



Office of Honourable Maggie Barry ONZM

16-A-52

MP for North Shore
Minister for Arts, Culture and Heritage
Minister of Conservation
Minister for Senior Citizens

24 MAY 2016

APPROVED



When the ban use of lead shot in 10 and 12 gauge shotguns near waterways was put in place in 2005, an exemption was made for sub-gauge shotguns because of concerns that the non-availability or high cost of non-toxic shot for sub-gauge guns might prevent youth and women from participating in recreational waterfowl hunting. It seems that the exemption was intended to be for a short time only.

The Minister for the Environment and I have recently received correspondence (copy enclosed) that suggests recreational hunters may be increasingly using sub-gauge guns for hunting waterfowl in order to circumvent the efforts to minimise the use of lead shot in and around waterways. Can you please provide me with any evidence or survey results that might show me what is happening in regard to changes in the use of lead shot in sub-gauge guns for game bird hunting over the past 10 years?

Can you also please advise why lead shot should not be phased out for all waterfowl hunting in New Zealand, given that many other countries are already doing so. I understand you have been planning to revisit the issue in 2017. I would, however, like you to bring this forward, reassess the phasing out of lead shot in all waterfowl hunting and provide me with your advice on this. If there is evidence that alternatives are available and that the lead shot ban can be extended to sub-gauge shotguns used over water, I would welcome any initiative Fish and Game might take to proceed with this.

Yours sincerely

Honourable Maggie Barry ONZM
Minister of Conservation

Encl

16-A-52

RECEIVED
06 MAY 2016
BY: [Signature]



3 May 2016

The Honourable Maggie Barry
Minister of Conservation
Private Bag 18888
Parliament Buildings
WELLINGTON 6160

Refer [Redacted]

USE OF LEAD SHOT NEAR WATERWAYS
OUR REFERENCE: 148022/1

1. We are instructed by [Redacted] He has a deep passion for wildlife and in particular native bird life.
2. [Redacted] That move was supported by the Labour Government and Chris Carter in exchange for a commitment by [Redacted] to use his money and time to restore New Zealand Native wetlands.

Rejuvenated Wetlands

3. Since retirement in 2004 [Redacted] has worked tirelessly and almost exclusively in restoring and enhancing wetlands in the Southland area. In conjunction with Southland Fish and Game Council and the Gamebird Habitat Trust he successfully restored and rejuvenated the Big Lagoon wetland¹. As a result of our client's efforts a QEII covenant has been placed on the Big Lagoon Wetland so as to ensure that the wetland and the wildlife that live there are able to be enjoyed by generations to come.
4. His current project is restoring a wetland in the Waituna area². As you may be aware the Waituna Lagoon area is scientifically known as an Intermittently Open Closed Lake Lagoon (ICOLL) and is a highly sensitive catchment area due to a lot of the lower wetland area being developed into farm land. It is also a Ramsar site, an internationally recognised site of significant biological heritage.

¹ Approximately 60 acres of Wetlands situated at Taramoa
² Approximately 43 acres of Wetlands situated in the Waituna Creek Catchment

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SNM-148022-1-16-V1

5. Environment Southland has said:

Wetlands support the highest proportion of endangered species of any terrestrial habitat on earth and in New Zealand, offer refuge to a high proportion of endangered bird species. They are very sensitive to changes in water availability and land use, and they are extremely vulnerable to the effects of human activity

6. That statement alone highlights the significance of the work our client is doing in regards to rejuvenating wetlands.

Ban on Lead shot

7. In 2005 the use of lead shot was banned in respect of hunting or killing waterfowl within 200 metres of open water with any gun using a 10 or 12 gauge cartridge. The use of non-toxic alternative shot, including steel became compulsory with 10 or 12 gauge cartridge firearms.
8. Lead shot was banned due to its toxicity to wildlife. Lead poisoning in birdlife is caused through the ingestion of spent lead shot used in waterfowl hunting. Lead shot is taken up by wetland birdlife to use as grit in the gizzard to assist with food digestion. Lead due to its malleability is processed more quickly than normal grit and accordingly birdlife have to ingest more.
9. At the time of implementation of the ban it was considered that there was an unavailability of alternative non-toxic shot in other gauges, hence the ban applies to 10 and 12 gauge only.

