

One hundred and thirty-fourth meeting of the
New Zealand Fish and Game Council
Ngongotaha, Rotorua
Friday 23 & Sunday 25 November 2018
Commencing 12.30 pm

PRESENT

NZ Councillors

Lindsay Lyons (Chairperson), Noel Birchall, Nigel Juby (Friday only), Kevin Williams, Alan Flynn, Paul Shortis, Andy Harris, Dan Isbister, Colin Weatherall (Friday only), and Chris Owen.

Immediate past NZ Councillors

Paul Dixon-Didier, Matthew Hall and John Jillett.

In Attendance

Martin Taylor Chief Executive, Carmel Veitch Finance, Robert Sowman Policy & Planning Manager.

Present:

Friday: Andy Garrick (Manager Eastern F&GC), with other staff present at certain times (see introductions under 3. below).

Sunday (from 1.00pm): Mervyn English, Deputy Director-General Strategy and People Group, Department of Conservation, Natalie Bowie, Mervyn's Assistant, Department of Conservation.

INTRODUCTION

1. Welcome

The Chairperson in welcoming everyone extended a welcome to new appointees (Nigel Juby, Paul Shortis, Dan Isbister and Colin Weatherall) for whom this is a first NZ Council meeting as appointees. He also wanted the minutes to record the Council's appreciation and acknowledgement of Colin Sherrard, Andrew Morris, Paul Dixon-Didier, Ron Stuart, Matthew Hall and John Jillett for their contribution during the current term on this council.

With this meeting being held in the Eastern Fish and Game Council office, it is fitting that a past Eastern Chairman, Council members and Manager join the meeting.

2. Apologies

Nigel Juby, & Colin Weatherall (for Sunday) and for Bill O'Leary, Roy Knight, Colin Sherrard, Andrew Morris, Don Rood (Communications Manager) and Murray Ferris (Chairperson Eastern F&GC) for both Friday and Sunday.

Resolved: (Paul Shortis/Andy Harris)

That the apologies of Bill O'Leary, Roy Knight, Colin Sherrard, Andrew Morris, Don Rood and Murray Ferris for the November 2018 meeting be accepted, along with the apologies of Nigel Juby and Colin Weatherall for the Sunday session.

3. Introductions of Eastern Staff present at the meeting

Any Garrick invited his Eastern staff to introduce themselves: Lynne Sands, John Meikle, Matthew McDougal, Lloyd Gledhill, Anthony van Dorp, Kate Thompson and Barry Roderick (past Chairperson, Eastern F&G).

NZ Council then introduced themselves.

4. Conflicts of Interest Register

Councillors now sign the register and identify whether there were any topics to be discussed at this meeting they perceive to be a potential conflict of interest (COI). A COI sheet was passed around at the meeting for people to note any conflicts with the listed November agenda items.

5. Introduction by Eastern

Andy, as the Eastern Manager, explained the area managed by Eastern Fish and Game Council and its diversity of both fish and game species. The issues experienced are like elsewhere in the country - water quality and urban expansion. The debate on indigenous vs introduced species is present and ongoing. Access to fish and game is also a feature, along with declining licence holder participation, especially for fish. Thirteen lakes make up the Rotorua area, with eleven stocked, hence the hatchery at Ngongotaha. A cultural influence is strong in the region, with 40+ iwi groups. The skill set within Eastern staff is very effective with staff also contributing nationally – Carmel Veitch (finance), Kate Thompson (licence data), Anthony van Dorp (compliance), Matt McDougall (game bird research), Matt Osborne (Fish research).

The Eastern F&G Council recognises the need for more national policy and SOPs to allow the organisation to work together and not duplicate resources.

6. Confirmation of Minutes from 21 & 22 September 2018 Meeting

Nothing was identified in the minutes requiring further resolution.

Resolved: (Kevin Williams/Alan Flynn)

That the minutes of the New Zealand Fish and Game Council meeting of 21 & 22 November 2018 be confirmed as a true and correct record.

7. Review of Accumulative Action List from Previous Meetings

No further action was recorded.

A question was asked about when the in-house legal team will be established, and the CEO replied it's something he will be working on in the next year.

8. Annual Report and Financial Statement for year ended 31 August 2018

The purpose of considering this item is to adopt the Performance Report for the New Zealand Fish and Game Council for the year ended 31 August 2018. The report was completed and audited by Grant Thornton. Accounts are now in a more robust state than they were. A net deficit of \$210,010 was reported for the year.

Resolved (Chris Owen/Alan Flynn)

Approve the Audited Performance Report of the New Zealand Fish and Game Council for the year ended 31 August 2018.

9. NZ Council 2018/19 Bi-Monthly Financial Report No. 1

The purpose of this paper is to update the NZ Council financial position to the month ended 31 October 2018. To date the Net surplus of \$42,921 – against a budget surplus YTD of \$95,772. The main variance areas are the Election overspend and the Regional Audit.

