

One-hundred-and-seventeenth meeting of the
New Zealand Fish and Game Council
CQ Hotel, Wellington
Friday 25 & Saturday 26 September 2015
Commencing 9.45 am

PRESENT

NZ Councillors (in geographical North to South appointee order)

Chris Lynch, Colin Sherrard, Lindsay Lyons (Chairman), Graeme Jobey, Alan Flynn, Andrew Morris, Jean Willis, Serge Bonnafoux, Matthew Hall and Dave Witherow.

In Attendance

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

Participation

Lou Sanson, Director General of Department of Conservation Friday 3:00 – 3.35 pm.

Kevin Payne and Bryan Coleman Professional Fishing Guides Association, Saturday 11.30 – 1.30 pm

Corina Jordan, Environmental Manager Wellington Fish and Game Council, Saturday 8.30 - 3.30 pm

Phil Teal, Manager Wellington Fish and Game Council, Saturday 8.30 am – 12.30 pm.

INTRODUCTION

1. Welcome

The Chairman extended a welcome to all and in particular to Serge Bonnafoux the North Canterbury appointee on his first meeting and thanked all for their attendance. He wished all those standing for Fish & Game Elections later in the Month the very best of luck. He advised the Council that at 2.00 pm Lou Sanson the DG of Conservation will attend to meet with the Council and that on Saturday Corina Jordan and Phil Teal would participate in the Resource Management Workshop and Kevin Payne and Bryan Coleman would discuss with NZ Council the proposed MOU for a guide licence.

The Council will go into a public excluded session at 1.30 pm.

2. Apologies

Apologies were received from Paul Dixon-Didier and Paul Stenning for the September 2015 meeting.

Resolved: (Colin Sherrard/Andrew Morris)

That the apologies from Paul Dixon-Didier and Paul Stenning be accepted

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

September annual items include a councillor self-appraisal review. The appraisal document has been updated and will be circulated by the Chairman for response by Councillors in time for the November 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. Serge Bonnafoux noted a perceived conflict as a fishing guide for the guide licence item to be discussed with the Professional Fishing Guides on Saturday.

The Auditor has specified that all councillors shall provide a statement of interest held in other entities. It was agreed a model or template should be obtained from the auditor for councillors to follow and complete for the new triennium.

6. Environmental Scan

This item is intended to last 30 minutes and allows councillors to raise or comment on recent media issues or matters occurring in the regions. Subjects discussed at this September meeting included:

- An OIA for the Kaingaroa Forest. A new Canadian company has the cutting rights. There is a need to ask about changes to lease arrangements and access to Upper Rangitikei. Action is to be through the Eastern Fish and Game Council.
- A proposal for trout farming in Rotorua.
- Ecan hearing for damming of smaller streams. North Canterbury has opposed this.

7. Confirmation of Minutes from Previous Meeting

Nothing was identified in the minutes requiring further discussion.

Resolved: (Chris Lynch/Jean Willis)

That the minutes of the New Zealand Fish and Game Council meeting of 24 July 2015 be confirmed as a true and correct record.

8. Matters Arising from Minutes

Matters arising that were mentioned in the minutes of the previous meeting and are not elsewhere on the agenda were: Overseas Investment Office (OIO). CE has discussed with agencies sharing an interest in OIO activity (DOC, WAC and Heritage NZ) and agreed to take up matters with the OIO office and its parent body LINZ. A letter has been written to the LINZ officials.

Purchase of land for Northland has resulted in a dedicated reserve in perpetuity with Fish and Game access – this relates to a question NZ Council raised for a response by Northland Fish and Game Council at July last meeting.

10. Review of Accumulative Action List from Previous Meetings

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

- Judgement made on appealing the Selwyn-Waihora plan was explained by the CE. On balance there was a risk that Fish and Game would not be successful. However, it was acknowledged that there is a WCO on Te Waihora/Lake Ellesmere and an agreement to improve the water quality. This creates pressure to fight against actions that threaten these controls.
- Federated Farmers joint paper on access and the new Health & Safety Act was acknowledged but concern remains over individual farmer interpretation of advice being given. Worksafe has agreed to investigate any incorrect advice given to farmers.
- Andy Garrick (Eastern) has met with Hamilton DOC about irregularities with permits for releasing mallards. The DOC permitting committee see no reason for permitting not to be given to Fish and Game. Discussion remains ongoing.

