on the sale of hunting rights in section 23(2) of the Act still applies to commercial game preserves despite the exemption in section 23(4)(a). But while the sale of the right to hunt game birds on a game preserve is contrary to section 23(2) as worded, such sale of such hunting rights is consistent with the policy intent of that section because the hunting utilises a privately created hunting resource.

### Ongoing consideration

44. It was noted in 2019 that the issue of commercial game preserves was likely to be considered further by the NZ Council, in discussion with the regional Fish and Game Councils and game preserve operators, over subsequent years. This proved to be the case and further consultation and discussion has occurred since then.

45. In early 2021, the NZ Council was advised of the new information that commercial game preserves were not contrary to the policy intent of section 23(2) and that the continued operation of commercial game preserves could be allowed.
46. On 20 July 2021 the NZ Council recommended that commercial game preserves be allowed to continue to operate. The Council considers that commercial game preserves provide increased hunting opportunities for Fish and Game licence holders, both through participation at the preserves and from leakage of birds beyond preserve boundaries.<sup>4</sup> Once birds leave a preserve, they may be hunted at no cost by any holder of a game bird hunting licence.

### What is the policy problem or opportunity?

#### **Should game preserve operators be allowed to charge a fee for the use of a resource they have created at their own expense?**

47. The problem being considered in this Regulatory Impact Assessment is not about the merits of game bird hunting, nor is it about the merits of game preserves. Both game bird hunting and game preserves will be able to continue regardless of any decisions made about the problem being considered in this paper.
48. The policy question being considered in this paper is whether or not game preserve operators should be allowed to charge a fee for access to a resource they have created at their own expense. If the answer is 'yes', regulatory action is required. If the answer is 'no', then no regulatory action is needed but the current 16 commercial game preserves will be required to cease operating at the close of 6 May 2022 (when the Wildlife Order 2019 expires) while the 6 non-commercial game preserves will be allowed to continue operating.
49. This issue affects only a minority of game bird hunters who use a hunting resource created at their own expense, and currently involves just 22 New Zealand farms<sup>5</sup>.
50. Game preserves have no known adverse impacts on other community sectors or interests, but do provide additional hunting opportunities for game licence holders in areas outside preserves. The closure of commercial preserves would result in a loss of approximately \$6.7 million of business activity annually, the loss of 40 full-time job equivalents, and a loss of tens of thousands of hours of recreational enjoyment annually for participants in recreational hunting on commercial preserves.
51. This problem disproportionately affects game preserve operators, employees, and preserve hunt participants. Bird breeders are also significantly affected, and some may have to cease operation if most preserves are required to close. Game licence holders who do not hunt on game preserves are not impacted by whether commercial preserves continue or are forced to close. Game birds hunted on game preserves represent about 7 percent of all game birds hunted.

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<sup>4</sup> There is no risk of a net in-flow of pheasants and red-legged partridge from surrounding areas to a preserve. If this was such a risk, upland game preserves would not be supported by Fish and Game Councils or DOC.

<sup>5</sup> A few preserves involve two farms with adjoining boundaries and a single preserve is managed across both. Land is normally used primarily for farming, with the game preserve being a minor additional activity. There are 49,530 farms in New Zealand as at 2019 (Dept of Statistics). This issue considered in this paper relates to an activity (commercial game preserve hunting) carried out on fewer than 22 of them.

52. The New Zealand Fish and Game Council, which has a statutory function to advise the Minister of Conservation on game bird issues (section 26C(1)(b) of Conservation Act), has recommended that commercial game preserves be allowed to continue, on the grounds that they provide increased hunting opportunities within and outside preserves.
53. Given that game preserves create their own hunting resource, have no known adverse impacts on other community sectors, and non-commercial preserves are to continue operating, DOC considers that commercial preserves – which provide major recreational, employment, and economic benefits – should be allowed to continue also.