Point raised about possibly bringing reserve for elections through into account – this to be explored with Auditor.

Resolved: (Chris Owen/Andy Harris)

That the NZ Council Financial Report as at 31 October 2018 be accepted.

10. National Financial Report to 31 October 2018

This provides an update on the YTD expenditure by Council against the 13 budgets 17% through the financial year. Overall the combined 13 councils are sitting at 15%. Of total budget spent. However, this is excluding 3 councils (Taranaki, Wellington & CSI) who were unable to submit their figures due to pressure of audits. A further update was provided at the meeting with the 3 council figures included.

North Canterbury, along with Auckland/Waikato, CSI and Southland operates on a cash basis rather than accrual.

Resolved: (Paul Shortis/Kevin Williams)

That the National Financial Report as at 31 October 2018 be accepted.

11. Legal/RMA Fund Applications

Two applications have been received seeking approval by the New Zealand Fish and Game Council (NZ Council) for funding from the national legal fund for legal costs. These are:

1. Otago Fish and Game Council for the Lindis Minimum Flow Plan Change
2. Southland Fish and Game Council for the Proposed Southland Water and Land Plan.

11.1 Otago application:

Two councillors spoke in support of the Otago application and provided background explanation. It was discussed how the EC does not set precedents, so how helpful this case would be for the other rivers in the same position was unknown. There were questions about the quality of the documentation to support the application, noting that \$330k had been approved so far, and that there was a \$64k over spend to date, meaning over \$390k had been spent and one week of the hearing was to come. It was noted that this seemed to be an extraordinary amount of money for an EC case and some understanding about why it was so expensive was needed. It was noted if the \$180k was approved this would mean a total spend of \$520k. It was assumed this would make it the most expensive single EC case ever. It was also noted that the request for another \$180k was based on assumed costs, not on any cost estimates provided in the application backed up by other documentation. It was also noted that the NZC reserves are down to 30% below the 50% currently required in policy. It was also noted that the Otago reserves were well above 30% based on the last information we received.

Resolved: (Noel Birchall /Nigel Juby)

NZ Council approves for the \$180,000 to come from Otago reserves, subject to a detailed breakdown on the costs to date and anticipated, and subject to Otago being able to fund the \$180k from reserves without going below their 30% reserve level.

Colin Weatherall abstained

11.2 Southland application:

Details of breakdown has been provided with application and supporting documents.

Impact is going to be across the whole region.

Noted this could go on for some time with appeals.

Resolved: (Daniel Isbister/Paul Shortis)

NZ Council approves of the \$84,000 from Southland's reserves, subject to not going below the 30% reserve level.

Chris Owen abstained

12. Setting National Policy

National policy is designed to provide guidance, cohesion and direction that can be consistently applied across the organisation. This item seeks agreement on the process for setting national policy.

Resolved: (Kevin Williams/Chris Owen)

That the NZ Council:

1. **Note that national policy provides guidance, cohesion and direction for all 13 Fish and Game Councils.**
2. **Agree, subject to any modifications determined at the November 2018 NZ Council meeting, that this policy be approved for consultation with Fish and Game Councils.**
3. **Agree that once approved, this policy be consulted with Fish and Game Councils to seek feedback by 17 May 2019, with the intention of it becoming national policy at the June 2019 NZ Council meeting.**

13. Bequest Policy

The purpose of this item is to establish a uniform policy relating to the acceptance and utilisation of bequests.

Correct FGHNZ in paragraph 18 of policy.

Note, this is a bequest policy, not a trust policy.

Changes were agreed to paragraph 16 and 21:

Para 16 – “Where possible, agreed bequests should be allow flexibility, ~~while considering~~ *but give pre-eminence* to the wishes of the donor.

Para 21 – A council must inform the NZ Council when ~~an offer a bequest approach has been made and follow this with a report of acceptance or decline of the bequest and under what conditions an offer of a bequest has been made, how it is to be established and the conditions of the bequest.~~

Resolved: (Kevin Williams /Andy Harris)

That the NZ Council:

1. **Agree to receive the letter from Eastern Fish and Game Council dated 12 November 2018 on the need for a national bequest policy.**
2. **Note that a bequest policy will provide guidance and consistency for all 13 Fish and Game Councils.**
3. **Agree, subject to any modifications determined at the November 2018 NZ Council meeting, that this bequest policy be approved.**
4. **Agree that once approved, this policy be consulted with Fish and Game Councils to seek feedback by 17 May 2019, with the intention of it becoming national policy at the June 2019 NZ Council meeting.**

14. Options to Increase LEQs

In July 2018, the NZ Council asked the Licence Working Party (LWP) to prepare a report with options to increase total LEQs (Licence Equivalents – Adult Whole Season) by a minimum of 1,800 and report to the November 2018 meeting.

