

NEW ZEALAND FEDERATION OF FRESHWATER ANGLERS (INC.)



The Commercialisation and Exclusive Capture of NZ's Public Freshwater Fisheries

In New Zealand, rivers, lakes and streams are a public resource, and cannot be privately owned. Trout and other sportsfish within these waters are also a public resource, managed by Fish & Game NZ, and able to be fished for by anyone possessing a current fishing licence. It is illegal to charge for the right to fish.

Despite this, increasingly prime fishing areas are being 'sold' to commercial operators and access to such fisheries blocked from the angling public, and available only to or through such commercial operators.

In response to increasing alarm and frustration from its members and the angling public, the NZFFA is running a campaign to reverse and eliminate this practice from New Zealand's freshwater fisheries.

We realise that this will not be easy, quick or simple to achieve, but we are determined to safeguard the egalitarian nature of this countries wild fisheries that shaped the intent of the laws surrounding it.

In this document, you can find:

1. [A Position Statement from the NZFFA on this issue.](#)
2. [An invitation to all members, clubs and the angling public to join us in this campaign.](#)
3. [An initial press release on the issue.](#)

Please join us in this campaign, and use any of this material to support our cause!

Jim Hale
President
New Zealand Federation of Freshwater Anglers (Inc.)

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Position Paper on the Commercialisation and Exclusive Capture of NZ's Public Freshwater Fisheries

The New Zealand Federation of Freshwater Anglers (Inc) has always advocated for the free access to fishing water, upon which the egalitarian pursuit of freshwater angling in this country is founded. We have, and will continue to promote the undiminished availability of public freshwater angling opportunity. We continue to advocate the protection of New Zealand's wild trout and salmon fisheries, and oppose their commercial exploitation, as a commodity, in any form.

These are some of the principles that the Federation was founded upon, and which it continues to fight for today. After all, the fishery exists in public water, and is completely funded and managed by New Zealand anglers through Fish & Game NZ. You cannot 'own' either the fish or the water they live in. Licensed anglers can catch and keep such fish according to the regulations set by Fish & Game to manage the fishery, as they have a statutory obligation to do. This system was deliberately set up to avoid the private ownership of freshwater fish and fisheries that existed in some of the countries our forefathers came from. It is one of the things that makes NZ freshwater fisheries unique, and the envy of many overseas countries, whose anglers come here to fish.

However, as more and more people come to realise the value of the NZ freshwater fishing experience, there are more and more people who seek to exploit our fisheries for personal commercial gain. While this initially existed alongside the everyday anglers, it has rapidly developed into situations where such individuals and companies are controlling exclusive access to our publicly owned rivers, lakes and fisheries for personal gain, at the expense of the very public who own the resource.

The NZFFA has become extremely concerned about the rapid proliferation of this insidious cancer within our fishery, and the amount of prime fishing water that its members can no longer fish. It is hereby initiating a campaign to both expose this practice where it occurs and to seek to mitigate and remedy that occurrence. After all, it is illegal to charge for the right to fish in NZ's rivers and lakes, and it is only the country's draconian trespass laws that allow this situation to develop in the first place.

We realise that this will not be a quick or easy campaign. We realise that there are many parties involved, from Government Ministers and Ministries to private companies and individuals. We realise that some of these already think of our

fisheries as commodities that they have some kind of right to, or which they can lock up for private gain. But we will fight this scourge wherever we find it, with whoever is involved, with all of the determination and resources at our disposal. We owe it to our members and the angling public of New Zealand, to whom the resource belongs, and who this unscrupulous behaviour is ripping off.

We know that there are many anglers and outdoor recreationalists who share our deep concern. We know that concern is shared by some of those within Fish & Game NZ, and other political and statutory bodies. We call on all of you to join the NZFFA's campaign to fight this selfish, greedy threat to the healthy outdoor pursuit of freshwater angling in New Zealand.

Jim Hale
President
New Zealand Federation of Freshwater Anglers (Inc.)
Saturday, 18 December 2010

[The New Zealand Federation of Freshwater Anglers \(Inc\)](#) is an affiliation of angling clubs from throughout NZ. It has been operating continuously since 1974. It is an independent organisation which represents the collective interests of the anglers who participate in freshwater sports fishing in New Zealand. The Federation works to identify and resolve national issues affecting freshwater angling in NZ, and supports member clubs and organisations in their efforts to resolve local issues. The Federation's strength lies in its independence and the number of anglers it represents. We are also here to advocate for, and to celebrate the joy of freshwater fishing.

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To all Clubs and Members.

NZFFA declares war on exclusive capture of freshwater fisheries.

Appeals to members and all anglers for support.

Exclusive capture is where the access to rivers and lakes has been closed off to ordinary licensed anglers who wish to fish those areas with out cost, other than transport to reach such fishing water. These waters cannot be reached, because one cannot access them to fish, unless one pays a lodge, helicopter company, or guiding individuals extra payment as the land occupier has closed off access to other anglers.

Exclusive capture started about twenty years ago in the high country in the mid-North Island, and has ever slowly being increasing ever since. It is practiced by those who have captured these trout fishing waters for there own financial benefits, even though the running water and the fish within do not belong to them.

Prior to Christmas, a sporting shop's advertising brochure caused a major controversy when it seemed to be advertising to purchase exclusive capture for hunting and fishing rights from land occupiers.

The response of freshwater anglers and hunters, who took umbrage to the written article, was swift and strong. Strong enough to cause the ownership of the franchise and a travel agent, who organized top shelf hunting and fishing and other out door activity tours, to quickly make written apologies and disclaimers.

