

Meeting of the
New Zealand Fish and Game Council
Brentwood Hotel, Wellington
Friday 24 July 2015
Commencing 9.30 am

PRESENT

NZ Councillors (in geographical appointee order)

Chris Lynch, Colin Sherrard, Lindsay Lyons (Chairman), Graeme Jobey, Alan Flynn, Andrew Morris, Paul Dixon-Didier, Jean Willis, Matthew Hall, Dave Witherow and Paul Stenning.

In Attendance

Bryce Johnson Chief Executive, Alison Lyall Finance & Administration Manager, Don Rood Communications Manager, Robert Sowman Policy & Planning Manager.

Participation

John Forbes (Chairman), Mark Neeson (CEO) and Ric Cullinane (Operations Manager), NZ Walking Access Commission (11.00 – 12.00 pm)

Lou Sanson, Director General of Department of Conservation (3.00 – 3.35 pm)

INTRODUCTION

1 Welcome

The Chairman extended a welcome to all and thanked them for their attendance. He advised the Council that at 11.30am John Forbes, Mark Neeson and Ric Cullinane from the NZ Walking Access Commission will attend to meet with the Council. Lou Sanson, the DG of Conservation will attend at 3.00 pm.

The Council will go into a public excluded session at 1.15 pm.

To give sufficient time for other items in this one-day meeting, the usual environmental scan undertaken at the start of each meeting will be held over.

2 Apologies

No apologies required

3 Identification of Other Urgent Business and Agreement on Agenda Order

No changes were identified as necessary to the agenda order and no other urgent business proposed.

4 Annual Agenda

July annual items include confirmation of the licence fee recommendations from the telephone conference held on 17 June 2015, sign-off on the NZ Council's 2015/16 Business Plan and the setting of the Chief Executive's performance plan. All but the latter are scheduled to be discussed in this meeting.

5 Conflicts of Interest Register

The conflict of interest register was made available with councillors asked to identify those topics to be discussed at this meeting where they perceive a potential conflict may arise and record these during the meeting.

Before proceeding further with the agenda it was announced that Chris Clenshaw will be stepping down from the Save NZ Rivers Trust and is seeking a replacement trustee. The New Zealand Council is invited to submit any names.

5 Confirmation of Minutes from Previous Meeting

Nothing was identified in the minutes requiring further discussion.

Resolved: (Matthew Hall/Paul Dixon-Didier)

That the minutes of the New Zealand Fish and Game Council meeting of 22 May 2015 be confirmed as a true and correct record.

6 Matters Arising from Minutes

No matters arising from the previous public excluded minutes were noted

7 Confirmation of Notes from Telephone Conference of 17 June 2015

A telephone conference call is held each June to consider feedback from Fish and Game regional councils on consultation with them on the proposed new licence fees. This is to provide a NZ Council recommendation that can be incorporated into the licence fee submission to the Minister and allow for consideration of new fish licence fee data to be approved in advance of the new financial year.

Resolved (Matthew Hall/Colin Sherrard)

That the notes from the telephone conference of 17 June 2015 be confirmed as a true and correct record and the recommendation recorded below be adopted as a Council resolution.

That following consultation with regional Fish and Game Councils and support for the proposal, the New Zealand Council seeks approval from the Minister of Conservation for the 2015/16 sports fish licence to be based on an adult whole season fee of \$124 and the game licence to be based on an adult whole season licence fee of \$90 plus \$2 for the Game Bird Habitat (GST inclusive).

9 Review of Accumulative Action List from Previous Meetings

Several points were clarified with discussion resulting on some but no recommended action recorded.

10 National Licence Sales Update

Points were clarified, with the incorrect addition of a \$ sign noted in paragraph 3 of the covering memo, but no action recommended.

Resolved (Paul Stenning/Graeme Jobey)

That the July 2015 licence sales report be received.

11. Research Projects Update

The research update report included a request for NZ Council consideration on the purchase of equipment for the Citizen Science project – Operation Duck Pond. NZ Council discussed and supports the Operation Duck Pond use of trail cameras within the existing budget.

Resolved (Chris Lynch/Jean Willis)

That the Operation Duck Pond's project proposal to use \$5,000 to purchase trail cameras be approved within the existing budget.