### Consultation

54. DOC considers this matter to be a technical issue relating to aspects of an activity for which the effects and benefits are well known as they have been undertaken for 20 years. For nearly all participants in game preserve hunting, the technicalities of how the continuation of their activity can be provided for legally is not a matter of significance; they merely want to be able to continue hunting on preserves. Most game bird hunters do not hunt on preserves and so the issue is of no relevance or direct interest to them.
55. Since 2018, the NZ Council and 12 regional Fish and Game Councils have been looking into whether commercial preserves should be allowed to continue alongside non-commercial ones, and game licence holders with views on this matter have made their views known to their councillors. Everyone with an interest in game preserve hunting was very aware that most game preserves would need to close unless there was regulatory change. Game preserve operators formed a national association (the New Zealand Game and Conservation Alliance (NZGCA)) to help facilitate communication among themselves and with the Fish and Game Councils, DOC, and the Minister of Conservation.
56. There is an issue of timing given that the current arrangements expire on 6 May 2022. DOC has been advised that birds have already been ordered from breeders for next year's hunting and employment for the people working on preserves has been continued (rather than ended).
57. On 20 July 2021 the NZ Council resolved to recommend that commercial game preserves be allowed to continue operating. While there are some licence holders and some Fish and Game Councils that oppose the existence of commercial game preserves, DOC is satisfied from the advice from the NZ Council that the majority now support the continuation of such preserves.
58. DOC has been advised that some licence holders are concerned that allowing landowners to charge for a resource they have created could lead to other landowners charging for access to game bird and sports fish resources managed by Fish and Game Councils. However, such charging is prohibited by section 23(2) of the Wildlife Act and section 26ZN(1) of the Conservation Act. This concern is further addressed by allowing only pheasant and red-legged partridge hunting to occur on upland game preserves; the hunting of other game species is not permitted. Allowing the hunting of other game species could result a financial benefit being made from game birds drawn in from surrounding areas if there was suitable habitat in the preserve area – the situation section 23(2) of the Wildlife Act is specifically designed to prevent. The only hunting on preserves utilises a resource created by those enjoying the hunting.
59. The NZGCA also supports this proposal and has been able to provide DOC with financial and employment details (commercial in confidence) of the game preserves currently

operating – hence the high level of certainty regarding the economic and employment impacts if most preserves are required to cease operating.

60. A function of the NZ Council is to make recommendations on technical matters relating to game birds, and has done so in this case. This issue is not about the merits of game bird hunting, nor is it about whether game preserves should continue to operate. It is merely about whether game preserve operators should be allowed to operate only as local syndicates or whether they should also be allowed to fund their operations by accepting payments from a wider range of people. The latter has been happening for 20 years and the sole question being considered is whether this should be allowed to continue. As noted above, the activity involves just 22 farms around the country, and the issue is of relevance only to the 16 that operate commercial game preserves (and future commercial preserve operators) and the people that participate in hunting pheasants and red-legged partridge on commercial preserves.
61. DOC considers that the consultation undertaken by the Fish and Game Councils with affected parties, assisted by the NZGCA, are adequate for the scale of this issue. Also, wider consultation, such as public consultation, among people with no knowledge of what a game preserve is on a matter as subtle as this, would not be expected to provide useful input. It is likely that most people would submit on the merits of game preserves or game bird hunting generally, rather than on the actual topic of whether or not commercial game preserves should be allowed in addition to non-commercial game preserves.
62. Given that Option 2 is the only identified arrangement that would allow commercial preserves to continue while also providing appropriate management of pheasants and red-legged partridge and other game birds outside game preserves, DOC considers that additional consultation on the merits of alternative options that would not meet the objectives is not warranted.

