

Meeting of the
New Zealand Fish and Game Council
Brentwood Hotel, Wellington
Friday 21 & Sunday 23 November 2014
Commencing 9.30 am

PRESENT

NZ Councillors (in geographical appointee order)

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

Observers

Steve Hugo (Chairman, Taranaki)

In Attendance

Dr Rick McGovern-Wilson (D-G Conservation's representative – Friday only), Bryce Johnson (Chief executive), Robert Sowman (Policy & Planning Manager), Alison Lyall (Finance & Administration Manager – Friday only), Don Rood (Communications Manager)

Public

Phil Teal (Manager, Wellington, 12.30 pm – 2.30 pm Friday), Corina Jordan (Wellington – Friday only), Monty Wright (Chairman, Otago), Niall Watson (Chief Executive, Otago), Jay Graybill (Chief Executive, Central South Island - Friday only), David Klee and Jenn Sheppard (Auckland/Waikato mallard researchers, 10.00 am – 2.30 pm Friday)

Two further members of the public joined the meeting at 10.30 am Friday to listen to the mallard presentation – one being Davor Bejakovich (ex North Canterbury F&G).

INTRODUCTION

1 Welcome

The Chairman thanked people for giving up their weekend to attend this meeting. Don Rood was introduced to the group as the new NZ Council Communications Manager. A round table introduction was then initiated for all attendees to introduce themselves.

2 Apologies

Alan Flynn, Jean Willis

The North Canterbury appointee has recently resigned from the NZ Council and is to be replaced by the region. This means it has no appointee or observer for this meeting.

Resolved: (Paul Dixon-Didier/Graeme Jobey)

That the apologies from Alan Flynn and Jean Willis be accepted.

3 Identification of other Urgent Business and agreement on Agenda order

It was agreed public excluded matters will be dealt with at 8.30 am Sunday. These include the public excluded notes from the last meeting, and two papers on the Executive Committee and one on Councillor performance appraisal.

4 Annual Agenda/Conflicts of Interest Register

All November annual items are included for discussion in this agenda or to be covered during the workshop on Saturday. These include strategic planning session, annual financial statement and report, Chief Executive performance review and issues associated with the 2015 Game Notice.

5 Environmental Scan

This is an item the Chairman has introduced to NZ Council meetings, intended to last 30 minutes and allow councillors to raise or comment on recent media issues or matters occurring in the regions.

Subjects discussed included:

- Proposed Southland cycleway and the threat this poses to the Oreti valley wilderness.
- Greater Wellington Regional Council is requiring fencing of all waterways in its region, including hill country.
- Auckland/Waikato has secured extra community funding for the Whangamarino wetland.
- Nelson is debating funding of the local Lee Valley dam. Without central government funds it is doubtful it can go ahead.
- Taranaki is seeking a moratorium on further draining of wetlands. Could set a precedent for other regions to follow.
- A scientific symposium on Rotorua lakes identified the way forward for intensive agriculture is to farm smarter, farming in the “sweet spot” where economic and environmental issues best coincide.. Educating farmers is seen as essential. Under current practices there is no way to mitigate run-off problems to secure adequate water quality.

6 NZ Council Communication Channels

The Chairman asked that correspondence (including emails) that come to him as Chairman should go through the National Office. This is to retain transparency and remove the pressure from the Chairman. Lindsay said he was happy to receive telephone calls and discuss matters but emails and letters required considered NZ Council support and need to be made available for all councillors to be aware of issues and required responses.

It was agreed the matter needed to be considered further to formulate an appropriate resolution. Hence, it was proposed this item be discussed on Sunday, day two of this November meeting. A proposed resolution was suggested to assist in that discussion.

Any correspondence relating to Fish and Game, not to do with staff, be referred to the NZ Council office.

7 Confirmation of Minutes from Previous Meeting

Nothing was identified in the minutes requiring further discussion.

Resolved: (Chris Lynch/Matthew Hall)

That the minutes of the New Zealand Fish and Game Council meeting of 19 September 2014 be confirmed as a true and correct record.

8 Matters Arising from Minutes

No matters arising from the public meeting were raised.