A question was raised about the research budget and overspending. Staff explained several projects do not have expenditure in any one year and that expenditure across years tends to even the amount out to approximate what has been budgeted each year.

Expenditure on levels of heavy metal accumulation was also raised and discussed with general acceptance of this work.

12 RM/Legal Update Report

Discussion occurred on the future of Hawke's Bay's Ruataniwha Dam proposal and how buy-in to the scheme still remains uncertain. Proponents of the proposal are now saying they can "live with" the successful outcome Fish and Game achieved. This is contrary to these same proponents arguing against the submissions made throughout the case by Fish and Game and others opposing the consequential effects the original proposal would have on water quality.

It was agreed Fish and Game is going to have to be vigilant in defending what successes it has had in past environmental cases. Time needs to be allocated to further discussion of this point and how Fish and Game should approach future resource management proposals within this context.

It was accepted that it would be useful to have an explanation of Fish and Game's decision to not proceed with the Selwyn Waihora plan change. Information on the details of the Forest & Bird case would also be helpful to understand what can be learnt from this as well. The CE agreed to seek further details and report back to the Council.

The NZ Council was advised the Ngaruroro Water Conservation Order, previously supported by the Council, is close to being submitted. It was agreed that in future, the project manager for this and all legal cases needs to be someone within Fish and Game to ensure internal accountability and responsibility.

Resolved: (Andrew Morris/Alan Flynn)

That the July 2015 RM/Legal update report be received.

13 Report on Financial Review

Mathew Hall reported on the Committee's meeting in Christchurch. He thanked the NZ Council for making this meeting possible. Good progress was made and Carmel Veitch has already prepared templates and shared these with the Office of the Auditor General.

Discussion then focused on legal funding and the best way this should be dealt with. There is already policy on how this is to occur, but further work is needed to make this more robust and fair. It should also require greater cost benefit analysis reporting from the region seeking the financial support to position any proposed action in context with other cases and anticipated activities.

A proposed September workshop will cover broad issues on how Fish and Game handles reserves and expenditure and the options available (see recommendation 3 below).

Resolved: (Andrew Morris/Chris Lynch)

- 1 That Council recommends to the Chief Executive Officer that time be allocated in the agenda of the next meeting of regional managers so that:**
 - i. Carmel Veitch can report on the progress that is being made in meeting XRB standards and to advise of any assistance required.**

- ii. **Items relating to financial management as outlined in this report and as advised by the Financial Review Committee can be discussed and progressed by managers.**
2. **That the Financial Review Committee be authorised to draft up national policy on the funding and management of legal expenditure in matters pertaining to the Resource Management Act and separately to the use of the research fund with the requirement that they report their recommendations to the New Zealand Council.**
 3. **That Council agree to hold a workshop at its September meeting that will look at Fish and Game funding and funding options and also funds management including the management of reserves.**

14. NZ Council Business Plan

The Business Plan represents NZ Council's operational work plan for 2015/16, including three contestable fund projects.

Resolved: (Paul Stenning/Paul Dixon-Didier)

That the NZ Council

1. **Note that the Business Plan has two sets of projects and budgets – NZ Council and National Projects**
2. **Agree now that the 2015/16 licence fees have been approved by the Minister, this plan be adopted as the final plan for inclusion into the NZ Council blue meeting folder.**

At this point with time limited before the arrival of the Walking Access Commission guests, it was agreed to move ahead in the agenda and consider an item that might be dealt with in the time available.

15. NZ Council Bi-Monthly Financial Report No 5

Cost efficiencies through All of Government purchases offers significant savings and should be promoted across all councils.

It was expressed that the spreadsheet on the legal fund contained some possible omissions. For example, the Index of Natural Character project is not listed as an approved project. It was also accepted that this is not a legal case but belongs in the research update. The middle column of the legal fund table also required updating. Once, updated the table will be re-circulated.

Resolved: (Paul Stenning/Chris Lynch)

That the Financial Report to 30th June 2015 be accepted.