Availability of alternative non- toxic shot

10. Major shotgun ammunition manufacturers make non-toxic shot in sub gauges as well as in 10 and 12 gauges. New Zealand wholesalers have not moved to supplying non toxic shot for sub-gauge guns simply because lead shot is still legal. Other countries have moved to a complete ban, relying on the availability of non toxic alternatives.
11. For example in Victoria, South Australia and Queensland there is a complete ban on the use of lead shot. Alternative shot such as steel and tin shot has to be used in all gauges. California³ has moved to ban all lead shot for all game hunting by 2019. New Hampshire has gone one step further and on 1 June this year the sale and use of lead fishing sinkers and jigs (weighing one ounce or less) will be banned.
12. In total, some 37 Countries have banned the use of lead shot in the hunting of water fowl. New Zealand, with its promoted clean green image, is lagging behind. Other countries are able to source non toxic shot for all gauges, so too can New Zealand.

³ For all upland and wetlands game hunting

Increase in use of smaller gauged guns

13. Unfortunately the exemption together with the determination of the hunter to use lead shot has led to a significant increase in the use of smaller gauge firearms. Surveys completed suggest a recognisable increase in the use of 20 gauge shotguns in the hunting of waterfowl, thus allowing the ongoing dumping of tonnes of toxic lead shot into New Zealand's wetlands over the last decade.
14. Most survey data is collected by phone survey. Field survey data collected in three regions suggests an underestimate in the reporting of the use of actual sub gauge shotguns and lead ammunition in phone surveys, where a hunter may suspect the answer could result in the loss of the use of 20 gauge lead shot in duck hunting.
15. Southland figures alone suggest a 5% increase in the use of 20 gauge shotguns after the ban on the use of lead shot for 10 and 12 gauge guns, representing some 1500 hunters nationwide.

Harm caused by lead shot

16. What is clear is that birdlife die because of the ingestion of toxic spent lead shot. Spent lead shot is not selective, it effects both gamebird and non gamebird, native birds and non native birds, protected and unprotected birdlife.
17. Lead poisoning in birdlife causes paralysis, isolation, pain and a slow death over a week or two, if not taken by predation.

NZ Position

18. Unfortunately in May 2014 the New Zealand Fish and Game Council in a vote 7:5 resolved to retain the status quo in regards to the exemption of lead shot for sub gauge shotguns with a review of the policy set for 2017.
19. In May 2015 the NZ Fish and Game Council committed a \$55,000 spend in the 2015/16 year to research levels of heavy metal accumulation and ingested lead shot in New Zealand Mallards. Such research is however fraught with difficulties as lead shot in gizzards may breakdown in as little as 20 days. Therefore any % of New Zealand Mallards with ingested pellets is only a reflection of those that have ingested lead shot within the last 20 or so days and is only a reflection of Mallards that have ingested the spent lead shot.
20. Such research and the resulting expenditure would be unnecessary should a complete ban on lead shot be implemented.
21. Compulsory use of non lead shot would also eliminate lead exposure experienced by humans through eating water fowl. Lead does not have a safe level of exposure and as such it is important to prevent all lead exposure.

Conclusion

22. Our client is committed in his resolve to actively work towards gaining support for a total ban on lead shot for game bird hunting as soon as possible.
23. [REDACTED] would welcome the opportunity to meet with you and discuss this environmental matter that he is so passionate and committed to resolving. We look forward to hearing from you as soon as possible in regards to arranging a meeting.

