

Meeting of the
New Zealand Fish and Game Council
Brinkley Resort, Methven, Canterbury
Friday 21 & Sunday 23 March 2014
Commencing at 12.45 pm Friday

INTRODUCTION

Present

Colin Sherrard, Lindsay Lyons, Murray Boaler, Alan Flynn, Andrew Morris, Paul Dixon-Didier, Jean Willis, Peter Robinson, Matthew Hall, Dave Witherow and Paul Stenning.

In Attendance

Bryce Johnson (Chief Executive), Robert Sowman (Policy & Planning Manager), Alison Lyall (Finance & Administration Manager), Hamish Carnachan (Communications Manager).

Andrew Currie (South Island Communication Adviser) joined the meeting at 3.00 pm on Friday.

Welcome

The Chairman welcomed everyone, with a special welcome to Murray Boaler from Hawke's Bay Fish and Game Council standing in as an observer for Hawke's Bay. It was explained to Murray that he was welcome to participate in discussion but had no voting rights at the meeting.

1 Apologies

Chris Lynch, Aaron Wakeford and the DG Conservation's representative.

Resolved (Paul Stenning/Andrew Morris)

That the apologies from Chris Lynch, Aaron Wakeford and the DG Conservation's representative be accepted.

A discussion arose over the absence of a DG representative at recent meetings. It was agreed the CE is to approach the DG of Conservation to discuss a more effective liaison between the Department and Fish and Game in light of the DG's statutory relationship with the Council.

2 Identification of other Urgent Business

One item was raised for consideration under urgent business. Council was reminded that no resolutions can be made under this item and it should be referred to the next meeting if it is to be acted upon:

- Nelson/Marlborough Lee Valley dam proposal and governance involvement of Fish and Game staff.

The Agenda order was agreed with strategic discussion and the draft Business Plan items to be held until after the field trip.

3 Annual Agenda/Conflicts of Interest Register

Two items are listed for the March meeting – Business Plan and Governance Policy Review. Council discussed how best to review policies, identifying the range of policy - governance, finance and wider operational policy. How this is to be achieved was the subject for further discussion under a future strategic planning session. It was agreed that if time permitted it may form part of the strategic discussion later in this meeting.

The Chairman asked for any conflicts of interest with any agenda items for discussion at this meeting. Peter Robinson identified the Youth Programme as a subject he had a role in and wished to record a potential conflict of interest with this item.

It was noted that the Auditor's 2012/13 report has identified the need to maintain a register that is updated after every meeting and is retained as a running record.

It was agreed that the NZ Council office is to confirm what is wanted from the Auditor and to implement it accordingly.

4 Consent Agenda

The meeting considered agenda items listed within this Consent Agenda on an item, page by page, basis and made resolutions on each.

a. Minutes of the NZ Council meeting held in Wellington, November 2013.

Matthew Hall's name has been omitted from the record of those present at the November meeting and needs to be corrected in the final minutes.

Resolved (Paul Dixon-Didier/Andrew Morris)

That with the one addition of Matthew Hall to those present the minutes be a true and correct record of the November 2013 meeting.

b. Matters arising from the public included meeting minutes

The Chairman thanked Council members for their support in the form of comments on a 'get well card' he had received for his recovery from a recent set-back in health.

The need for the NZ Council to meet with the Minister of Conservation was further endorsed and discussed with it being agreed that a formal request by letter be made. The Chairman, one other councillor and two staff should attend.

Agreed that the CE is to write to the Minister to request such a meeting.

Discussion occurred on the Ruataniwha dam consents and its latest status. An update was provided by Murray Boaler and the CE with it being noted that the decision from the Board of Inquiry is due 13 April.

Regarding the planned financial review Matthew Hall explained he had not had the time to devote to this item but expects to be able to draft suitable Terms of Reference in the coming weeks, noting that the questionnaire he had previously submitted to the NZC would comprise the first action and provide useful information for the remainder of the review.

In relation to the Rakaia WCO it was noted that there are outstanding matters with TrustPower that are still to be settled, namely a special Trust for the enhancement of the Rakaia River. It was noted that this was a matter to raise during the field trip the following day (and followed up again if necessary).

Regarding the adoption of a new F&G election day for early-to-mid October of the third year (2015) it was noted that this needs to be raised with managers for a recommendation that can be conveyed to regional councils.

c. Review of accumulated action from previous meetings

Dave Witherow asked what progress had been made on the national office structural review, with the chairman deferring the matter to his Chairman's Report later in the meeting. Regarding the development of weighted criteria for staffing levels the CE stated that he and managers were still struggling with the appropriate methodology for determining this.

It was agreed that the CE accord urgency to the establishment of a working party to investigate and create policy for national staff salary pay scales across regions.

d. Operational Report

It was agreed that the CE investigate the cultural assessment procedure presented to the Ashburton-Hinds Zone Committee describing the cultural values of freshwater streams, with a view to it being developed for Fish and Game values.