#### *Tangata whenua interests*

63. In the circumstances, specific consultation with tangata whenua involved with existing commercial game preserves (consisting of only 16 farm areas in different parts of the country) was considered unnecessary. DOC is not aware of any other interest held by tangata whenua in the activity of shooting on commercial game preserves, beyond personal recreational participation in the activity or through employment.
64. Tangata whenua are often invited to comment when landowners seek permission from DOC to release captive-bred pheasants to the wild for hunting or ornamental purposes. No concerns relevant to commercial game preserves have been raised by tangata whenua consulted by DOC on recent applications to release pheasants to the wild.
65. DOC's Treaty Negotiations Team advises there are no Treaty settlement implications in relation to such preserves, nor in respect of the introduced species (pheasants and red-legged partridge) bred and released for hunting on preserves.
66. DOC therefore considers that the requirements of section 4 of the Conservation Act to give effect to the principles of the Treaty of Waitangi have been met.

#### *Request for power of veto for Fish and Game Councils for preserve establishment*

67. One of the 12 regional Fish and Game Councils, the Auckland/Waikato Council, subsequently wrote to the Minister of Conservation on 24 August 2021, asking that the Minister allow new commercial preserves to be established only with the agreement of the appropriate regional Fish and Game Council. On 16 September 2021, the NZ Council wrote to DOC requesting this also. The reasons given were that this would preserve the

principle of having regional Fish and Game Councils managing the sports fish and game bird resource within their regions.

68. In the case of non-commercial game preserves created under Open Season for Game notices, section 15(3)(b) of the Act allows the Minister to require that a draft notice recommended to the Minister for approval be amended in such manner as the Minister may specify. This could potentially include changes involving hunting conditions or the creation of a new game preserve that differed from what was recommended for the notice by the Fish and Game Councils.
69. The creation, or not, of non-commercial game preserves has, therefore always been at the discretion of the Minister of Conservation, having regard to the recommendations of the relevant regional Fish and Game Council, made through the NZ Council (sections 15(1) and (2) of Act refer). It would therefore be inconsistent to seek to remove that discretion for the creation of commercial preserves.
70. Nevertheless, DOC anticipates that the Minister will continue to give full consideration to the recommendations of Fish and Game Councils when making decisions on future Open Season for Game notices and any Orders in Council for future additional commercial game preserves.
71. The principle of regional Fish and Game Councils managing the sports fish and game bird resource within their regions will be preserved under Option 2. The option will not affect the management of pheasants, red-legged partridge, or other game species outside of game preserves. While resources in commercial preserves are created by landowners and not by Fish and Game Councils, all preserves do need to be operated in ways consistent with the management of the surrounding game bird resource. For example, there may need to be no hunting on game preserves in the month before the opening weekend of the duck season in order for duck hunting in areas adjacent to preserves to be successful. The regime proposed in Option 2 will provide for this.

#### *Other matters raised by Auckland/Waikato Council*

72. In its 24 August letter, the Auckland/Waikato Fish and Game Council expressed its opposition to the creation of commercial preserves in its region (there are currently five non-commercial preserves in its region). The Council claimed that the NZ Council “had no mandate or statutory authority” to make its 20 July 2021 recommendation to the Minister (see paragraph 46 above). And secondly, the Auckland/Waikato Council claimed that it has worked closely with those individuals wanting to establish non-commercial preserves in its region, and that the resulting “syndicate model” works well.
73. Regarding the mandate of the NZ Council to make recommendations to the Minister of Conservation, the NZ Council has a function under section 26C(1)(b) of the Conservation Act “to advise the Minister on issues relating to sports fish and game.” It can be noted that the functions of regional Fish and Game Councils are set out in section 26Q of the Conservation Act, and advising the Minister is not a function.
74. Regarding the syndicate model “working well”, the NZGCA has advised DOC that some of the operators of the five non-commercial game preserves in Auckland/Waikato Fish and Game Region would like to be able to make hunting opportunities available to non-syndicate members. However, the Auckland/Waikato Council will not agree to this, and wants all preserves in its region to remain non-commercial. This is despite preserve operators creating their own hunting resource and improving hunting opportunities for all game licence holders in areas adjacent to preserves.