11. National Licence Sales & Licence Systems Update

There was discussion on how well the new licence categories have been received in the financial year and the positive results from the year just completed. The comprehensive information and reporting was recognised and received.

12. RM/Legal Update Report

Concern was raised about the need to protect what has already been achieved through litigation and ensure passed decisions are not diluted or overturned. Implementation expectations by Fish & Game NZ need to be documented and the implementing agency made aware they will be watched and assessed on that performance.

The nutrient limits study was discussed and concern raised over why the results were not acceptable by peer review. The research policy may need to have a withholding clause to retain some funds until the project is completed correctly. There is also a process for new work to follow and in this case, with a request to repeat the study, there is insufficient information on what exactly is needed.

It was agreed it is timely for the research strategy to be put up for review and have regions come back with views on changes, including the level of funds to be available (\$100,000 + or -).

Resolved: (Chris Lynch/Alan Flynn)

That the September 2015 RM legal update report be received.

13. Research Projects Update

The research update report was well received with particular interest shown in the emerging results from the mallard research. The NZ Council would like an update of the mallard research and future needs at the November 2015 meeting.

Resolved: (Chris Lynch/Andrew Morris)

That the Council review its research strategy in consultation initially with managers and then with regions.

Resolved: (Colin Sherrard/Jean Willis)

That the September 2015 research projects update be received.

14. Operational Report

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

Project 1130: Fishing and hunting regulations

The meeting discussed the need for reviewing the complexity and size of regulations. Consultation with neighbouring regions is encouraged. However, NZ Council recognised the need for a more formal process to occur to complete a review.

Resolved: (Jean Willis/Andrew Morris)

That the NZ Council promote to managers that regulations be considered for SOP treatment to be simplified, minimised and standardised.

Project 1210: Habitat Advocacy General

The CE explained his participation in the Land & Water Forum where the expectation is that those involved are effectively bound by the outcomes. It was accepted that given Fish & Game's statutory

role, it should be an active observer on this Forum bringing a fish and game view point and at all times to act within the scope of its statutory mandate. Legal advice is that Fish & Game cannot act outside its statutory role and for this reason it needs to draw back from being captured by any wider agenda or participation protocols.

Resolved: (Serge Bonnafoux/Andrew Morris)

That the NZ Council reconfirm with the Land and Water Forum that, in accordance with the statutory roles of Fish and Game Councils, it participate only as an active observer, providing relevant expert information and advice as it deems appropriate, and reserves the right to determine its own opinions and actions in all matters.

Project 1220 Water Conservation Orders

There is need for some publicity and thought to be provided before the Government makes a move to amend or remove WCOs in the RMA. Concern needs to be expressed about adjoining land uses along a designated WCO water system. This provision is currently outside of the WCO legislation. The local government regional council is culpable for failure to protect designated WCOs. Water protection and rights are receiving increasing attention. Iwi are now asking for preferential rights to water. In some situations Iwi and Fish & Game NZ interests are compatible. For example, Iwi are to be the co-applicant to the Ngaruroro WCO application.

Friday at 1.15 pm.

The agenda order was interrupted at this point for a discussion on the Guide Licence

Guide Licence

The NZ Council sought to discuss its own position in advance of its meeting with the Professional Fishing Guide Association about an MOU on progressing a guide licence. Serge Bonnafoux registered his conflict of interest with this item as a practising fishing guide.

There was wide ranging discussion on the merits of a guide licence and what would be acceptable criteria. It was generally accepted that a guide licence should be limited to NZ residents. An agreement with the Professional Guides Association would be a timely re-energising of the relationship with the guides. Fish & Game will need to work out solutions acceptable to both parties.

The meeting returned to the agenda order at 2.35 pm and continued to discuss the Operational Report.

Project 1815 Elections

Discussion focused on the elections and the profiles provided by candidates. Concern was raised about the wording of some profiles and the inability Fish and Game appears to have to have these corrected or expressed in a more balanced way if the candidate does not agree.

Resolved: (Matthew Hall/Graeme Jobey)

That the NZ Council reviews the Fish and Game Election Regulations after receiving the Returning Officer's report.

Resolved (Chris Lynch/Andrew Morris)

That the Operational Report for September 2015 be received.

15. NZ Council Bi-Monthly Financial Report No 6

The Finance Manager explained there are still some end of year expenditure and accrual journals to be processed. The Auditors are coming to the NZ Council office on 13 October to undertake the annual audit.

Resolved: (Dave Witherow/Matthew Hall)

That the Financial Report to 31st August 2015 be accepted.