Yours faithfully
PRESTON RUSSELL LAW



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Office of Honourable Maggie Barry ONZM

16-A-52

MP for North Shore
Minister for Arts, Culture and Heritage
Minister of Conservation
Minister for Senior Citizens

24 MAY 2016

APPROVED



When the ban use of lead shot in 10 and 12 gauge shotguns near waterways was put in place in 2005, an exemption was made for sub-gauge shotguns because of concerns that the non-availability or high cost of non-toxic shot for sub-gauge guns might prevent youth and women from participating in recreational waterfowl hunting. It seems that the exemption was intended to be for a short time only.

The Minister for the Environment and I have recently received correspondence (copy enclosed) that suggests recreational hunters may be increasingly using sub-gauge guns for hunting waterfowl in order to circumvent the efforts to minimise the use of lead shot in and around waterways. Can you please provide me with any evidence or survey results that might show me what is happening in regard to changes in the use of lead shot in sub-gauge guns for game bird hunting over the past 10 years?

Can you also please advise why lead shot should not be phased out for all waterfowl hunting in New Zealand, given that many other countries are already doing so. I understand you have been planning to revisit the issue in 2017. I would, however, like you to bring this forward, reassess the phasing out of lead shot in all waterfowl hunting and provide me with your advice on this. If there is evidence that alternatives are available and that the lead shot ban can be extended to sub-gauge shotguns used over water, I would welcome any initiative Fish and Game might take to proceed with this.

Yours sincerely

Honourable Maggie Barry ONZM
Minister of Conservation

Encl



Office of Honourable Maggie Barry ONZM

16 - A - 52

MP for North Shore
Minister for Arts, Culture and Heritage
Minister of Conservation
Minister for Senior Citizens

RECEIVED APPROVED
26 MAY 2016
DEPT. OF CONSERVATION

24 MAY 2016



Thank you for your letters of 3 May 2016 to the Minister for the Environment and me regarding the use of lead shot in sub-gauge shotguns near waterways. I am responding to both your letters.

As you note in your letter, when the ban on the use of lead shot in 10 and 12 gauge shotguns near waterways was put in place in 2005, an exemption was made for sub-gauge shotguns because of the then unavailability of non-toxic shot and concerns that its high cost for sub-gauge guns might prevent youth and women from participating in recreational game bird hunting. I am concerned that you are of the view that the use of sub-gauge guns may be increasing, and would welcome receiving the information that you have to inform this view.

The Department of Conservation has recently been making enquiries with the New Zealand Fish and Game Council as to whether the use of lead shot in sub-gauge guns can still be justified, given the changes in gun and ammunition technology and potential supply of non-toxic shot for sub-gauge shotguns over the last 10 years.

I also intend writing to the New Zealand Fish and Game Council asking whether it considers that hunters are more frequently using sub-gauge guns to get around the prohibition on the use of lead shot in heavier guns. I will also seek the council's analysis in response to a proposition that lead shot should be phased out for all waterfowl hunting as many other countries are doing.

Thank you again for writing to me on this matter.

Yours sincerely

Honourable Maggie Barry ONZM
Minister of Conservation

2779790



RECEIVED
23 NOV 2016
BY: [Signature]

SARAH DOWIE
MP FOR INVERCARGILL
www.sarahdowie.co.nz



11 November 2016

Hon Maggie Barry
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Private Bay 18888
Parliament Buildings
WELLINGTON 6160

RECEIVED
23 NOV 2016
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Conservatic.

Dear Minister

Lead Shot use in New Zealand

Last week [redacted] a constituent from the Invercargill electorate contacted me regarding the matter of lead shot and the effects of lead pellets on wildlife. [redacted] is passionate about the environment and has requested that I contact you outlining his concerns.

[redacted] concerns are;

The National Institute of Water and Atmospheric Research has published an analysis showing that many birds ingest small stones and grit to aid the digestion of food. If lead shot is present in grit it may be ingested accidentally and broken down into lead salts by digestive juices and the grinding action of the gizzard. Lead in this form is highly toxic and can affect the physiological and behavioural functioning of birds and cause death. There is also evidence that lead poisoning may reduce the reproductive output of many other species.

