



## **Gagged and Hogtied by Bureaucrats**

**by Tony Orman**

Much current discussion in the politics of fishing revolves around the future administration for the public's recreational sea fishing and the concept of setting up a statutory body. People have spoken and written passionately about the idea and how that would solve the current woes of the recreational fishing sector in being relegated to lowly consideration in management.

The Fisheries Act requires management to have equal regard for not only economic i.e. commercial, but social and cultural ie recreational and customary.

In advocating a statutory body, speakers and writers have from time to time referred to Fish and Game as a model to follow. Therein may lie a flaw.

The fish and game councils which make up Fish and Game New Zealand were established under the Conservation Act 1987 to manage and enhance the sports fish and game resource in New Zealand in the recreational interests of anglers and hunters. Fish and game councils replaced the former acclimatisation societies formed by the early European colonists in the 1860s to introduce and acclimatise suitable animals and plants.

Today there are 12 regional fish and game councils and a national New Zealand council. "The role of the regional councils is to manage, enhance and maintain sports fish and game in that region. The role of the New Zealand council is to represent nationally the interests of anglers and hunters, and to co-ordinate the management by the regional councils."

"Twelve members of regional councils are elected every three years by licence holders. Twelve members of the New Zealand council are appointed by the regional councils. Fish and Game New Zealand is funded entirely from the sale of licences to fish and hunt

That is the semi-democratic structure - national councillors are appointed by regional councils. Sure there are inefficiencies. Indeed three internal audits have identified areas of "dysfunction".

So what? Is Parliament immune of inefficiencies and dysfunction?

Strong critics of Fish and Game have been Federated Farmers NZ and government with former and now disgraced cabinet minister Nick Smith reportedly having delivered stern, expletive-laden messages to one or two fish and game councils for their opposition to dirty dairying. Reportedly Nick Smith's threat was in one tirade to "close down" fish and game councils.

Was it an idle boast? Was it a reckless rant?

Not really, for the government has strong powers over Fish and Game.

I have been critical of Fish and Game for not being strong enough advocates on some issues whether it be a dam on a river or some commercialisation or development. When I taxed Fish and Game about it, the response was that they could not speak out because of their statutory responsibility to the Minister of Conservation.

I would argue, despite what the law wrongly says, that Fish and Game's first and foremost responsibility is to the licence-holders, ie the trout fishing and duck and game bird shooting public. After all they pay the fees - government pays nothing towards the management of the public's fish and game. To the contrary and ironically threats to the public's fish and game resources, usually come from government policies.

So why were the advocates for Fish and Game seduced and taken down the path of being legally bound to the Minister of Conservation? Was it stupidity, naivety or just blind ignorance? What hand did the bureaucrats pay in limiting the political freedom of Fish and Game by the wording of the law?

There's another example that should send a strong warning on the need for caution over a statutory body for recreational sea fishing.

It involves deer and big game hunters

Under the Wild Animal Control Act of 1977, the Minister was given the power to set up a National Recreational Hunting Advisory Committee.

So the minister back about 1980 set up a National Recreational Hunting Advisory Committee "composed of such persons as the Minister thinks fit --- and any advisory committee so established shall hold office during the pleasure of the Minister, and shall have such functions and powers as the Minister may decide."

The domination by the Minister was so evident. The minister selects who will be on the committee and then decides what it can discuss but at the end of the day it is only "advisory," and the minister can opt to take no notice.

But the reality was the Minister did not have a clue as to who the best persons might be for council or of decisions made. He went by the advice of the bureaucrats in the then NZ Forest Service. So in essence the bureaucrats pulled the strings of not only the minister but the hunting committee too.

At the time, committee members were forbidden to talk publicly. The gags were in place, the hog ties tight.

Another parallel case is conservation boards. Again the departmental bureaucrats “tell” the minister who should be on. Anyone nominee who might be forthright is unlikely to make it. Even if an outspoken individual makes it, the bureaucrats will ensure he or she is well in the minority.

Recalling the Recreational Hunting Advisory Committee of the 1980s is timely for currently a Game Bill proposes to set up a statutory body. It’s not hard to guess that the Minister of Conservation Kate Wilkinson will decide who will be appointed to the council, from nominations received.

In other words it will - again - be tantamount to “government appointees” And just as back in 1980 the minister will not know Harry Hunter from Danny Deerstalker so will go on the advice from bureaucrats in the Department of Conservation.

Currently it looks like the recreational hunting public will be a minority voice, heavily outvoted by commercial hunting interests from helicopter operators to game park interests plus perhaps a bureaucrat or two, deer farmers and Federated Farmers. Hardly accidental!

Like the TV comedy, “Yes Minister” will be alive and well - and pulling the strings.

Will a statutory body intent on looking after the interests of the one million New Zealanders who go fishing, be just another puppet pantomime?

Well that’s the challenge in opting for a statutory body. By history bureaucrats will be seeking to hold the power. At one meeting I was at a prominent recreational saltwater advocate who has called for a statutory body and licensing was bemoaning that the Ministry of Fisheries took no notice of the recreational sector. But half hour later he reiterated his support for a licence and a statutory body.

The problem is a statutory body would have responsibility to the Minister of Fisheries and any such group would be legally tied by that. It would not allow meaningful freedom of expression or political independence. It could shout loud and long but the Ministry would remain deaf. And going by a succession of ministers such as the Luxtons, Benson-Popes, Andertons and Heatley, the Minister would obediently follow the ministry’s bidding.

If the line of a statutory body was naively pursued and set up, then it’s a one-way-street. There would be no going back unless a government agreed. Recreational fishers - and hunters - would be locked into the administration by the letter of the law.

And if the government administration succeeded in shackling a public recreational sector by a law of Parliament, the bureaucrats in the back rooms would not want to relinquish their hold and control.

Fisheries ministers have been quick to criticise the recreational sector for division and fragmentation. Yes it has been true but is that not human nature? I get annoyed when the Heatleys and Andertons criticise the recreational sector. Politicians are no better. Political

parties have divisions, they have inner cliques, fragmentation and groups even plot and carry out coups. Sometimes political parties implode and end up exploding to smithereens!

So what is the solution. That's the dilemma. But really the best solution lies with us, each one individually and collectively. Collectively the recreational sector has powerful, potent political potential. Eight hundred thousand voters is an incredible weapon at election time.

But inertia and apathy are the mortal enemies.

Were you one of the million Kiwis who couldn't be bothered voting last election? Did you vote for the party options that showed support for recreational fishing?

That political factor could be termed "people power."

Undoubtedly more maturity, less spiteful jealousy and personal self serving agendas with more positive vision and motivation are needed. Idealistically - at the risk of being a cock-eyed optimist - I would like to think sensible people can organise themselves into a cohesive and competent administration that would not be hog-tied by the bureaucrats via an act of Parliament.

It's over to us, each one of us individually - and together.

In the meantime be aware of the temptation of statutory bodies. Seductive at first glance but past experience says it could be a path to permanent bondage.

*Published in the 'Fishing Coast to Coast' fishing magazine*