Friday 3.15 pm.

Department of Conservation

Lou Sanson, DG Conservation and Bruce Parkes Deputy DG Science & Policy arrived in time for afternoon tea and then meet for an informal chat with the Council. After introductions, Lou spoke to the Council about the role DOC and MfE intend to play in the water space and how they hope to draw the linked threads together. He described the interest shown by the Nature Conservancy USA about investing in NZ and the work by the Gareth Morgan Foundation.

Restructuring is continuing within DOC and now starting in Southland. For this reason, it is good for Lou to learn where it is working well and where it is not. He appreciates and welcomes that feedback.

There was a two-way discussion with Councillors about trout farming and the interest shown in it in Taupo and Bay of Plenty. Without acknowledging the political position Lou saw the argument being advanced for trout farming as part of a more development opportunity debate in regional economies. The instant fine (Conservation Infringement Fine) proposal was approved by Cabinet's Economic Growth and Infrastructure Committee (EGI) on Monday 21 September. DOC agreed to alert F&G when it goes to Cabinet. Fish & Game need to lobby its local Cabinet members. The final part of the process where bits can be altered is the Select Committee stage.

An omnibus bill is to go forward soon with amendments to the Wildlife Act to allow for an electronic habitat stamp and for electronic voting through the Fish and Game Election Regulations.

The DG spoke about his intention to work with Fish and Game to establish a closer working relationship with the Overseas Investment Office. There is an opportunity for DOC, F&GNZ, WAC and Heritage NZ to work together and promote its interest. Lou thanked the NZ Council's CE for initiating this effort.

Access to St James Station was also raised. It is recognised that a link between Hanmer and Saint James would be desirable and work is ongoing to improve these links. The standard of roading remains a major obstacle.

Lou and Bruce left the meeting at 3.55 pm.

The NZ Council returned to its agenda

16. Fish & Game NZ Finance Report

No discussion raised.

Resolved: (Serge Bonnafoux/Andrew Morris)

That the National Financial Report to 31st August 2015 be received.

17. Specific proposals for Capital Expenditure

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

Resolved: (Andrew Morris/Colin Sherrard)

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

18. Applications for legal funding

Concern was expressed about the number of applications all supported by the majority of regional managers with the acknowledgement that some questions were raised and answers provided but none were declined. There is an expectation that there will be other applications to come, all creating demand on the limited pool of funds. There is currently no policy allowing prioritising of applications. A strategic approach was considered worth exploring for those that are recognised as going to the Environment Court after the initial hearing whereby applications are made but full witness representation kept until the Environment Court. This is likely to be the case with the GWRC Plan Review.

Resolved: (Dave Witherow/Serge Bonnafoux)

a) **Plan Change 5A Lindis River Otago**

That the application by Otago Fish and Game Council for funding from the National Legal Fund of legal costs of \$76,600 be approved.

b) **Plan Change 3 (formally Variation 3) to the Canterbury Land & Water Regional Plan**

That the application by Central South Island Fish and Game Council for funding from the National Legal Fund of legal costs of \$14,000 be approved.

c) **2nd Generation Plan Review – Marlborough RPS, Wairau/Awatere Plan, Sounds Plan**

That the application by Nelson/Marlborough Fish and Game Council for funding from the National Legal Fund of legal costs of \$96,404 be approved.

d) **Ngaruroro WCO application**

That the application by the New Zealand Fish and Game Council for funding from the National Legal Fund of legal and associated costs of \$150,000 be approved.

Following further discussion on the amount required for the Greater Wellington Regional Council (GWRC) Plan Review with the expectation that further costs will be incurred at the Environment Court it was:

Resolved (Dave Witherow/Jean Willis)

That the application by Wellington Fish and Game Council for funding from the National Legal Fund of legal costs for the GWRC Plan Review of \$185,000 be approved.

19. Reporting on Results of the 2014/15 NZ Council Business Plan

Recognition was acknowledged that a lot of very good outcomes have been achieved in the 2014/15 year.

Resolved: (Chris Lynch/Alan Flynn)

That the NZ Council agree that the Reporting of Results on the NZ Council 2014/15 Business Plan records a very acceptable level of performance.

20. Reparation Policy for Consultation as National Policy

There was general acceptance by all commenting Fish and Game Councils in the position taken with the revised document and the recommendations. With significant changes made it was agreed to circulate the document once more to accommodate final comments before adopting it as national policy.