## What objectives are sought in relation to the policy problem?

75. Four policy objectives have been identified. These are:
- To enable the continued operation of commercial game preserves for pheasants and red-legged partridge;
  - To enable Fish and Game Councils to continue to manage pheasants and red-legged partridge, and all other game birds, in areas outside game preserves;
  - To ensure that potential interactions between recreational hunting activities on and off game preserves can be appropriately managed;
  - To ensure that arrangements to set and adjust the locations of game preserves have an appropriate process.
76. The first three objectives are considered to be essential requirements. If one of these objectives cannot be met under a given option, then the option is expected to be unfeasible.
77. The fourth objective is less critical, but a workable method needs to be identified (the relevance of this objective becomes apparent when the potential options are considered).
78. If the above objectives can all be met, all aspects of the policy problem will be addressed.

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## Section 2: Deciding upon an option to address the policy problem

### What criteria will be used to compare options to the status quo?

79. The criteria used to compare options are:
- Whether the option allows commercial game preserves to continue operating
  - Whether the option allows pheasants and red-legged partridge outside game preserves to continue to be managed by Fish and Game Councils
  - Whether potential interactions between recreational hunting activities on and off game preserves can be appropriately managed
  - Whether game preserves can be readily established and their boundaries amended when required, without requiring unnecessary process.
80. For an option to be workable, the first three criteria are essential, and the fourth, relating to unnecessary process, is desirable.

### What scope will options be considered within?

81. There are no non-regulatory options available if commercial game preserves are to continue because the status quo requires that all such preserves must close by the end of 6 May 2022 when the Wildlife Order 2019 expires.
82. The scope of feasible options is limited by amending primary legislation not being possible within the required timeframe. Apart from this, the options considered have not been limited.

### What options are being considered?

#### Option One – Status Quo

83. One option would be to continue with the status quo. Under this option all commercial game preserves will need to close by the end of 6 May 2022, when the Wildlife Order 2019 expires. (When the Order expires, pheasants and red-legged partridge will once again be game birds when on commercial preserves (rather than listed on Schedule 3), and the sale of the right to hunt them will be prohibited.) Non-commercial game preserves could continue to be provided for in Open Season for Game notices for hunting seasons after 6 May 2022.
84. No regulatory action would be required if this option was adopted.
85. This option does not meet the criterion of allowing commercial game preserves to continue to operate, but meets the other three criteria regarding the management of game birds on and off non-commercial preserves and an appropriate level of process for the establishment of non-commercial preserves. Overall, this option does not meet the objectives as it would not allow commercial preserves to continue operating.

#### Option Two – Pheasants and red-legged partridge not game when on commercial preserves

86. The policy intent of section 23(2) of the Wildlife Act was to prevent private landowners from deriving a financial benefit from a resource provided at the expense of others. Since game preserve operators create their hunting resource at their own expense, charging for hunting on preserves is not contrary to the policy intent of section 23(2), despite being

contrary to that section as worded. Further details of this are provided in paragraphs 32 to 43 of this paper.