Discussion led to a wish from councillors for more regular updates from the NZ Council office between meetings and how this might best be managed.

Council also sought more feedback on what the North and South Island Communications coordinators are doing. The Communications Manager agreed to revert to listing activity in the form provided previously.

Resolved (Paul Dixon-Didier/Paul Stenning)

That the Operational Report for March 2014 be received

e. National licence sales report

Questions of clarification were raised and explanations provided on some data and the manner in which it is presented.

Resolved (Colin Sherrard/Paul Didier-Dixon)

That the licence sales YTD table be received for information

f. RM/Legal Update Report

It was noted that the process for legal update reporting needs to be strengthened with the regional manager of the region being responsible for all reporting to the NZC and accountable for case management and expenditure within budget. It was also noted that it is important to make it clear it is not NZ Council overspending the legal fund but rather regions putting projects forward for support and then seeking reimbursement of all subsequent costs.

Resolved (Lindsay Lyons/Paul Stenning)

That the legal update report for March 2014 be received.

g. Research Update Report

A question was raised about the potential overlap of the Attributes of River Fisheries project and the NAS and why both sets of information could not be collected at the same time to save money. It was agreed that Maurice Rodway be asked to clarify this matter.

It was noted that F&G needs to fully understand the significance of, or be seeking a definitive answer to, the implications of nitrate in water.

Resolved (Alan Flynn/Colin Sherrard)

That the Fish & Game New Zealand Research programme update for March 2014 be received.

5 NZ Council Bi-Monthly Financial Report

Some councillors expressed concern over how to fully understand and appreciate the financial reports. It was agreed a session to better explain the layout and key sections of the report should be provided at the May meeting.

It was noted the planned financial review will look into more conventional financial reporting across the organisation.

Resolved (Paul Dixon-Didier/Peter Robinson)

That the NZ Council Financial Report to 28 February 2014 be adopted.

6 National Finance Report

No substantive discussion on this item.

Resolved (Andrew Morris/Alan Flynn):

That the National Financial Report to 28 February 2014 be received

7 Specific Proposals for Capital Expenditure

There were no proposals for capital expenditure to be considered at this meeting.

Resolved (Paul Stenning/Matthew Hall)

That the Specific Proposals for Capital Expenditure report be received.

8 Auditor's Report 2012/13

RESOLUTION TO EXCLUDE THE PUBLIC

Section 48, Local Government Official Information and Meetings Act 1987.

Time: 4.43 pm.

Resolved (Jean Willis/Lyndsay Lyons)

That the public be excluded from the following parts of the proceedings of this meeting, namely item 8. Auditors Key Issues Memorandum Report 2012/13 (and that staff be permitted to remain in the room for the consideration of these items).

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

GENERAL SUBJECT OF EACH MATTER TO BE CONSIDERED	REASON FOR PASSING THIS RESOLUTION IN RELATION TO EACH MATTER	GROUND(S) UNDER SECTION 48(1) FOR THE PASSING OF THIS RESOLUTION
Consideration of independent external advice		

This resolution is made in reliance on Section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 9 of the Official Information Act 1982 which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public are as follows:

ITEM	REASON UNDER THE OFFICIAL INFORMATION ACT 1982	SECTION	PLAIN ENGLISH REASON	WHEN REPORT CAN BE RELEASED
	Protect information which is subject to an obligation of confidence ... where the making available of the information would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied	Sec 9(2)(ba)(i)	Disclosing the information would jeopardise the relationship with the supplier because the supplier may no longer trust the Council to hold its information in confidence.	Not unless there is a public interest in disclosure of the specific information.

Note

Section 48(4) of the Local Government Official Information and Meetings Act 1987 provides as follows:
“(4) Every resolution to exclude the public shall be put at a time when the meeting is open to the public, and the text of that resolution (or copies thereof):

- (a) Shall be available to any member of the public who is present; and
- (b) Shall form part of the minutes of the Council.”

Time: 4.53 pm

Resolved (Jean Willis/Dave Witherow)

That the open meeting of the New Zealand Fish and Game Council resumes.

Resolved (Andrew Morris/Paul Stenning)

That the Auditor’s 2012/13 Key Issues Memorandum be received and that the responses to these issues provided for this meeting be accepted.

9 Phasing out paper licences

There was general acceptance that time had overtaken the need to continue to provide paper licence books.

Resolved (Paul Stenning/Dave Witherow)

That the NZ Council consult with regional Fish & Game Councils on the proposed phase out of paper licences by a specified date and a strategy confirmed at the September 2014 NZ Council meeting.

10 New Licence Categories and Pricing

The report by Ian Hadland (project coordinator) and the Policy and Planning Manager resulted in discussion on some of the options and points raised by regions.