Fish and Game New Zealand (Fish and Game) have reported that the highest incidence of lead poisoning is found in diving ducks, followed by dabbling species such as mallards. Research conducted by the organisation suggested that 30 per cent or more of mallard populations may ingest lead shot each year.

In 2010 and 2011, Massey University released research papers showing that other bird species including native birds such as harrier hawks, New Zealand falcons, kea and takahe are affected by lead toxicity. As you will be aware both New Zealand falcons and kea are endangered species, while the takahe is critically endangered.

Harrier hawks and New Zealand falcons are species of scavenging birds of prey, which feed on dead carcasses and may ingest lead when feeding on lead effected animals. In a study of swamp harriers Massey University researchers observed high levels of lead in 44 per cent of the birds. The researchers comment was;

The source of lead in the harriers in New Zealand is either from ingestion of prey with high tissue levels of lead, such as water fowl, or represents chronic lead toxicity where the original source of the lead has already transited the gastrointestinal tract.

At present, lead shot is banned within 200 meters of a waterway. [REDACTED] believes its presence elsewhere makes it impossible to keep out of the food chain. [REDACTED] states that there are other options such as steel shot, bismuth, tungsten-iron, tungsten-polymers and molysot which can replace lead shot.

I am aware that Fish and Game plan to carry out a review of the use of lead shot in sub-gauge shotguns in 2017 and that you have requested that Fish and Game bring the date of this review forward.

[REDACTED] has invested a considerable amount of his time and finances on the pursuit to ban lead shot in New Zealand. [REDACTED] asks you to consider his position once you receive a response from Fish and Game. If you are able to provide me with any further information that I can deliver to [REDACTED] in regard to lead shot it would be greatly appreciated.

Yours sincerely



Sarah Dowie
Member of Parliament for Invercargill

SMD : BB

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Office of Honourable Maggie Barry ONZM

16-A-146

MP for North Shore
Minister for Arts, Culture and Heritage
Minister of Conservation
Minister for Senior Citizens

Sarah Dowie
MP for Invercargill

Dear Sarah

Thank you for your letter of 11 November 2016 regarding the use of lead shot for hunting waterfowl. I have previously corresponded with your constituent, [REDACTED] on this subject and he has provided me with a substantial amount of very interesting and useful information.

I am currently in discussions with the New Zealand Fish and Game Council regarding the exemption that allows the use of lead shot in sub-gauge shotguns. The council has been discussing the issue with the 12 Fish and Game regions, which manage recreational game hunting on behalf of game licence-holders, and has provided me with advice. My officials are currently considering that advice. I have yet to make any decisions as a result of my enquiries.

You may reassure [REDACTED] that I am continuing to look into this important matter. I hope to be able to write to you again later this year with a further update regarding the use of lead shot for hunting waterfowl.

Yours sincerely

Honourable Maggie Barry ONZM
Minister of Conservation

RECEIVED

21 FEB 2017

Dept. of
Conservation



Office of Honourable Maggie Barry ONZM

MP for North Shore

Minister for Arts, Culture and Heritage

Minister of Conservation

Minister for Senior Citizens

16-A-73

10 AUG 2016

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APPROVED

10 AUG 2016

Dept. of
Conservation



Dear Partners

Thank you for your further letter of 18 July 2016 on the matter of lead shot and the effects of lead pellets on wildlife.

I wrote to the New Zealand Fish and Game Council on 24 May 2016 asking why lead shot should not be phased out for all waterfowl hunting in New Zealand, given that many other countries are already doing so. I also asked for evidence, or survey results, that might show me what is happening in regard to changes in the use of lead shot in sub-gauge guns for game bird hunting over the past 10 years.

I await the council's response. It may, however, need to consult with the 12 regional fish and game councils on this matter before it can provide me with an overall view. This may take some time, as the councils generally meet only once every two months.