Resolved: (Chris Lynch/Alan Flynn)

That the NZ Council

- i. **Note that the revision provided is workable and flexible to allow for regional variation.**
- ii. **Note that it leaves the discussion as to the actual reparation fees themselves to a later stage – for inclusion once agreement can be reached.**
- iii. **Agree to invite all regional Councils to provide final feedback on the revised policy before it is adopted as national policy.**

21. Treatment of Non-Resident Licence Revenue

Feedback from regional Fish and Game Councils meant the majority favoured retaining the revenue at a regional level. The spirit of the decision should be conveyed to the regions to encourage cooperation where the location of sale does not always reflect the pressure of angling. There is a case to be made for the West Coast that some help is warranted in the management of its backcountry fisheries.

Resolved: (Andrew Morris/Serge Bonnafoux)

That each region maintain a dedicated fund based on the extra revenue from non-resident licence sales for specific management to improve backcountry fisheries in regions.

22. 2016 NZ Council Meeting Schedule

The question was raised as to whether an exchange of emails could replace the need for a telephone conference in June to confirm licence fees. No agreement was reached so the status quo is to be retained.

The suggestion is to have two three-day away meetings in 2016 (Otago in March and Northland in November), three meetings in Wellington - two one-day meetings in May and September and one two-day meeting in July.

Resolved: (Graeme Jobey/Matthew Hall)

That the NZ Council meetings for 2016 will be as per this September 2015 schedule.

23. Report on Financial Review

Matthew Hall spoke to his paper and saw the proposed expenditure to complete financial reports covering templates for Tier Two and Three model accounts and reporting links with OWPs & financial statements to be worthwhile and that it will create savings. Matthew acknowledged the work of others and especially that of Carmel Veitch to make this happen.

Resolved: (Serge Bonnafoux/Chris Lynch)

That NZ Council approve further expenditure of \$8,000 covering the hours estimated by Carmel Veitch in completing financial reports covering templates for Tier Two and Three model accounts and in establishing reporting links between operational work plans and the financial statements. Carmel's charges would cover her support in securing the implementation of the programmes.

24. Correspondence

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

25. General Business

There was discussion on the Overseas Investment Act and the approval process and the need to consider sensitive lands.

The meeting closed on Friday at 5.25 pm.

26. Resolution to Exclude the Public

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

Time: 5.30 pm Friday.

Resolved (Matthew Hall/Graeme Jobey)

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

a. Public excluded minutes from the July 2015 Council meeting.

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: 5.35 pm.

Resolved (Matthew Hall/Graeme Jobey)

That the open meeting of the New Zealand Fish and Game Council resumes on the next business day.

Saturday 26 September – Workshops & Presentations

The Saturday session was attended by NZ Councillors and staff. Phil Teal and Corina Jordan from Wellington Fish and Game Council were also present for the morning session. The Professional Fishing Guides Association attended at 11.30 am for the remainder of the morning session.

8.30am

27. Review of Governance Policies

Council went through a marked up copy of the policies annotated with councillor comments. The policies had been circulated to councillors after the May meeting for review and annotated comment. At this session Council were able to get through to page 20 of the policies. The remainder would be considered at a later meeting – possible November 2015.

10.45 am

28. Environmental Coordination Report

Phil Teal, Manager Wellington Fish and Game Council provided an overview/summary of the Environmental Managers report and activity for 2014/15 Financial Year.

This was followed by additional comments from Corina Jordan, Environmental Manager and a series of questions and answers followed on managing the workload, prioritisation of the work and upskilling of existing resource management staff.

It was agreed that the NZ Council is seeking more information on what resource management cases are coming up to provide a better overview of what is likely to requiring funding through the financial year. It was also recognised that a better approach to ‘first-in-first-served’ was needed. This would be considered in the Resource Management Workshop to follow and by the specialist resource management group meeting in Christchurch in October 2015.

The NZ Council thanked Phil and Corina for their efforts and presentation.

Resolved: (Andrew Morris/Graeme Jobey)

That the environmental coordination report for September 2015 be received.