Resolved: (Lindsay Lyons/Paul Stenning)

That the NZ Council:

- 1. Determine the conditions and phasing for new licence categories**
- 2. Note that implementation expenditure for a 2014 fishing season introduction will need to be found within this financial year’s budgets**

3. Agree to circulate its determination on categories to regions for consultation during April 2014 with feedback reported back to NZ Council for final endorsement in May 2014.

Resolved (Paul Stenning/Andrew Morris)

That the conditions for the new licence categories will be those as described in the paper provided for this meeting.

11 Raising and Releasing Mallard Ducks

Following a spirited debate with no clear consensus on the issue it was agreed the paper from Eastern Fish and Game Council be received with Councillor Lyons to encourage Eastern to deal with the matter within their region as they think fit.

Friday 21 March session ended at 5.30pm

The Sunday 23 March session started at 8.35 am

The same attendees for Friday were present for the start of the meeting (8.35am) on Sunday. Jay Graybill (Chief Executive, Central South Island Fish and Game Council) joined the meeting at 8.45am.

The meeting began with a presentation by Andrew Currie of recent videos he had produced on "Hooked on Fishing" and shotgun patterning. Council acknowledged the usefulness of presentation ready forage and recorded its commendation for Andrew's work.

12 Saturday Field Trip

A general discussion was held on the value and success of the field trip to the upper Rakaia organised by North Canterbury Fish and Game Council on Saturday (22 March) to see high country intensification and regulation shortfalls. This discussion led into the session on strategic direction and the lead up to the General Election.

13 Strategic Direction

Initial discussion reflected on what had been observed in the upper Rakaia and in particular around the impact on small streams of agricultural intensification encroaching into previously marginal areas.

Discussion also occurred on the need for Fish & Game to defend and actively promote the full spectrum of fisheries from 'entry level'/mass fishing opportunities through to wilderness fisheries.

It was also noted that with two thirds of the population living in the upper half of the North Island increased public awareness into this area was important to best ensure the wider population realise what is happening to water quality and wild places. In this regard the chairman noted that a 'prosperous New Zealand' also had to ensure rivers remained 'swimmable, fishable and safe for food gathering', with it being noted that the environmental law enforcement by the responsible agencies was lacking and was resulting in the task falling to organisations like Fish & Game.

It was accepted that many of the points were recurring ones identified in previous workshops. It is proposed that this record will contribute towards an agenda for the meeting of regional Chairmen and the New Zealand Council.

Andrew Currie left the meeting at this point.

14 Draft 2014/15 Business Plan

The Chairman presented a paper identifying four priority areas worthy of consideration for inclusion in the 2014/15 business plan. It was agreed that priority areas 1-3 require further work to show implications and scope of intent. This would be done for consideration at the next meeting in May 2014.

A legal opinion from Sir Geoffrey Palmer in response to the Council's earlier wish to better understand its statutory coordination and audit role was considered within this discussion with one councillor expressing concern that it amounted to centralisation, would be unacceptable to his region and constituted an attempt to smuggle in leadership.

Resolved (Matthew Hall/Paul Dixon-Didier)

That the legal opinion from Sir Geoffrey Palmer on the New Zealand Fish and Game Council's coordination and audit role be received and accepted.

Dave Witherow and Colin Sherrard asked for their names to be recorded opposing the resolution.

Resolved (Andrew Morris/Lindsay Lyons)

That the NZ Council

- 1. Note the proposed highlighted changes to the 2014/15 NZ Council Business Plan as presented in this agenda**
- 2. Note that the Chairman's report including priority areas 1-3 be scoped and included in the Plan**
- 3. Agree to consider a draft of the full Business Plan in May for final approval at the July NZ Council meeting once licence fees have been approved.**

The Chairman abstained from voting due to any perceived conflict of interest associated with the priority issue to do with the youth programme.

It was agreed that prior to the meeting of Managers on 28 April, a draft 2014/15 Business Plan be circulated to NZ councillors for their opinion and level of support of any new tasks, and a telephone conference held if deemed necessary by the chairman and CE.

15 Hunting of Waterfowl on Upland Game Properties

Lindsay Lyons sought clarification of the NZ Council stance on allowing the owners of pheasant preserves (Upland Game properties with special conditions) to privately hunt ducks on their own pheasant preserves during the hunting season, but not during days of any organised commercial pheasant hunts. Mr Lyons explained that he felt this would be a small concession to make for these land owners, in recognition of the benefits that accrue to ordinary game bird hunters from the routine escape of preserve upland game to adjoining areas where these birds become more available to these hunters.

While it was explained that current National Policy on this matter only refers to 'guidelines' there was little support within the NZ Council for this proposal, given the original understandings under which upland game preserves had first been authorized.