Thank you for the information relating to the preliminary findings about high levels of lead in New Zealand mallard ducks. I look forward to learning more about this when the research is complete.

Yours sincerely

Honourable Maggie Barry ONZM
Minister of Conservation

18 July 2016

Office of Honourable
Maggie Barry ONZM
Private Bag 18041
Parliament Buildings
WELLINGTON 6160



LEAD SHOT

OUR REFERENCE: 148022/1

1. Our client was heartened to hear that the Department Of Conservation has recently been making enquires with New Zealand Fish and Game Council (the Council) as to whether or not the use of lead shot in sub gauge guns could still be justified. Likewise, our client was pleased to hear that you would be writing to the Council to enquire as to whether or not the use of sub-gauge guns had increased and also to obtain the Council's analysis in regards to the proposition that lead shot should be phased out completely in waterfowl hunting.
2. We have been advised by the Council that they are having a meeting on 22 July 2016. We understand the issue of the phasing out of lead shot is to be an agenda item at that meeting. Accordingly our client has asked us to enquire as to whether or not you have had the opportunity written to write to the Council in respect to this matter. A letter from you would be timely given that the matter is now on the July meeting agenda.
3. For your information we enclose [REDACTED] submission that he has prepared in respect of the issue of the use of lead shot in water fowl hunting. [REDACTED] submission has been forwarded to the Council for consideration at its meeting. Unfortunately our client's health precludes him from attending the meeting in person.
4. Our client has asked that we also advise you of the concern he holds in respect of a conflict of interest in terms of those who sit on the Council. We have been advised by several persons that we have spoken to in the course of gathering material in respect of this matter that both [REDACTED]

[REDACTED] shoot with lead shot in sub-gauge guns. As you will appreciate this would seem to place [REDACTED] in a conflicted situation.

5. Finally we understand that provisional figures from the research being completed by the Council indicate that 15% of New Zealand Mallards contain lethal doses of lead in their blood. Given that lead shot has been shown to breakdown in the gizzard in 20 days the percentage is shocking.
6. Thank you once again for your consideration of this matter.

Yours faithfully
PRESTON RUSSELL LAW

[REDACTED]

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[REDACTED]

I am petitioning the Ministry and the Council to consider the bullet points I have compiled, to weigh the counter so called justifications, and to make a just and informed national policy decision, involving all bird life in this country.

1. Lead is one of the most toxic elements on earth. Toxic lead can remain viable as a poison for centuries. Toxic lead has proven to be debilitating to humans and has by law been removed from petrol and paint internationally (Refer to N.Z study/Nelson)
2. Birds cannot deny themselves the ingestion of what they believe is grit to live. Humans on the other hand have the capability to adapt to the change and to choose a more humane, and a more just option than the indulgences of the past ten years. It would be most appropriate that Fish and Game Councils representing responsible hunters, not just shooters, lead the way for a sustainable future for hunting with generations yet to come. For if they continue to resist change the public will make changes for them and the vulnerable non-game birds they care about. Let those of us who love this country and its environment with the hunting and fishing it offers unite in speaking for a more just future, not just for our prey, but for all vulnerable bird life.
3. The edge of fresh water wetlands as well as estuaries at low tide, are primary sources of food and grit for dozens of different species of shore birds, some of which, for example the Bar Tailed Godwit are international migrants. New Zealand's own endangered Wrybill is a riverbed grit seeker.
4. It is presumptuous for Fish and Game Councils to make policy affecting all wetland bird life in this country. Policy by Fish and Game Councils should be confined to bird life designated as game species. The Department of Conservation and Regional Councils have responsibility over non-game species. All wetland species are made vulnerable by the current Fish and Game myopic policy allowing the discharge of lead shot onto New Zealand wetlands
5. The Fish and Game Councils claim that non-toxic shot could not be made available in New Zealand ten years ago in sub-gauges was incorrect. In fact it was available worldwide. Its availability in New Zealand depended upon the wholesalers making it available, which they are not inclined to do as long as lead is legal in sub-gauges. If lead shot were finally banned, competition for market share would drive prices on non-toxic shot down.
6. Prey mortality using a shotgun is not just determined by the type of shot fired, but rather the placements of shot by the shooter in a compatible combination of hunter, gun and ammunition. A responsible shooter knows the characteristics and limits of his or her gun, as well as his or her ammunition choice. Cripples are primarily caused by poor shot placement over ranges that exceed the potential of the ammunition of choice.
7. The most just definition of democracy is not just "majority rules" but majority rule with the guaranteed protection of the rights of the minority. That is an underlying principal of the