9 Review of Accumulative Action List from Previous Meetings

The item about a complaint from Steve Gerard of the Central South Island Council (CSI) was raised. According to the CSI Chief Executive the matter has not gone away as an issue. The NZ Council Chairman rang and spoke with Mr Gerrard. It was acknowledged that a letter confirming that conversation should be prepared and sent to Mr Gerard for the record.

10 National Licence Sales & Licence Systems Update

The suggestion was made that some of the Australian experience to do with the introduction of a non-resident fishing licence should be captured in a future article for the F&G magazine or Reel Life.

The question of how to deal with the role of CER and the rights of Australians and whether Taupo plan to introduce a non-resident licence were both identified as topics to be referred to the Department of Conservation for determination.

Resolved: (Chris Lynch/Matthew Hall)

That the licenses sales YTD and licence system update be received for information.

11 RM/Legal Update Report

Corina Jordan updated the Council on the Tukituki catchment High Court appeal. A decision is expected early February 2015. Fish & Game's appeal is likely to come in under budget.

It was noted that as the Ngaruroro project has no report and budget allocated in the November RM/Legal update it was difficult to determine future overall RMA related spending. It was explained the cost recorded (\$294,249) was the cost that had been incurred to get the WCO to the application stage (i.e. money already spent). No further expenditure would be allocated until the decision was taken to lodge the application.

The issue of amounts approved and actual expenditure on projects was discussed. It was recognised that due to the nature of the cases an initial estimate at the time of approval is often exceeded. It was agreed that in cases where the approved amount is close to being exceeded a further approval of the anticipated larger amount is warranted.

It was noted that not all reports from regions have completed the details required by the NZ Council - estimated costs, sum approved and balance to date. The Council agreed to ask that this information be provided in future reporting.

Resolved: (Andrew Morris/Paul Stenning)

That the October 2014 RM/Legal update report be received.

12 Mallard Research Presentation

A presentation of the Mallard research programme was provided by David Klee (Southern Game Manager, Auckland/Waikato) and Jenn Sheppard (PhD student). It was still too early in the data gathering stage to make pronouncements or present findings. It is expected that once two years of data have been gathered, this will become more apparent. The study has now embarked on a second data set with the programme now running in Southland as well as the Waikato.

The mallard research presentation was recorded so that it can be shared with other F&G councils.

The Chairman thanked the presenters, appreciating the amount of time and commitment required of the research team and the voluntary effort provided by others. That appreciation of the presentation was shown in the normal way by all present. Discussion on the subject continued by individuals over the lunch break.

13 Research Update

Discussion focused on the actual amounts over and above the total approved amount being spent and the need to be assured that this can be covered in the financial year it falls due. It was agreed amounts yet to be drawn down need to have some indicative date when that might happen to avoid surprises and to be able to plan accordingly.

Resolved: (Chris Lynch/Matthew Hall)

That the research programme update report be received.

14 Governors' Workshop Review

A brief outline was provided on the workshop to take place on Saturday that is to be facilitated by Graeme Nahkies. It was acknowledged that having an independent facilitator and a structured agenda offers encouragement that good discussion and outcomes should arise. Two Fish & Game regional staff (Anthony van Dorp and Zane Moss) and Elana Geddis (barrister and co-author with Sir Geoffrey Palmer on the NZ Council legal opinion on the Council's coordination role) are to make presentations. Participation in the workshop are to be regional Chairman and managers, along with NZ Councillors and National Office staff.

15 National Office Review

Fore Consulting (Andrew Wilson) has been engaged to undertake the National Office review. The proposed terms of reference were tabled at the meeting. The Consultant is to talk to the Executive Committee, to interview staff and meet with the CEO and Chairman once those interviews have been completed. A summary of what is proposed was distributed by the Chairman. Further discussion on the item was deferred to Sunday to allow Councillors time to give it further consideration.

16 Review Financial Management of Fish & Game New Zealand

How a national financial review should be conducted was discussed. It was proposed by Matthew Hall (the NZ Councillor charged as convening the review group) that the review is as much about looking at the process and whether that process is adequate. He considered such a review needs input from staff and governors and a "driver" within the review group. Existing papers are available that would help advance this review.