NZ Walking Access Commission

John Forbes (Chairman), Mark Neeson (Chief Executive) and Ric Cullinane (Operations Manager) met with the NZ Council at 11.30 am on Friday. Following introductions John Forbes (also Mayor of Opotiki District Council) began with an overview of that the Walking Access Commission (WAC) does. Rather than act as a leader on access, the WAC has tried to be the facilitator. The belief is that if local government does its job really well it makes the Commission's job that much easier. Changing culture and attitudes are not easy.

The WAC sees it having complementary roles with the likes of Fish and Game and Federated Farmers.

The WAC's budget is not large (equivalent to that of just one of the larger Fish & Game Councils), meaning with the resources available it must work collaboratively with others. It is mindful of not breaking relationships or creating "push-back". Hence its emphasis is on the mapping system and getting information out to the public. The WAC budget does not provide the luxury of legal challenges.

Examples of unresolved cases were highlighted by NZ Council which had been set out in a letter to the Commission. Approaches to these were discussed with the difference in opinion being whether the WAC should act more forcefully requiring responsible parties to act, or with the objective of maintaining relationships and working in a complimentary way. However, the WAC Chairman pointed out that the Commission is now up to 2,800 resolved cases. The ones remaining unresolved need to be kept in perspective.

Suggestions associated with putting farm owners or occupiers name and contact on the mapping system was discussed. The WAC initially set out to attempt this but soon realised privacy issues and ability to retain a reliable and accurate system meant this idea was not capable of being progressed with the resources available within the Commission.

It was noted the Overseas Investment Office (OIO) process often misses interests of both WAC and F&G in setting conditions of consents. This often results in neither agency having a formal process with OIO. It is something that both WAC and NZC agreed they should develop (a point also raised in notes on discussion with the Director-General of Conservation below).

An ongoing meeting of CEOs and an annual meeting with respective Chairs would be a way to promote and improve a working relationship between WAC and NZ Council.

The current Health & Safety proposed legislative changes are a topic of mutual interest. Agreed that both WAC, and F&G need to work with Work Safe and Federated Farmers to develop a fact sheet and further media coverage on recreational access.

12.30 – 1.15 pm Lunch break. WAC guests joined NZ Council for lunch.

16 Resolution to Exclude the Public

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

Time: 1.15 pm Friday.

Resolved (Colin Sherrard/Andrew Morris)

That the public (including staff) be excluded from the following parts of the proceedings of this meeting, to discuss:

- a. Executive Committee report**
- b. Council performance self-appraisal**
- c. Allegations raised about a regional fish and game council**
- d. Staff expenses**

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
Information provided in confidence	Good reason to withhold exists under section 9 of the Official Information Act 1982	Section 48(1)(a)(ii)

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 the privacy of natural persons.	Sec. 9(2)(a)	Information provided identifies a particular person or can easily be connected with a particular person.	Once the person to whom the information relates consents to its disclosure.
	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: 2.25 pm.

Resolved (Colin Sherrard/Paul Stenning)

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

14 Operational Report

The bi-monthly operational report was considered with questions raised mainly for information.

Project 1140 Commercial users of the sports fish and game resource

The Otago appointee signalled a proposal from within Otago is to establish a salmon fish-out pond under the guise of it being a salmon farm. Otago Fish and Game Council questioned whether this is something Fish and Game should oppose, and this was agreed in principle. The legal intent is important in this situation. It has implications for other regions, especially for Central South Island.

Project 1210: Habitat Advocacy General

The CE explained that Fish and Game is an ‘active observer’ and not a full member of the Land and Water Forum as Fish and Game must not become captured by the compromise based process of the Forum. While Fish and Game will continue to attend and express a Fish and Game viewpoint at these meetings, it is inappropriate for Fish and Game’s statutory role to be fettered by a non-statutory participation protocol developed by the Forum chairman, particularly as competing interests for the

finite natural resources that underpin fish and game habitat are seeking to increase their take through the LWF process.

Project 1340: National Magazine

The change of the guard with the editors of the Fish & Game magazine offers an opportunity to influence future layout, use of colour etc. The prospect of seeing a cross-section of articles rather than what one Councillor described as predominantly fly-fishing is to be encouraged. However, it is recognised that Fish & Game only has “ownership” over the two special editions with the other four editions being “commercial” under the banner of Fairfax Media.