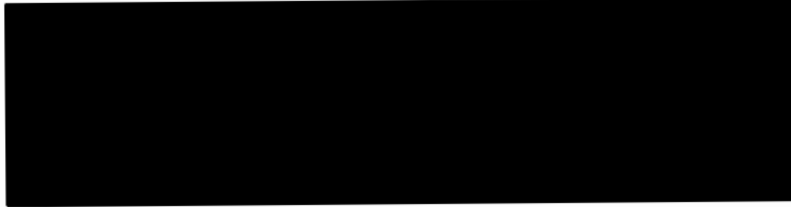
Treaty of Waitangi. Why should a majority of Fish and Game Councils have the last word on a national policy affecting all bird life in this country and even international avian migrants?

8. A keystone of why tourists come to New Zealand is the attractiveness of our environment, especially our bird life. Many tourists come from toxic lead free countries and find our national policy of still allowing toxic shot, ongoing for the past ten years and into the future, beyond environmental comprehension. The authors of "Dirty Dairying" would appear hypocritical with the persistence of their "dirty birding".
9. Native bird life such as the Harrier Hawks, the endangered New Zealand Falcon and Gulls specialize in predating wounded and not fully functioning birds. In so doing they are vulnerable to ingesting the poisoned residue left in tissues of their prey.
10. Our original letter was appropriately directed to the Minister of Conservation because all avian life is vulnerable to ingesting of toxic lead shot as grit: native, non native: game and non-game birds.
11. The greatest environmental concentration of a variety of avian life is on this nation's wetlands and adjacent riparian areas, seasonal and non-seasonal. Into these avian magnet areas we allow the ongoing dumping of toxic lead shot. Toxic lead that can remain viable as a poison for centuries. As a result of research 37 countries have banned lead shot in their wetlands and some are moving to ban it from their uplands (i.e. California).
12. New Zealand Scaup regularly dive in water in excess of 3 metres for grit as do other non-game water birds. Mallard have no difficulty in diving for grit in excess of their body lengths. The edges of fresh water wetlands as well as estuary's at low tide are the primary source of food and grit for dozens of different species of shore birds.
13. For the past decade we have allowed ammunition wholesalers to affect bird life management for us all and we have continued to jeopardise game bird hunting sustainability for generations to come. Many 10 and 12 gauge shooters resent the class system that was imposed 10 years ago by the exception of sub-gauge shooters from the toxic lead shot ban.
14. Those who shoot 20 gauge shotguns need to appreciate their personal preferences effect a conflict of interest and should not be involved in determining a national policy. No one has yet suggested a ban on sub-gauge shotguns in hunting birds. But since non-toxic shot has been available to be brought into New Zealand the question has come to:

Should a shooter's personal preference be allowed to continue in determining a nationwide policy which places all wetland bird species in harms way?

Should that personal, emotive choice, regardless of how high up it's held, overrule the ethical, moral and scientific data?

15. As a hunter who has depended on bird hunting for physical and spiritual sustenance and as a grandfather who would like to see this tradition survive in the future, I believe that Fish and Game, of all the powers that be, should be proactive in this decision. After 10 years of continuing to poison our wetlands, enough is enough. Hopefully we will resolve the issue before the court of public opinion takes the decision away from the hunting fraternity.



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