



Lower North Island Red Deer Foundation Inc

10th December 2017

To Mike Slater
Deputy Director General
Department of Conservation

From
G George
President, LNIRDF

Dear Mike

Re: Failure of department to meet undertakings made in relation to review of the WARO system.

This letter attempts to address issues in relation to the failure of the department to meet undertakings made to recreational hunters and to the High Court in relation to a wider review of the WARO concession system. It does not seek to address the serious concerns we hold around the fairness and merit of WARO meetings which recently occurred. My colleague Derrick Field has noted those in several recent letters to your staff and we await responses.

As you will be aware the 2015 WARO review outcome saw a range of openings (to WARO) in the lower North Island and we challenged the process and our lock-out from the process. This resulted in a partial review of the Ruahine changes however the other changes were not addressed. We then lodged a challenge with the High court. That judicial review was successful and found that the department had treated recreational hunters unfairly, declared the areas added to the WARO schedule as invalidly added and awarded us costs – which were promptly paid, thanks.

Prior to our successful court action you made a speech to the Wanaka NZDA conference, held in July 2015. In that speech you noted that a wider review of the WARO system would be held before the next standard review of the concessions in 2018. That commitment was restated during the Auckland NZDA conference in 2016.

We thought the intended review was a much needed and positive move by the department (Mike).

During our court action your affidavit to the High court (sworn 27th October 2016) notes both speeches and the commitment to the wider review. Should you wish to review what you stated and attested to it is at the very end of your affidavit and the Wanaka speech is exhibit MS-23.


Your final affidavit paragraph is as follows:

124. I went on to again note that DOC will be undertaking a wider review of the management of wild animal populations to gain a better understanding of how the interests of all groups (recreational hunters, WARO industry and guided hunting groups) could best be accommodated. A copy of my speech at that conference is attached to my affidavit as exhibit "MS-23".

SWORN

at Wellington this 27th day of October 2016

before me:


Nathan Lewis
Deputy Registrar
of the High Court
of Wellington

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Michael John Slater

This wider review was to occur prior to the next WARO review being undertaken. We, the Game Animal Council, NZDA and the High Court all believed that to be the case based upon the statements made.

Then we found out through the recreational hunter networks that the next WARO review is underway. Some NZDA representatives had been invited and some GAC representatives but despite being a group representing 15 hunting clubs and having recently taken DoC to court over this very issue, we were "accidentally" left off the mailing list. That accident was resolved and my colleague Derrick Field attended the first of the meetings in Palmerston North. I was away tahr hunting and could not attend

All recreational hunter representatives thought they were attending a meeting to begin discussions on the wider review and prepared accordingly. Only to find out at the last minute that there was no wider review and that it was a preliminary discussion about a standard concession renewal process. There was a WARO operator only meeting with DoC and then a joint meeting immediately after. I have yet to receive a response to my questioning of the fairness of that.

We were informed there was to be no wider review.

The department made a commitment to a wider review and that is what should happen. How can we or anyone else have any confidence in your department when its word is not honoured. There is an obligation upon all government agencies to act in good faith but it seems DoC does not think it applies to them and that it can bullshit with impunity. A commitment was made to the hunting sector and perhaps more significantly in terms of sanctions, a commitment was made to the High Court.

What we believe should happen:

- The current WARO concessions should be extended for 12 months to allow time for the wider review, however the extended concessions must have the land areas which the court found as invalidly added removed from the schedule of lands available for the activity. To add further access time to lands the court found invalidly opened would potentially show contempt for the court.
- The wider review must occur and fairly involve the interested recreational and commercial parties.

Should you fail to undertake the wider review and continue to bully through on your current path we will seek legal advice as to remedies available to compel the department to meet its undertakings to both hunters and the court.

We had hoped that as a result of the churn brought about by the 2015 WARO review and our court case that the department had turned over a new leaf in its relations with hunters but between the department's efforts to sideline the Ruahine deer plan and ignore hunter requests through the local CMS review and now reneging on the promised wider review it seems that little has changed unfortunately.

We request the following please (to be considered as OIR requests):

- **The minutes/notes from the WARO operator only meetings which have recently occurred.**
- **Any communications notes, emails digital or otherwise regarding the promised WARO review**
- **Any communication, notes, emails digital or otherwise regarding the current permit renewal process**

I note that there are no commercial sensitivity reasons to withhold the minutes – the WARO operators competitors were in the room with them after all. Meeting minutes/notes were published from the 2009 meetings.

We are very disappointed in the department and perhaps it needs to keep in mind Justice France's final few statements in his decision:

[86] Accordingly, I conclude that the appropriate relief is the declaration proposed, and nothing else. I consider this is the correct outcome. Planning will no doubt begin soon for the next WARO round, or for whatever is planned in advance of that. There will be an opportunity then for appropriate input, and hopefully the message from this judgment will be taken on board.

[87] Accordingly, there will be a declaration that the decision fixing the framework for the 2015 WARO round, and in particular that aspect concerning the amendments to the land boundaries in the Parks that are the subject of this judgment, was invalid due to a failure of natural justice.

Yours Sincerely

G N George

G George
President LNIRDF