As a way forward, Matthew Hall agreed to lead the finalisation of the terms of reference (TOR) that can be shared with regions. Managers should take an analytical review of their processes and feed this into the TOR, allowing for reporting back to the NZ Council in March. It was suggested that the aim should be to start with the Annual Report next year and then implement changes through the other processes for financial management that occur after that date.

17 Annual Report – Year End Financial Statements

Discussion occurred on whether the Council should be asked to approve the accounts prior to or following the final stamping by the Auditor. It was agreed that this be clarified and that Councillors then be given a week to consider the auditor's statement before authorising the Chairman to sign on behalf of the Council.

A question was raised on the status of over expenditure on any item. Budgets were approved at the start of the financial year but anything more than this should require the Council to authorise.

Resolved: (Paul Dixon-Didier/Chris Lynch)

That subject to the audited annual accounts being circulated to Council members for approval, and any queries satisfactorily explained, the Chairman be authorised to sign the 2013/14 Financial Statement on behalf of the Council.

18 Operational Report

The operational report was considered on project by project basis.

Project 1210: Habitat Advocacy General

Correction required to the spelling of “Balance” to Ballance Farm Awards on page 47 of the report.

Project 1850: Bequests Policy

A presentation on a potential project is to be discussed on Sunday.

Resolved: (Andrew Morris/Graeme Jobey)

That the Operational Report for November 2014 be received.

19 NZ Council Financial Report

The report received no additional discussion.

Resolved: (Andrew Morris/Graeme Jobey)

That the Financial Report to 31st October 2014 be accepted.

20 National Finance Report

It was noted that four regions did not provide returns to allow completion of this report. The NZ Council did not consider this good enough and want regions to comply on time with the information required.

A question was raised over GST payments on funds from regions that have already had GST deducted at the point of licence sale. It was agreed this should be investigated and reported back to Council.

Resolved: (Andrew Morris/Dave Witherow)

That the National Financial Report to 31st October 2014 be received.

21 Specific Proposals for Capital Expenditure

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

Resolved: (Colin Sherrard/Chris Lynch)

That the Specific Proposals for Capital Expenditure report be received.

22 Environmental Manager’s Summary of Work

An initial presentation was provided by Corina Jordan (Environmental Manager) on the appeal of the Ruataniwha Irrigation Project Board of Inquiry decision and how this was nationally precedent setting. It recognised that the adoption of industry best practice is not enough. The case was important in establishing environmental bottom lines to safeguard ecosystem health and life supporting capacity. Justice Collins is to provide his decision in early February.

Discussion then traversed the issues with ECAN and its Water Management Plan and secondary plans.

The summary of works for September-October was outlined by Corina Jordan. It was recognised a more unified and strategic effort would benefit Fish & Game. Corina’s involvement with regions that had requested her assistance was recognised and commended.

Resolved: (Paul Stenning/Andrew Morris)

That the Environmental Manager’s report for September-October 2014 be received.

The meeting adjourned at 4.55pm Saturday to recommence at 9.00 am Sunday. It was agreed to start the Sunday session with consideration of confidential papers and hence begin with a public excluded meeting without staff.

23 Resolution to Exclude the Public

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

Time: 9.00 am.

Resolved (Andrew Morris/Chris Lynch)

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

- a. Confirmation of minutes from the public-excluded session of the September 2014 meeting**
- b. Remuneration report CEO/Executive Committee**
- c. Terms of Reference of the CEO/Executive Committee**
- d. Self-appraisal provisions**

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: 10.15 am.

Resolved (Paul Dixon-Didier/Chris Lynch)

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

24 NZ Council Executive Committee

Executive Committee

The Council had discussed two papers in the public excluded session to do with the Executive Committee. No resolutions considered in the public excluded session were introduced to the public meeting. It was agreed that further consideration of these would be a matter for final confirmation at the March meeting.

Meanwhile, it was agreed that the terms of reference for the Executive Committee as discussed in the public excluded session be supported until they could be formally approved at the March meeting.