87. Option 2 would be to make the current temporary regulatory regime permanent by amending the Wildlife Order 2019 by Order in Council to remove its expiry date or making a new order with no expiry date. Pheasants and red-legged partridge would continue to be listed on Schedule 3 when on commercial game preserves (16 preserves are currently on the schedule, and three more are proposed) and listed on Schedule 1 elsewhere. Species listed on Schedule 3 are not game (and so the prohibition on the sale of game hunting rights does not apply) but can be hunted in accordance with a notice published by the Minister of Conservation.
88. Pheasants and red-legged partridge would continue to be game species in areas where the hunting resource is managed and provided by Fish and Game Councils, and non-game in areas where the hunting resource is created by a game preserve's private owner. This is consistent with the policy intent of section 23(2) the Wildlife Act.
89. The Minister of Conservation would continue to publish a notice under section 6(1) of the Wildlife Act that provided for the hunting of pheasants and red-legged partridge in defined areas of private land (called upland game preserves). The Minister would continue to approve the hunting of pheasants and red-legged partridge in other parts of the country (all areas outside preserves) through annual Open Season for Game notices, under sections 15(3) and 16(1) of the Act.
90. Pheasants and red-legged partridge would continue to be listed on Schedule 3 when in the Chatham Islands.
91. This option would allow existing commercial game preserves to continue operating indefinitely. However, Cabinet agreement to an Order in Council would be required each time a new preserve was created, or the boundaries of an existing one altered, which would be a higher level of process than is required. Such decisions would be required from time to time because it would be inequitable if existing commercial preserves could continue operating but prospective new preserve operators were to be excluded from the industry. However, the Minister of Conservation recently initiated a review of the Wildlife Act 1953 and a more appropriate level of approval for new and amended commercial game preserves can be considered as part of that review. In the meantime, the Order implementing this option could also create the three new commercial preserves desired by prospective preserve operators.
92. This option would only partly meet the criteria because it would normally require an unnecessary level of process to establish and make changes to commercial game preserves.
93. This option would avoid the prohibition set out in section 23(2) in regard to pheasant hunting on commercial preserves, but would not conflict with the policy intent behind section 23(2) because the hunting resources on game preserves are provided by the preserve operators and not at the effort and expense of the Fish and Game Councils.
94. Game bird licence holders would continue to enjoy existing pheasant and red-legged partridge hunting opportunities over most of the country, with their hunting resource improved by leakage of birds from preserves. Preserve operators and their clients would be able to enjoy the additional resources within preserves created at their own expense.
95. The proposed Order in Council would therefore make changes to the schedules to the Wildlife Act that would enable the continuation of a valuable recreational activity that has

been undertaken since 2001, and maintain the business activity and employment provided by game preserves. An amended or new Order in Council could take effect from 7 May 2022, the day after the Wildlife Order 2019 expires.

96. Option 2 is the preferred option as it is the only one that fully meets all key criteria and objectives. It would allow commercial preserves to continue operating, allow Fish and Game Councils to continue to manage pheasants, red-legged partridge and other game species outside preserves, and provide for the appropriate management of interactions between recreational hunting activities on preserves and in surrounding areas. The creation and disestablishment of preserves would have an unnecessarily high level of approval, but this could be addressed when the Wildlife Act is reviewed.
97. Cabinet agreement to an Order in Council would be required to implement this option, and to create the three new commercial preserves currently desired.

### **Option Three – Pheasants and red-legged partridge no longer game but hunting authorised by a notice**

98. A third option would be to create a new separate regime for pheasant and red-legged partridge to operate alongside the Fish and Game Council game bird regime.
99. Under Option 3, pheasants and red-legged partridge would cease to be game birds, and would be moved from Schedule 1 to Schedule 3 of the Wildlife Act for the whole country. The Minister of Conservation would then approve a notice under section 6 of the Act allowing pheasants and red-legged partridge to be hunted. The notice, prepared by DOC (as the current temporary section 6 notice was) would:

- define the areas of pheasant preserves<sup>6</sup> (the NZGCA would be asked to assist in preparing the descriptions of the areas), including the three new commercial preserves currently desired;
- provide for unlimited pheasant and red-legged partridge hunting on pheasant preserves;
- provide for appropriate low daily bag limits<sup>7</sup> for pheasants and red-legged partridge in areas outside pheasant preserves (regional Fish and Game Councils, through the NZ Council, could choose to provide advice to DOC on suitable bag limits);
- set hunting seasons, hours of hunting, and any other necessary conditions for hunting, outside and within preserve areas, such as not allowing hunting on pheasant preserves in the month before the opening of the duck hunting season. (The NZGCA and the NZ Council would be asked to provide advice on these matters.)

100. The removal of pheasants and red-legged partridge from Schedule 1 would not result in significant loss of revenue for Fish and Game Councils because most people who hunt those species also hunt other game birds and so will continue to buy a game licence.

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<sup>6</sup> The areas would be defined in the section 6 *Gazette* notice rather than specified in Schedule 3 of the Act as they are under the current temporary regime.