Project 1440: Youth Programme

Concern was raised about the project described under this item. It was pointed out that current activity was approved for the 2014/15 financial year. The intention is to record the scale of what is happening around the regions and report back on this before the financial year ends.

Project 1510: Ranger Co-ordination

The CE reported on his discussion with Work Safe about Health & Safety issues and the introduction of new legislation, particularly as it may impact on honorary rangers and his role in their appointment and issuing of warrants. This suggests that current training provision will be a critical part of satisfying the H&S provisions. Further clarification will be possible once proposals become law.

Resolved: (Jean Willis/Andrew Morris)

That the Operational Report for July 2015 be received.

Director-General of Conservation

3.08pm Lou Sanson the Director General of Conservation arrived at the meeting. After introductions he provided an outline of points central to his activity in recent times:

- The Department is now getting clear lines of responsibilities back with operations directors and managers and realigning some DOC boundaries (Central North Island and Nelson/West Coast). The Partnerships component will be much smaller.
- The Department’s new strategy has been released and includes 50 (up from 10) freshwater projects. Iwi relations are going to be important in this operational area over freshwater management.
- The new CE of the Ministry for the Environment is Vicky Robinson. She has agreed to work with Lou on water quality. Fish and Game would like to participate in any efforts on water quality.
- There is ongoing effort into controlling pests. The emphasis will be on looking at how to stop recolonisation of areas cleared of pests. Pest free Mt Taranaki continues to be an important project for DOC.

The subject of permits being issued to release mallard into the wild without consultation with Fish and Game was raised. The DG asked that a letter be written to him outlining the issues.

The retirement of the Director Services Northern North Island was mentioned and his contribution to Fish and Game was lauded.

The Conservation Infringement Fine System as submitted to Cabinet by the Minister was explained. This is being introduced with the proposal at introduction not including Fish and Game. However, Fish and Game is to be considered after the first year of the legislation. It was recommended that Fish

& Game present its case to the Select Committee considering this Bill for immediate inclusion in the new legislation.

The subject of a guide licence remains open, provided Fish and Game refresh the policy, we should submit our request to the Minister.

The subject of Tūwharetoa and trout at the National Trout Centre was discussed, with the CE updating Lou and the Council on his and the Eastern manager's involvement to date.

Brent Devon from DOC starts at the Minister's office this week. He will work with Paul Jansen.

Lou explained that DoC also has common concerns with Fish & Game regarding consultation on Overseas Investment Office procedures involving 'sensitive lands'. DOC wants to become more involved in this area. It was explained that in earlier discussions with the Walking Access Commission that there was a common position in wanting to improve relationships with the OIO. It was agreed the three groups should put a common approach to OIO for involvement on conservation and public access matters.

21. Fish & Game NZ Finance Report

No discussion points raised.

Resolved: (Chris Lynch/Andrew Morris)

That the National Financial Report to 30th June 2015 be received.

22. Specific proposals for Capital Expenditure

There were no proposals for capital expenditure and hence no discussion.

Resolved: (Paul Stenning/Paul Dixon-Didier)

That the Specific Proposals for Capital Expenditure report for June 2015 be received.

23. Application for purchase of land in Northland from historic/dedicated reserves

The request received was for approval to utilise funds from Northland Fish and Game historical/dedicated reserves for purchase and development of the Underwood property wetland. The question of actually gifting away \$200,000 without ownership of the asset was raised. Thirty-five hectares will be surveyed off and gazetted as a wildlife management reserve. The question is whether it will be a capital asset secured by freehold of the land? This question is to be put to the Northland Manager and the answer shared with the NZ Council.

Resolved: (Paul Stenning/Andrew Morris)

That the Northland Fish and Game Council recommendation to purchase a wetland property near Dargaville in conjunction with the Crown be agreed subject to freehold title appropriate with the sale with the \$200,000 being taken for that purpose from dedicated reserves.

24. Correspondence

No correspondence was received during the period since the last meeting that required NZ Council consideration.

25. Other Business

No issues were raised.

Closing Remarks

The Chairman thanked Council and staff for their support.

There being no further business, the Chairman declared the meeting closed at 4.25 pm Friday 24 July 2015.

Confirmed:

Date:/...../2015