

In Confidence

Office of the Minister of Conservation

Chair, Cabinet Legislation Committee

Approving minor amendments to regulations for sports fishing and game bird hunting

Proposal

1. This paper seeks authorisation for the submission to the Executive Council of the Freshwater Fisheries Amendment Regulations 2021 and the Wildlife Amendment Regulations 2021.

Policy

2. The Conservation Act 1987 requires persons who fish for (freshwater) sports fish¹ to hold a sports fishing licence. The Wildlife Act 1953 similarly requires persons who hunt or kill game birds² to hold a game hunting licence.
3. Licences are issued by New Zealand's 12 Fish and Game Councils under the Freshwater Fisheries Regulations 1983 and the Wildlife Regulations 1955. The Councils sell approximately 110,000 fishing licences and about 38,000 game licences annually, and their management of sports fisheries and game resources is funded almost entirely by the sale of these licences.
4. The attached amendments to the regulations are required to:
 - 4.1. enable Fish and Game Councils to sell freshwater sports fishing and game bird hunting licences online;
 - 4.2. allow licences to be issued and held in electronic form;
 - 4.3. provide associated compliance safeguards to ensure a person presenting an electronic licence is its legal holder, including by making it an offence to falsify or omit any information in a licence application;
 - 4.4. allow improved management of sports fisheries, and the salmon fishery in particular, by enabling Fish and Game Councils to set take limits for any period (for example, daily, weekly, monthly, or seasonal);
 - 4.5. update outdated provisions and references, and revoke spent provisions.

¹ Freshwater sports fish are listed in Schedule 1 of the Freshwater Fisheries Regulations 1983

² Game birds are listed in Schedule 1 of the Wildlife Act 1953

5. The amendments are minor and technical and do not require any new policy decisions. They do not amend any statute.
6. In March and May 2020, the then Minister of Conservation (Hon Eugenie Sage) approved the policy for the amendments without referral to Cabinet, and invited the Parliamentary Counsel Office to draft the amendments to the regulations.
7. There will be no additional costs on Fish and Game Councils or to the Department of Conservation to implement the proposed amendments, and the amendments do not impose costs on other parties. The amendments that improve compliance may lead to increased licence revenue.

Timing and 28-day rule

8. The amendment regulations will come into effect on 25 June 2021 and will therefore comply with the 28-day rule.

Compliance

9. The amendments to the Regulations comply with the following:
 - 9.1. the principles of the Treaty of Waitangi;
 - 9.2. the rights and freedoms contained in the New Zealand Bill of Rights Act 1990 and Human Rights Act 1993;
 - 9.3. the principles and guidelines set out in the Privacy Act 1993;
 - 9.4. the Legislation Guidelines (2018 edition), which are maintained by the Legislation Design and Advisory Committee.
10. There are no relevant international standards or obligations.

Regulations Review Committee

11. I do not consider that there are grounds for the Regulations Review Committee to draw these regulations to the attention of the House of Representatives under Standing Order 319.

Certification by Parliamentary Counsel

12. The draft regulations have been certified by the Parliamentary Counsel Office as being in order for submission to Cabinet.

Impact Analysis

Regulatory Impact Statement

13. The Regulatory Impact Assessment (RIA) requirements for the proposed amendments were waived. Treasury confirmed that the proposed amendments were exempt from a RIA, as they met the criteria of having minor impacts on businesses, individuals, and not-for-profit organisations.

Climate Implications of Policy Assessment

14. The Climate Implications of Policy Assessment (CIPA) team has been consulted and confirms that this proposal is exempt from the CIPA requirements.

Publicity

15. Once the amendment regulations have been signed by the Governor-General, a notice will be published in the New Zealand Gazette. The amendment regulations will be available on the New Zealand Legislation website following their notification.
16. The Department of Conservation will advise the New Zealand Fish and Game Council when the regulations will come into effect once that date is confirmed.

Proactive Release

17. I proposed to release this Cabinet paper proactively 30 working days after Cabinet's decision.

Consultation

18. The New Zealand Fish and Game Council was consulted, and it supports the proposed amendments.
19. We carried out no public consultation because the amendments are minor and legalise longstanding practices, close legal loopholes, meet anglers needs, or revoke spent provisions.
20. The Ministry of Justice was consulted on the proposed amendments, including the new compliance provisions that would make it an offence to omit or provide false information in a licence application, and requirements for licence holders, if requested, to produce evidence of their full name, date of birth, and usual residential address. DOC has not identified any potential breaches of the Bill of Rights Act 1990, the Human Rights Act 1993, the Privacy Act 1993 or offence or penalty issues that may arise from these new provisions.
21. The following government agencies have been consulted on this paper: Department of Internal Affairs, Ministry for Primary Industries, Ministry for the Environment, Ministry of Justice, Te Arawhiti, Te Puni Kōkiri, and the Treasury. The Department of the Prime Minister and Cabinet and Parliamentary Counsel Office have been informed of this paper.

Recommendations

22. I recommend that the Cabinet Legislation Committee:
 1. **note** that in March and May 2020, the then Minister of Conservation approved the policy to amend the Freshwater Fisheries Regulations 1983 and Wildlife Regulations 1955, without referral to Cabinet, as the amendments were minor and technical and did not require any new policy decisions;

2. **note** that the Freshwater Fisheries Amendment Regulations 2021 and the Wildlife Amendment Regulations 2021 will give effect to the decisions referred to in paragraph 1 above;
3. **authorise** the submission to the Executive Council of the Freshwater Fisheries Amendment Regulations 2021 and the Wildlife Amendment Regulations 2021;
4. **note** that the Freshwater Fisheries Amendment Regulations 2021 and the Wildlife Amendment Regulations 2021 will come into effect on 25 June 2021.

Authorised for lodgement

Hon Dr Ayesha Verrall

Acting Minister of Conservation