<sup>7</sup> In all Fish and Game Regions, only cock pheasants may be hunted in areas outside pheasant preserves, and the daily bag limit is typically much lower than for most other game species. Only two of the twelve Fish and Game Regions have an open season for red-legged partridge.

101. Fish and Game Council enforcement officers (including honorary) are already empowered to undertake enforcement of Schedule 3 species (or can be so authorised), should councils wish to ensure that pheasant and red-legged partridge hunting conditions are complied with.
102. Option 3 would meet the criteria of allowing commercial preserves to continue operating, providing an appropriate level of process for the creation and disestablishment of preserves, and providing for the management of interactions between recreational hunting on preserves and in surrounding areas. However, this option would not meet the criterion of allowing Fish and Game Councils to continue to directly manage pheasants and red-legged partridge located outside preserves. Fish and Game enforcement officials could, though, be authorised to help enforce the Minister's section 6 notice.
103. This option might be viable, but could bring impediments to the management of pheasant and red-legged partridge hunting resources in areas outside pheasant and red-legged partridge preserves, because Fish and Game Councils would no longer have direct responsibility for them. Option 2 is therefore preferred.
104. Cabinet agreement to an Order in Council would be required to implement this option.

#### **Option Four – Make pheasants and red-legged partridge not protected**

105. A fourth option could be to make pheasants and red-legged partridge not protected by listing them on Schedule 5 of the Wildlife Act. This would mean that anyone could hunt the birds by any means at any time. This option would allow commercial preserves to operate wherever an operator decided to establish a preserve and the Director-General agreed to authorise the release of captive-bred birds. However, this option would not provide for essential controls on interactions between recreational hunting activities on preserves and hunting for game in surrounding areas. In addition, this option would not provide for restrictions on hunting of pheasants and red-legged partridge outside preserves, and would prevent Fish and Game Councils from managing the two species sustainably outside preserves.
106. This option would create many new problems and has therefore not been considered further. An Order in Council would be required to implement this option.

## How do the options compare to the status quo/counterfactual?

	Option One – <i>Status Quo</i>	Option Two – Pheasants and red-legged partridge not game when on commercial preserves	Option Three – Pheasants and red-legged partridge no longer game but hunting authorised by a notice	Option Four – Pheasants and red-legged partridge not protected
<b>Commercial preserves can keep operating</b>	<b>■ No.</b> All commercial preserves would need to cease operating by the close of 6 May 2022.	<b>■ Yes.</b>	<b>■ Yes.</b>	<b>■ Yes.</b>
<b>Birds outside preserves can be managed by Fish and Game</b>	<b>■ Yes.</b> Would be the same as the current management situation.	<b>■ Yes.</b> Would be the same as the current management situation.	<b>■ No.</b> Fish and Game would have no direct role in pheasant or red-legged partridge management, although could be authorised to help enforce Minister's notice.	<b>■ No.</b> Fish and Game would have no direct role in pheasant or red-legged partridge management, and management of other game birds could be compromised.
<b>Interactions on and off preserves managed appropriately</b>	<b>■ Partly.</b> Fish and Game would continue to recommend hunting conditions only for non-commercial preserves, and for game outside preserves.	<b>■ Yes.</b> Minister could ensure Open Season notice for game birds and Section 6 notice for commercial preserves provided complementary management.	<b>■ Yes.</b> Minister could ensure Open Season notice for game birds and Section 6 notice for pheasant and red-legged partridge provided complementary management.	<b>■ No.</b> Pheasants and red-legged partridge could be hunted by anyone at any time regardless of impacts on game bird hunting.
<b>Flexible creation and adjustment of preserve locations (desirable but not essential)</b>	<b>■ No.</b> Non-commercial preserves could be created or changed but commercial preserves could not be created.	<b>■ Partly.</b> Non-commercial preserves could be changed via Open Season notice. An Order in Council would be required whenever a commercial preserve is created or changed.	<b>■ Yes.</b> Minister could create or change a pheasant and red-legged partridge preserve via a Section 6 notice.	<b>■ Yes.</b> Commercial preserves could be created anywhere a preserve operator desired and the Director-General agreed to the release of captive-bred birds.
<b>Overall assessment</b>	Would allow non-commercial preserves but commercial ones could not continue. <b>■ Does not meet objectives.</b>	Would be difficult to establish new commercial preserves or modify existing ones. <b>■ Meets all key objectives.</b>	Would result in loss of pheasant and red-legged partridge management outside preserves. <b>■ Does not meet key objectives.</b>	Would result in loss of pheasant, red-legged partridge, and game management outside preserves. <b>■ Does not meet key objectives.</b>