Discussion promoting the view that there are too many categories, all offering discounts. Would licence holders accept returning to a simpler selection?

CE undertook to cost a survey of licence holders with Steve Doughty. The survey to include a question on return to the previous licence model or some variation to it (i.e. reduce choice on offer).

Resolved: (Chris Owen/Dan Isbister)

- 1. To defer adjusting licence category fee ratios to generate more revenue until supportive research on likely consequences is completed.**
- 2. To develop a scoping paper of what would be required to analyse the impact of all licence categories and pricing and the cost of doing this.**
- 3. To support a budget for completing this project with urgency before licence fees are set for the 2019/20 fishing season.**
- 4. To support the R3 project and its most recent initiatives.**

15. 2018/19 NZ Council Strategic & Three-year Business Plan

The 2018/19 Business Plan is based on the Strategic Plan considered by NZ Council in November 2017 and approved in March 2018.

This is something for the new council to review early in 2019.

Note include routine audits in business plan.

Resolved (Colin Weatherall/Kevin Williams)

That the NZ Council

Defer consideration on this item until early next year with a review of the Strategic plan and business plan by the new council.

16. Game Notice – Issues requiring NZC consideration

Regional Fish and Game Councils under 26Q(i)(b)(iii) of the Conservation Act 1987 are to formulate and recommend to the New Zealand Fish and Game Council conditions for the sport fishing and game seasons. Where such recommendations involve ethical consideration or significant changes to the Notice they should be discussed nationally. Those involving population and harvest controls of a local nature should be dealt with regionally. Two Game Notice matters raised for NZ Council consideration are the taking of game using Australian harriers and a change to the game hunting code of conduct.

Include promotion of other non-toxic options, i.e. non-plastic wads.

Resolved: (Colin Weatherall/Kevin Williams)

- 1. Note the request to allow a change in Northland Fish and Game regional game regulations to allow the taking of game using Australian Harriers.**
- 2. Agree that such a request involving population and harvest controls is best dealt with regionally.**

Resolved: (Kevin Williams/Colin Weatherall)

1. **Agree that the proposed Otago changes to the game hunting code of conduct be discussed by the NZ Council and referred for consultation to Fish and Game Councils as proposed national policy.**
2. **Agree that feedback on a new code of conduct be requested in time for the April 2019 NZ Council meeting to enable any adopted change to be reflected in the preparation of the 2020 Game Bird Hunting Guide booklets.**

17. CEO & Staff Activities Report

This item provides a summary of work undertaken by the CE, Policy & Planning Manager, the Communications Manager and Advisors in the period since the last meeting.

Resolved: (Chris Owen/Alan Flynn)

That the November 2018 CE & Staff Activities Report be received.

18. Health & Safety Bi-Monthly Report

A NZ Council health and safety policy was approved in July 2016. This policy is now supported by bi-monthly reporting to Council on health & safety action as recorded by Council staff.

Resolved: (Nigel Juby/Chris Owens)

That the November 2018 Health & Safety report be received.

19. RM/Legal Update Report

This item provides an update for those legal projects already approved and where there has been some action since reported in September 2018. This update is provided as a spreadsheet.

Resolved: (Noel Birchall/Paul Shortis)

That the November 2018 RM Legal Update report be received.

20. Research Programme Update Report

This item provides an update for those research projects already approved and where there has been some action since reported in November 2018. Like the RM/Legal update, it consists of a spreadsheet but with a word document providing supportive information.

Resolved: (Chris Owen/Paul Shortis)

That the November 2018 Research Programme update report be received.

21. National licence sales update

An update on licence sales was provided with a comparison of YTD figures to 9 November 2018 for the 2018/19 seasons. The accompanying table/figures were explained and discussed.

Resolved (Chris Owen/Andy Harris)

That the November 2018 licence sales update be received for information.

22. R3 (Recruitment, Retention and Reactivation) Update

The project manager consultant Steve Doughty has provided a summary of what is being worked on and progress within the R3 project.

Resolved: (Kevin Williams/Colin Weatherall)

That the November 2018 R3 update report be received.

23. Review of Fish and Game Council 2018 Elections

This item provides an analysis of the 2018 electoral results. Of the nine councils with elections in 2018, an average of 29.9% of eligible licence holders had indicated that they wished to go on the electoral rolls. When it came to voting, only 28.9% of those on the electoral roll did so (compared to 27.9% in 2015 and 20.4% in 2012).

It was suggested that we may be able to indicate on licence whether entitled to vote.

Resolved: (Chris Owen /Alan Flynn)

That the 2018 Fish and Game Council Elections update report be received.