11.45 am

29. NZ Professional Fishing Guides Association

After introductions, Kevin Payne and Bryan Coleman, the two Guide Association representatives, went through their draft MOU point by point inviting discussion. The draft MOU consisted of 6 points. Discussions under each point were as followed:

1. The word 'regulation' is not statutory regulation but 'in terms acceptable to both parties'. The PFGA's greatest issue is foreign guides, hence it wants a guide licence to be limited to NZ residency only. The MOU is recognised as being aspirational.
2. To be prefaced by "Support" the minimal requirement ... NZ Council is to seek legal opinion on those responsible to ensure adherence to the criteria listed by the PFGA. Point 2 is to be qualified by a statement "The above and subsequent compliance are the responsibility of the applicant". It was proposed that the applicant present documents on initial application & to sign a declaration to accept any liability.
3. Add a new point 3 that a guide licence be limited to NZ residents
4. Leave Taupo out of the coverage, describing the area as "to cover all of New Zealand".
5. The issuing of licences is for a regional manager or authorised agent. It was proposed that the application would require regional verification and the annual issue of a guide licence would be via the licence database.
6. A schedule of fees is to be set by:
 - a. Application (to recover costs)
 - b. Annual – no more than x3
 - c. 3 yearly renewal of the application
7. Old 6 accepted
8. Add the old statement to share concession fee between DOC and F&G.

It was agreed that Bryan Coleman would redraft the MOU and send a copy to Robert for circulating to councillors.

Lunch 12.30 to 1.30 pm

30. Resource Management Workshop

This session was led by Matthew Hall with Corina Jordan present.

Discussion focused on where the Council is now and what it sees as critical issues into the future.

The current status on success and less success with the RMA.

BJ: It was the original 'dirty dairying' campaign that triggered many success initiatives that followed. Fish & Game NZ has used Sir Geoffrey Palmer to argue against proposed amendments to the RMA, it has been successful in becoming champions of the public interest on water interests, working very closely with strategic allies (the Team Green group). F&G has been less successful in countering the Government 'spin' on the need for changing the RMA.

CJ: Fish & Game NZ now seen as champions of the public good, promoting sustainable agriculture and best farming practices, regional councils recognise the authority F&G brings in this debate, dispelling some of the myths of the economics of some practices. Success with Horizons One Plan and Ruataniwha Board of Inquiry. Less successful in collaborative process in Canterbury where there are so many catchment plans and staff are swamped with the work load. Building in-house capability with lack of time to upskill and yet to develop an RM strategy.

Going Forward

BJ: NZ waking up to the need for limits. Recognition of limits to life supporting capacity as the reality and consequences associated with them. NZ should have a futures focus – a Futures Commission. There has to be a transition to environmentally sustainable agriculture. The Government's wish is to review the WCO and the National Objectives Framework both need close F&G involvement. The current romance with collaboration is a significant risk to F&G interests.

CJ: Protect the RMA and make it harder to overturn standards at a regional level, gathering public support and build relationships and networks. F&G to have a uniform view on big-ticket issues and what should be asked for. There is a need for greater risk management.

Other points raised in discussion:

- Education is the key to public opinion.

- Manage local government influence – the regulators.
- F&G needs to take licence holders on the journey.
- Shame and blame campaign
- Discredit growth as a sustainable strategy
- Funding streams to support campaigns.

Limitations for Fish & Game NZ

Funding

Resourcing – staff capacity

Public awareness

Mix of litigation and public awareness

Getting a national perspective across F&G

Grow partnerships with strategic allies & others eg Nature Conservancy, guides & their clients

Expose the science

Beef up F&G management plans

Linkages

Matthew will add to the following table on the basis of continuing the discussion at a future meeting.

		Task	Responsibility
Advocacy national & regional	National		
	Regional		
Litigation & plans	National		
	Regional		
Strategic support	National		
	Regional		

With this information, it is for the Council to decide where to go from here.

There was recognition that some of this material has been repeated in recent strategic planning session. Nevertheless, Matthew was thanked for his efforts and time he has put into helping the Council focus on this issue.

31. Financial Review Workshop

Matthew Hall led this session. He proposed it be focused on income streams. Licence income, does it do its job? However there are other income opportunities. The question is how to raise further funds and whether this is permissible within a budgeting system centred around assessing the costs attributable to the management of sports fish and game and not a profit making organisation? Matthew is seeking direction in a bequeath policy. Robert is to circulate the legal advice received on that policy some years previously. However a more recent and directed legal opinion would assist with this discussion.

32. Other Business

No issues were raised.

Closing Remarks

The Chairman thanked Council and staff for their support and repeated his best wishes for the upcoming elections.

There being no further business, the Chairman declared the meeting closed at 3.50 pm Saturday 26 September 2015.

Confirmed:

Date:/...../2015