**What option is likely to best address the problem, meet the policy objectives, and deliver the highest net benefits?**

107. Option 2 is considered the best option for meeting the policy objectives and providing a practicable regime to allow commercial game preserves to operate amongst the game bird management regime operating outside game preserve areas. This is the option preferred by DOC as it is the only one that meets all the essential objectives and criteria, and is therefore the only fully feasible option that has been identified.
108. This option would allow commercial preserves to continue operating, allow Fish and Game Councils to continue to manage pheasants, red-legged partridge and other game species outside preserves, and would provide for the appropriate management of interactions between hunting activities on preserves and in surrounding areas. The unnecessarily high level of approval required for creating and amending the areas of commercial game preserves under Option 2 (an Order in Council) could be addressed as part of the review of the Wildlife Act currently under way. The Order implementing this option could also be used to create the three new commercial preserves currently desired.
109. Option 2 is supported by the NZ Council and the NZGCA, and is expected to be supported by those who participate in recreational pheasant and red-legged partridge hunting on commercial game preserves as it allows their activity to continue.

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## What are the marginal costs and benefits of the preferred option?

<b>Affected groups</b> <i>(identify)</i>	<b>Comment</b> <i>nature of cost or benefit (e.g., ongoing, one-off), evidence and assumption (e.g., compliance rates), risks.</i>	<b>Impact</b> <i>\$m present value where appropriate, for monetised impacts; high, medium or low for non-monetised impacts.</i>	<b>Evidence Certainty</b> <i>High, medium, or low, and explain reasoning in comment column.</i>
<b>Additional costs of the preferred option compared to taking no action</b>			
Regulated groups	No additional costs	Nil	High
Regulators	Additional cost to DOC to prepare section 6 notices.	Low	High
Others (e.g., wider govt, consumers, etc.)	No additional costs.	Nil	High
<b>Total monetised costs</b>		Nil	High
<b>Non-monetised costs</b>		Low	High
<b>Additional benefits of the preferred option compared to taking no action</b>			
Regulated groups	Will deliver greater hunting opportunities for hunters who create or pay for their own hunting resource. Will improve hunting for hunters outside preserves.	High (for participants in preserve hunting) Medium (for hunters outside preserves)	High High
Regulators	No additional benefits to regulators.	Nil	High
Others (e.g., wider govt, consumers, etc.)	Will allow the continued operation of a commercial game preserve industry. Will provide about 40 ongoing full-time jobs. Will deliver ongoing additional business to bird breeders, and ammunition and other suppliers.	\$6.7 million annually to the New Zealand economy	High
<b>Total monetised benefits</b>		\$6.7 million annually	High
<b>Non-monetised benefits</b>		High (for participants in preserve hunting)	High

110. Game preserves have been operating for 20 years and this allows the details of their operations, the benefits they provide, and the nature of their interactions with the surrounding environment to be well defined. The NZGCA has provided DOC with details of the financial and employment benefits provided by preserves.