Council Performance Evaluation

Similarly, although the paper of self-assessment by Councillors was considered in the public excluded session and not introduced to the public meeting for approval, there was support for the use of the form by Council to complete an initial performance evaluation. After this initial exercise has been undertaken, the form will then be finalised and adopted at the next meeting.

25 National Office Review

This item was considered on Friday (minuted above as item 15) with time given to Councillors to consider the terms of reference papers. No further discussion occurred with general acceptance of the process ensuing.

26 RM/Legal Funding Applications

Two applications for RM/Legal funding have been made to the NZ Council.

a. Section 128 review Lake Waikare & Whangamarino Wetland Flood Scheme

Agreement was unanimous in support for this application. It was encouraging to see the Department of Conservation (DOC) engaged in the process. Both agencies are running their own cases. The main driver is DOC. Approval should be subject to a project manager being named.

Resolved: (Andrew Morris/Matthew Hall)

That the NZ Council approve, subject to a project manager being named, the funding of this case from the 2014/15 RM/Legal fund to a total of \$35,000

b. Legal funding of a report on water quality parameters and limits

This paper was emailed to Councillors separately to the agenda papers, with hard copies available at the meeting. The value of having a template as proposed that can be used across the country was widely supported.

Resolved: (Dave Witherow/Andrew Morris)

- i. **That Fish & Game engage Professor Russell Death of Massey University to lead the development and compilation of a report on a scientifically rigorous and complete set of water quality parameters and limits required to safeguard the life supporting capacity and ecological health of salmonid fisheries in New Zealand.**
- ii. **That the final brief for this report be agreed with Professor Death and then finally signed off by the NZ Council Chief Executive Committee (with internal advice as required).**
- iii. **That a sum of \$30,000 be made available from the legal pool funds to fund the production of this report.**
- iv. **That the final report be provided to all regions to inform the preparation and presentation of Fish & Game evidence, as required.**

It was noted that the proposed Ngai Tahu case needs to be included in the RM/Legal spreadsheet as indicative of a future expense.

27 Bequests, Donations & Gifts

Matthew Hall had prepared a discussion document and made this available at the meeting, asking Council to think about what might be done in this area. The subject of specific projects over and above operational activity and the ability to seek external financial contributions that would facilitate these was explored. Discussion supported the idea of contributions that would allow Fish & Game to enhance its activity.

It was accepted that Matthew Hall with support from the Chief Executive will prepare a paper for further discussion in a workshop in March.

28 Governors' Workshop Review

A round up of opinion of NZ Councillors on the Saturday workshop with regional Chairman and managers recorded wide support for the positive contributions and information that resulted.

It was proposed that it would be good to send out an evaluation to those who took part to add to the information from the event and that together these should be discussed and agreement invited on how this might best be advanced. There was a recognised duty to get back to the regions and to provide them with the opportunity to provide feedback. With this feedback the NZ Council should then discuss this matter again at its March meeting.

Discussion ended with Chairman wishing to record the Council's thanks to those who presented papers and facilitated the event.

Resolved (Chris Lynch/Andrew Morris)

That the NZ Council record its thanks to those who presented papers and facilitated the event.

29 Game Notice – Issues Requiring NZ Council Consideration

Not items had been identified or put forward at the meeting on issues requiring Council's consideration.

Resolved: (Andrew Morris/Chris Lynch)

That the 2015 Specific Game Notice issues for NZ Council consideration report be received.

30 Correspondence

The Council agreed to receive the correspondence addressed to the Chairman and determined it did not require a further reply.

31 Other Business

Preparation for the next Fish & Game Regional Council elections was discussed. It was recognised that regional inserts in the magazine could provide an opportunity for each region to encourage participation. NZ Council appointees were encouraged to raise the matter with their respective councils and consider opportunities to encourage further participation both as candidates and electors.

Closing Remarks

The Chairman acknowledged the presence of the Chairman and Chief Executive from Otago at the NZ Council meeting. He also thanked staff for their input and commented on the enthusiasm and constructiveness shown over the last three days from the Council and thanked Council for their support.

There being no further business, the Chairman declared the meeting closed at 12.40 pm Sunday 23 November 2014.

Confirmed:

Date:/...../2014