24. Members of NZ Council

The November 2018 meeting of the New Zealand Fish and Game Council (NZ Council) is its 134th public meeting since first meeting in July 1991. A full list of all those appointed to the NZ Council over time was provided

25. Environmental Scan

This item is intended to last up to 30 minutes and allows councillors to raise or comment on recent media issues or matters occurring in the regions. The item was moved at the start of the meeting to be considered as the last item of the day, should time permit. Unfortunately, due to time constraints at this meeting it was agreed to hold this item over for the next meeting. That said, a comment was made that in a recent drift dive in a N/M river (Motupiko) it showed the highest density of native fish witnessed over the history of dives on this river.

The meeting was adjourned on Friday 23rd November at 5.05 pm, to be reconvened Sunday 25th November

Sunday 25 November

Present:

NZ Council: Lindsay Lyons (Chairperson), Noel Birchall, Kevin Williams, Alan Flynn, Andy Harris, Dan Isbister, Colin Weatherall, and Chris Owen.

NZ Council staff: Martin Taylor, Robert Sowman

Attendee: Mervyn English & Natalie Bowie from 1.00 pm.

The meeting began by moving into a

26. Public Excluded session of the meeting

9.15 am Resolved: (Kevin Williams/Chris Owen)

To move into a Public Excluded session of the meeting

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

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

a. CE Performance Appraisal

- b. **Minutes from the last meeting taken in public excluded.**
- c. **CE Advocacy Report**
- d. **NZ Council Audit of North Canterbury Fish and Game Council**
- e. **Other NZ Council Audits**

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
XX.	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.
	Maintain legal professional privilege	Sec. 9(2)(h)	To enable the Council to discuss legal advice.	Once the matter is completed and the legal advisor agrees to its release.
	Enable a Minister of the Crown or any Department or organisation holding information to carry out without prejudice or disadvantage, negotiations.	Sec.9(2)(j)	To enable the Council to discuss the information without improper gain or advantage being given to third parties.	Once agreement has been reached or contract signed.

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: 12.05 pm

Resolved: (Andy Harris/Paul Shortis)

To move out of Public Excluded and back into a Public meeting.

27. Resolutions brought forward from the Public Excluded Session

That the recommendations on Upland Game Preserves be taken into the public minutes of the November 2018 meeting.

Resolved (Andy Harris & Dan Isbister)

Agree to send a letter to Upland Game Preserve owners setting out what the situation is and asking them for feedback before making a recommendation to the Minister:

- 1.**
 - a. We have taken legal advice on the practice of upland game preserves.**
 - b. That advice was shared with DOC and they agree with the legal advice**
 - c. Our suggested remedy is to move non-compliant pheasant and red-legged partridge properties to Schedule 3 of Wildlife Act for three years.**
 - d. Include Sir Geoffrey's opinion in the letter**
 - e. Ask for feedback by 29 March 2019.**
- 2. Consult and ask for comment from Fish and Game Councils by 29 March 2019.**

28. Meeting dates

Two issues raised by managers over proposed dates for 2019 were discussed (relating to the timing of NZ Council meetings as they impact on the annual budget setting process by Fish and Game Councils:

1. How to run the process and
2. The timing.

Alternative dates have been put forward by the NZ Council CE– 29th March & 5th April.

Discussion resulted on the necessary steps before bids are considered by NZ Council.

It was agreed, there was merit in NZ Councils putting its strategic plan forward and setting out its priorities for the year against which other Fish and Game Council interests could be assessed. These would include R3, and CPI which most Councils included.

It was agreed the 5th April should be the new meeting date and this would require papers on contestable funding bids to be submitted by 22 March.

It was recognised that regional manager concern was over having to confirm OWP in February rather than March.

The NZ Council agreed having managers rank contestable bids was useful. It was noted that final decisions on contestable funding bids and Fish and Game council budgets was the responsibility of the NZ Council.

Resolved (Noel Birchall/Andy Harris)

To move the NZ Council meeting to 5th April with the requirement for papers to be submitted by 22 March 2019.

Tributes to retiring members of NZ Council

The Chairperson acknowledged the contribution and service of retiring councillors Colin Sherrard, Andrew Morris, Paul Dixon-Didier, Matthew Hall & John Jillett. He spoke, providing a tribute to each. Several councillors spoke in reply.

1.13 pm Meeting reconvened after lunch break.
Chairperson introduced DOC guests, Mervyn English and Natalie Bowie

The meeting returned to a public excluded session at 1.20 pm for its discussion with Department of Conservation officials, before moving out of public excluded and back to the public meeting at 1.53 pm Sunday.

29. Closing Remarks

The Chairperson thanked Council and staff for their participation and a special thanks to Murray, Andy and his team for organising the venue, field trip and social programme.

There being no further business, the Chairperson declared the meeting closed at 1.55 pm Sunday 25 November 2018.

Confirmed:

Date:/...../2018