Resolved (Dave Witherow/Paul Stenning)

That Fish & Game New Zealand does not allow hunting of waterfowl on upland game properties with special conditions.

Lindsay Lyons asked that his name be recorded opposing the resolution.

16 Proposed Meeting with Regional Chairmen

The current proposal is to have a NZC/Regional Chairs and Managers Forum attached to the NZ Council in May 2014. An alternative suggestion put to the meeting was to delay the Forum until after the early General Election so that the possible implications for F&G interests of a new Government could be considered. Alternatively, a meeting prior to the Election would provide an opportunity to promote Fish and Game interests to political parties.

The Council agreed to hold the event in May following the NZ Council meeting – Saturday 24 May for the NZ Council meeting and the joint meeting with regional chairman and managers to be held on Sunday 25 May.

17 Specific Correspondence to the Chairman considered

One specific letter was received.

17.1 Steel Shot & Mallard Demise – Mr Neil Hayes

Following general discussion it was agreed that the letter be received and that a reply be prepared pointing out that the attached article from Mr Hayes from the UK Countryside Alliance focuses on upland game hunting, not waterfowl over water. Mr Hayes is also incorrect in that Auckland/Waikato Fish and Game Council is not actively promoting the captive breeding of mallards although it will help where appropriate if asked. Mr Hayes is to be invited again to attend a NZ Council meeting to discuss his views.

Resolved (Dave Witherow/Lindsay Lyons)

NZ Council agreed that the letter from Neil Hayes be received and that a reply be prepared

18 Urgent Business

18.1 Lee Valley dam proposal

The Nelson/Marlborough FGC appointee explained their Manager has been approached to accept appointment to the governance body of a local water Trust promoting a water storage and river flow augmentation scheme. With no Fish and Game policy guideline on such potential conflicts of interest between the advocacy role for Fish and Game interests and being a Director on the Trust of a proposed water scheme, it was also noted that in this particular case the Nelson/Marlborough Manager is also engaged in national RMA advocacy on behalf of the wider organisation.

While the NZ Council governance policy has relevant policy for councillors, but not for staff, it was noted that individual employment contracts usually have a clause covering such external activities. It was also noted that the N/MFGC had considered that matter in detail and was happy with what was being sought in this particular case, having identified a number of conditions that in its view adequately covered this situation.

It was proposed that any permission should have a sunset clause for review/renewal at regular intervals.

The CE was asked to obtain an appropriate clause on the matter for other business or employment activity outside of Fish and Game that can be recommended to regions for inclusion in employment contracts.

19.1 Chairman's Report

The Chairman provided an overview of his activity since the last meeting. This included: Canterbury Water Management Strategy and Water Plan and meetings with Environment Canterbury, and dealings with licence holders over the sub gauge lead exemption.

Regarding the activities of the CE Remuneration Committee the Chairman stated while a new position description had been settled progress had been slower on KPIs and other employment related matters. Dave Witherow expressed his dissatisfaction with progress, recalling the earlier Council resolution that conclusion of the CE's performance appraisal was to be achieved before any further consideration of a national office structural review, which he was keen to see progressed.

The Chairman explained that he was awaiting advice on the KPI issue in response to feedback from the CE who then commented that a letter on his behalf to the NZC covering a number of significant employment and performance related matters was awaiting Council attention. It was agreed that a written report be provided by the Remuneration Committee for the May meeting.

19.2 Portfolio Reports

The list of portfolios is as follows.

- i Access (Lindsay Lyons)
- ii Complaints (Paul Dixon-Didier)
- iii Finance (Matthew Hall)
- iv Game Birds (Paul Stenning & Andrew Morris)
- v Health & Safety (Paul Dixon-Didier)
- vi Land Occupier Privilege (Paul Stenning & Andrew Morris)
- vii Licences (Jean Willis & Dave Witherow)
- viii Policy (Chris Lynch)
- ix Public Relations (Lindsay Lyons)
- x Research (Jean Willis)

Not all portfolios are reported on at each meeting. For March 2014 Paul Dixon-Didier spoke to his portfolio topic (Health & Safety).

Other matters raised were to do with alternative funding options. Dave Witherow spoke about the current status of Save NZ Rivers Trust and whether the NZ Council could assist with its launch. The Council is to write to Chris Clenshaw to offer assistance. Matthew Hall proposed that a road-block for some mitigation to agricultural development is money and that other funding sources should be considered.

In closing the meeting, the Chairman spoke of his preference to devote his time to the youth programme and announced his resignation as Chairman of the New Zealand Council.

It was agreed the Chairman would provide a formal letter of resignation following receipt of which the CE would initiate a process to appoint a new chairperson.

There being no further business, the Chairman declared the meeting closed at 2.05 pm Sunday 23 March 2014.

Confirmed: _____

Date: ____/____/2014