The company claimed that a serious mistake had been made in the proof reading of the wording in the advertising brochure and it did not sanction exclusive capture of any kind and indeed supported open and free access within [New Zealand](#) to all hunters and fishermen.

Never the less, the response has been so strong against exclusive capture and exclusive access that the [New Zealand Federation](#) of Freshwater Anglers has decided to place a stick in the sand and fight the ever increasing cancer of this insidious capture of some of New Zealand's best [trout fishing](#) waters.

The public nature of fishing and shooting is enshrined in law such as section 23 of the Wildlife Act and Section 26ZN of the Conservation Law Reform Act. Section 23 of

the Wildlife Act states that the sale of game and the sale of shooting rights is prohibited and Subsection (2) states that “No person shall sell or let for fee or reward any right to hunt or kill game on any land or water or any adjoining land”. Section 26ZN of the Conservation Law Reform Act states that “Every person commits an offence against this Act who sells or lets the right to fish in any freshwater”.

One must realize that the majority of guides do not practice exclusive capture and indeed are affected by it. Also many land occupiers treat anglers with respect, as we do them, and allow us on their properties if we follow the Walking Access Commission Code of Conduct.

But as already stated, Exclusive Capture has become a creeping cancer within the [New Zealand](#) Freshwater Angling scene, as many try to take advantage to make profit out of what does not belong to them.

We need the help of all freshwater anglers to stop the spread of this insidious capture of the [New Zealand trout fishing](#) waters. Failure to do so will mean the loss of the best trout fishing waters for future generations of fellow anglers. It is that serious.

[The Federation](#) appeals for the help of all anglers to let us monitor and record wherever this is occurring within New Zealand. We need to know where any angler has been refused access, because of exclusive capture. If we fail to do this we are giving tacit approval to those who would have the fishery shut up for their own gain. We either protect the fishery or lose it. We as a Federation will work with [National Fish and Game](#) New Zealand, and any other body, when and where we deem it necessary.

Exclusive access (that is, charging the ordinary licensed angler for access to a river or lake) is another matter and is covered by recent Walking Access Act. It should be reported to and dealt with by the Walking Access Commission. The NZFFA will also be working closely with the Walking Access Commission to ensure that the purpose of the Act (... to provide free, certain, enduring and practical access to and along rivers..) is achieved.

The Federation of Freshwater Anglers will be setting out in the New Year to battle this ever increasing problem of New Zealand anglers being shut out of trout fishing waters, that belong to all Anglers who purchase a license to fish within New Zealand.

Again I appeal to all anglers, The Federation is prepared to battle for your right to fish free of charge all waters within New Zealand, other than the purchase of a [Fish and Game license](#). (Using a guide if you wish) As already stated, failure to act on this issue, will see the best trout fishing water tied up in the hands of those practicing exclusive capture for personal profit.

The Federation will be in touch with all member clubs detailing how you can best help us fight this issue, once a strategy to battle this ever-increasing issue is formulated.

Jim Hale, President
New Zealand Federation of Freshwater Anglers

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Press Release 4 January 2011

Anglers Declare War on Blocked Trout Fishing Access.

A national trout fishing organisation has come out blazing against profiteering commercial operators buying sole access rights to rivers and thus locking the angling public out.

New Zealand Federation of Freshwater Anglers president Jim Hale of Manawatu said there was a rapid proliferation of the practice.

"It's like an insidious cancer, with access to prime fishing rivers being refused to the angling public", he said. " It is illegal to charge for the right to fish in New Zealand's rivers and lakes".

Known as "exclusive capture" the practice is often initiated by commercial operators who pay a landowner large sums of money for the exclusive right to fish. Usually prime backcountry, wilderness waters with "trophy trout" are involved.

Exclusive capture started about twenty years ago in the high country in the mid-North Island, on rivers such as the Mohaka and upper Rangitikei, has been increasing ever since with the result that rivers in both Islands have been captured by unscrupulous commercial interests.

" It is practiced by those who have captured these trout fishing waters for their own financial profiteering, even though the running water and the fish within them do not belong to them," said Jim Hale.

Mr Hale, himself a farmer, said in most cases the landowner is probably not aware of the legalities. The vast majority of freshwater anglers were respectful of normal property rights and respected stock and property. Normal property rights give the right of any landowner to decline permission to cross private property. However, in these cases access is 'selective' and associated with money or "valuable considerations" changing hands.

"We realize the majority of guides do not practice exclusive capture, are affected by it and oppose it.

However, with New Zealand's trout fishing highly rated by international, national and local trout anglers, a minority of commercial interests were seeking to exploit the public's fisheries for exclusive personal commercial gain.

"This has rapidly developed into situations where such individuals and companies are controlling exclusive access to our publicly owned rivers, lakes and fisheries for personal gain, at the expense of the very angling public who own the resource", he said.

Jim Hale said the public nature of trout fishing in New Zealand had been set in the law books by the early pioneers who liberated trout and wanted to avoid the class system of the UK where the best trout and salmon waters are only available to the minority wealthy upper class, who 'owned' them.

"It's a legacy, a heritage handed down to us. We either protect the fishery or we lose it. We will work with the Minister, Fish and Game New Zealand, and any other body, when and where we deem it necessary to achieve this" he said.

"We realise that some already think of our fisheries as commodities that they have some kind of right to, or which they can lock up for private gain. But we will fight this scourge wherever we find it, with whoever is involved, with all of the determination and resources at our disposal. We owe it to our members and the angling public of New Zealand, to whom the resource belongs, and who this unscrupulous behaviour is ripping off" said Mr Hale.

Ends.

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