111. There are believed to be no uncertainties or unidentified risks.

## Section 3: Delivering an option

### How will the new arrangements be implemented?

112. Once the proposed Order in Council has been made under section 8 of the Wildlife Act (removing the expiry date of the Wildlife Order 2019 or making a new Order, and also adding three new commercial game preserves to Schedule 3), DOC will prepare a draft notice under section 6 of the Act to authorise hunting on the game preserves listed on Schedule 3.
113. In preparing such advice, DOC will seek the advice of the NZ Council and the NZGCA. The Minister may then approve the draft section 6 notice or require DOC to amend the notice in such manner as the Minister may specify. DOC will then arrange for publication of the notice in the *Gazette*.
114. In addition, each Fish and Game Council will, through the New Zealand Fish and Game Council, continue to recommend draft conditions for the annual Open Season for Game notice for non-commercial preserves in its region for approval by the Minister (section 15(1) of Wildlife Act). The NZ Council will, if satisfied as to the form of the draft notices, continue to submit them for the Minister's approval (section 15(2) of Act).
115. The Minister may then approve the draft Open Season for Game notice or require the NZ Council to amend the draft notice in such manner as the Minister may specify (section 15(3) of Act). The NZ Council will then arrange for publication of the notice in the *Gazette* (section 15(4) of Act).
116. The new Order in Council and the new section 6 notice need to be in effect from 7 May 2022. No transition arrangements will be required because the new Order will take effect from the time the Wildlife Order 2019 expires. DOC considers there are no implementation risks apart from meeting the tight timeframe for completing the necessary regulatory change by 7 May 2021.
117. The NZ Council will advise regional Fish and Game Councils and game bird hunting licence holders of these arrangements, and the NZGCA will advise current and prospective commercial game preserve operators, and those who may wish to hunt on preserves, of these arrangements. The NZ Council will continue to monitor regulatory compliance of all game preserves.

### How will the new arrangements be monitored, evaluated, and reviewed?

118. DOC expects to receive advice from the NZ Council and the NZGCA from time to time regarding the possible establishment of new commercial game preserves, or changes to or disestablishment of existing ones. When appropriate, DOC will then submit recommendations to the Minister of Conservation for consideration and approval, and new Orders in Council may be sought to create, modify, or disestablish preserves. As part of the Wildlife Act review, legislative amendment will be considered to provide a more appropriate level of approval for creating, changing, or disestablishing commercial game preserves.
119. DOC will continue to prepare section 6 notices setting the conditions for hunting on commercial game preserves for the Minister's consideration and approval, together with advice on any issues that have arisen in relation to the operation of game preserves.
120. The NZ Council will continue to recommend Open Season for Game notices to the Minister of Conservation annually for approval. These will include recommended

changes regarding game birds and non-commercial game preserves, and advice on any issues that have arisen in relation to activities on commercial pheasant and red-legged partridge preserves.

121. If any problems arise in relation to the operation of game preserves or the interactions between recreational hunting on preserves and game bird hunting outside preserves, DOC is completely confident that the NZ Council and the NZGCA will bring these to DOC's and the Minister's attention.

## **Appendix: Proposed three new commercial game preserves**

122. There are currently three new commercial game preserves desired by prospective preserve operators. Under Option 2 of this paper, these preserves would be created by Order in Council as part of the same order used to implement Option 2. Under Option 3 of this paper, these preserves would be created by including them in the notice to define the areas of commercial game preserves made under section 6 of the Wildlife Act.

123. The three new commercial preserves would comprise the areas set out below.

### **Additional Upland Game Preserves for 2022 Order in Council (Option 2) or Section 6 Notice (Option 3)**

#### *Hawke's Bay Fish and Game Region*

- (x) Poronui (Taharua Valley): 6449 ha, more or less, being the area covered by Certificates of Title SA33D/399, SA51D/718, SA61A/148, and SA72C/660:
- (xx) Olig and Whanakino (Maraekakaho): 1623 ha, more or less, being Lot 2 DP 535991 and Lot 3 DP 22254; and Lot 5 DP 321684, Lot 1 DP 26344, Lots 3 and 4 DP 8713, and Secs 3 and 5 SO Plan 10203.

#### *Nelson/Marlborough Fish and Game Region*

- (xxx) Ugbrooke (Lower Dashwood): 75 ha, more or less, being Lots 1 and 2 DP 520801 and Lot 3 DP 446989: