

CENTRAL SOUTH ISLAND FISH AND GAME COUNCIL

Minutes of Meeting of Central South Island Fish and Game Council held in the Boardroom, 32 Richard Pearse Drive, Temuka, on Thursday 20 June 2019 at 7:00 pm.

Present: A Brooks D Isbister
 C Fulton L Koevoet
 S Gerard C McKenzie
 M Hall A Simpson
 J Henry (Ngai Tahu)

In Attendance:

F&G Staff: J Graybill (Chief Executive), B Dolan (Office Administrator), A Christensen (Resource Officer), J Couper (Fish and Game Officer), H Stevens (Fish and Game Officer), M Webb (Fish and Game Officer), R Cosgrove (NZC Communications Advisor), B Robertson & J Lovelock (Auditors).

Members of the Public: 9

As the current Chairman had stood down and there was no sitting deputy, the Chief Executive called the meeting to order.

18-049 ELECTIONS AND COMMITTEE APPOINTMENTS:

049.1 Election of Chairperson

Chief Executive called for nominations for the position of Chairperson.

A Simpson - Nominated D Isbister/M Hall

A Simpson extended his appreciation for the nomination and explained that there may be times he cannot make a meeting but would make every effort. He asked that anyone who had any concerns about his availability to please advise now. No concerns were raised.

No further nominations for Chairperson were forthcoming. A Simpson was **declared** elected to the position unopposed and assumed the Chair.

049.2 Election of Deputy Chairperson

Council felt that appointing a Deputy Chair would assist Council in knowing who would resume the Chair if the Chairperson was absent. A Simpson clarified that the Deputy Chairperson would still have to be confirmed on the night of the meeting to comply with Standing Orders.

C Fulton - Nominated Koevoet/McKenzie

No further nominations for deputy Chairperson were forthcoming. C Fulton was **declared** elected to the position unopposed.

049.3 Acknowledgement of Previous Chairperson

It was noted that D de Joux had resigned due to ill health and Council felt it was appropriate to send a card acknowledging his time as Chairperson.



Resolved (Simpson/Gerard)

19-049

THAT A CARD OF THANKS BE SENT TO D DE JOUX FOR HIS LOYALTY AND ENERGETIC CONTRIBUTION TO THE CSI COUNCIL.

049.4 Frank Hamilton

D Isbister advised that Frank Hamilton, a long-serving and dedicated Councillor for CSI Fish and Game, had passed away.

Resolved (Isbister/Koevoet)

19-050

THAT A CONDOLENCE CARD BE SENT TO THE FAMILY OF FRANK HAMILTON IN ACKNOWLEDGMENT OF HIS LONG-STANDING DEDICATION, LOYALTY AND CONTRIBUTION TO FISH AND GAME.

19-050 APOLOGIES:

B Growcott, S Bannister.

Resolved (Koevoet/Brooks)

19-051

THAT THE APOLOGIES OF B GROWCOTT AND S BANNISTER BE ACCEPTED.

19-051 COUNCILLOR INTEREST REGISTER:

Chairperson queried if Councillors had any new interests to add to the register? None were advised.

19-052 HEALTH & SAFETY:

Chief Executive pointed out exit points of the building and assembly points for evacuation of the premises.

19-053 NOTIFIED GENERAL BUSINESS:

053.1 Notice of Motion-Governance (SG)

053.2 Notice of Motion-CSI's Audit Costs (LK)

053.3 Salmon Committee (MH)

19-054 CONFIRMATION OF MINUTES – 18 APRIL 2019

Resolved (Koevoet/McKenzie)

19-052

THAT THE MINUTES OF MEETING OF 18 APRIL 2019 BE ACCEPTED AS A TRUE AND CORRECT RECORD.

19-055 BUDGET AND FINANCE:

055.1 Financial Reports & Expense Listing

L Koevoet expressed concern at G Nahakies costs. Chief Executive responded that Mr Nahakies provided valuable information about Governance and assisted Councillors thoughts on purpose and priorities.

THAT COUNCIL RECEIVES THE FINANCIAL REPORTS AND RATIFIES THE EXPENSE LISTINGS FOR APRIL AND MAY 2019 IN THE GST INCLUSIVE AMOUNTS OF \$109,233.56 AND \$340,842.54, RESPECTIVELY.

19-056 PUBLIC ISSUES FORUM:

056.1 Lake Opuha

Neville Stone requested an update on his request to the Chief Executive to catch fish out of season? Chief Executive apologised for the delay and advised that a report is in preparation and should be available in the next two to three weeks. N Stone queried if Fish and Game would be sampling fish also? Chief Executive advised he was not able to pre-determine what the result of the report will be.

Allan Campbell advised that the report he had provided to CSI Council has also been distributed to other agencies including NZ Fish and Game. He advised that he knows a person who has pictures of deformed fish with small heads caught in Lake Opuha and reports of fish that "glow in the dark."

Chief Executive advised that such observations should be reported to ECan, who have responsibilities for water quality, and to the DHB medical officer of health, who has responsibility for human health.

J de Wit stated he was aware of a study of lakes and wondered if Lake Opuha could be added. Chief Executive responded he was aware of the study and believed it only applied to natural lakes.

Chairman thanked the public for their attendance.

19-057 CHIEF EXECUTIVE'S REPORT:

057.1 CSI Region Angler Notice Review (9.1)

M Webb provided Council with a report following a joint workshop between Councillors of North Canterbury & CSI Fish and Game on salmon fishing regulations for the 2019/20 season. The workshop **RECOMMENDED** both Councils adopt the closure of salmon fishing in November and October.

THAT NO LICENCE HOLDER MAY FISH FOR, TAKE, OR KILL ANY SEA-RUN CHINOOK SALMON IN OCTOBER AND NOVEMBER IN ANY RIVER IN THE CENTRAL SOUTH ISLAND FISH AND GAME REGION.

S Gerard asked if Council should be closing Lake Heron if the salmon fishery is in crisis. Chief Executive responded that there is a research project on Lake Heron salmon that had just been approved for funding. He believed it would be pre-mature for Council to make a decision on closing the fishery before the results of that study are known.

Chief Executive advised that CSI and North Canterbury FGC's salmon regulations are now mostly in alignment with each other.



C Fulton thanked the Chief Executive for organising a joint meeting as she felt it was worthwhile and would like to see more meetings with North Canterbury FGC in future.

A Brooks advised that he felt the gorge area needs to be seriously looked at, in particular boat fishing (using fish finders). Councillors responded that a season bag and adaptive management would assist in addressing these concerns if they can be implemented in the future.

057.2 National Policy on Prosecutions and Conservation Infringement Systems (9.2)

Council considered two papers from NZ Fish and Game Council addressing National Policy on Prosecutions and a Conservation Infringement Systems Policy.

The Conservation Infringement System defines how Infringement Notices (IN), commonly known as instant fines, will be implemented by appropriately trained and warranted F&G staff.

It was reported that currently penalties for offences taken through the diversion process can be paid to a dedicated CSI habitat fund. It was noted that under the IN process those penalties are paid into the Government's general fund as specified by legislation. CSI staff believed a case could be made for F&G costs for the IN process to be reimbursed from the infringement fees received. It was noted this may take time to resolve.

Staff recommended that this issue form part of CSI recommendation to NZ Council, with a condition requiring NZ Fish and Game making the case, no more than five years after implementation of the National Policy on Prosecutions, to receive all or part of the infringement fees.

Resolved (McKenzie/Koevoet)

19-055

THAT COUNCIL SUPPORTS THE RECOMMENDATIONS CONTAINED IN THE NATIONAL POLICY FOR PROSECUTIONS, APRIL 2019, AND CONSERVATION INFRINGEMENT SYSTEMS POLICY, APRIL 2019, DOCUMENTS.

M Hall noted there was nothing in the policy that suggests an indemnity or cover for a staff member. It was **AGREED** that this issue be raised with NZ Fish and Game.

Resolved (Isbister/Fulton)

19-056

THAT COUNCIL RECOMMENDS NZFGC REVIEWS REGIONAL F&G COSTS FOR IMPLEMENTING THE INFRINGEMENT SYSTEMS POLICY NO MORE THAN FIVE YEARS AFTER IMPLEMENTATION OF THE NATIONAL POLICY ON PROSECUTIONS WITH THE INTENT BEING A SUBMISSION TO DOC FOR REIMBURSEMENT OF REGIONAL COSTS OR PROVISION OF INFRINGEMENT FEES TO A DEDICATED REGIONAL F&G HABITAT FUND.

057.3 Recommendations from the CSI Audit Report (9.3)

Audit Report Recommendations:

Chairperson welcomed Bruce Robertson and James Lovelock to the CSI Council meeting and invited them to address the Council on their findings in the CSI Audit

Report. B Robertson explained that his audit role was at the request of NZ Fish and Game Council. The request was to review three things.

1. Questions were raised as to whether G Rooney's role as Chairman and his interests were managed appropriately.
2. Questions were raised about the quality of management's advice to Council and
3. Did Council have policies in place to manage these?

B Robertson advised that his report concluded that the complaints about Mr Rooney and the CSI Council were unsubstantiated. He was comfortable to put his name to the report that says that matters were handled appropriately by the CSI Council. B Robertson added that he felt the 'perception' risk related to G Rooney could have been better recognised by Council.

B Robertson advised that with the nature of the complaint against the Chief Executive they (the auditors) had a close look at J Graybill's advice to Council and their conclusion was that Mr Graybill's advice was sound.

B Robertson queried if Council felt this report allows them to draw a line and move forward? Chairperson responded that the report was thorough and constructive and forward looking. He recognised the events were quite wounding to the Council and this would not heal immediately. He noted that tools would have helped at the time and can help in the future but even with perfect tools Council must be constructive at meetings.

L Koevoet expressed concern that G Rooney and J Graybill have both been mentioned at this meeting, but no mention has been made of the Councillor at the table who made the complaints, which were found to be unsubstantiated. D Isbister noted the audit report was a good report and had its facts right. He was disappointed that since the report has come out, in which it cleared the CSI Council, that there has been no acknowledgement from any source that CSI has done well and feels that there should be. In addition, he noted that Mr Rooney hadn't been contacted at all. J Henry stressed that Mr Rooney was put through all this because of one person's vendetta.

Chairperson acknowledged these comments and agreed that relationships have been strained but need to agree to go forward.

Conflicts of Interest:

A Brooks sought clarification on the issue of conflicts of interest. B Robertson suggested Councillors read the 2007 Office of the Auditors General's guidelines on conflicts of interest titled "Managing Conflicts of Interest: Guidance for Public Entities" and also the Local Authorities Members Interests. He explained that financial interest does not itself create a conflict but whether the matter before this Council could be interpreted as a conflict. Another conflict is if a Councillor brings a bias or a pre-determination on an issue i.e., if you are a member of a club that is bringing business to the Council you would have to consider the risk that you may be bringing bias and pre-determination. A Councillor is required to maintain an open mind. If there is a risk that you could be deemed to have a bias or pre-determination, then you should consider if you should remain in the room. B Robertson suggested Councillors make use of J Graybill and his skills on the Conflict of Interest issue and to take advice from the Council. He stressed the phrase "*if in doubt, get out.*"

Chairperson agreed stating that if there is lingering doubt then one must always err on the side of caution. Conflicts of Interest safeguards are there to protect the public and is a protection for the Council. Furthermore, it is in Councillors own interests to be candid and disclosing.

Chief Executive sought clarification that if the determination is made that a Councillor has a conflict of interest then the decision should be that they cannot vote? B Robertson responded that is correct.

Resolved (Fulton/Koevoet)

19-057

- 1. THAT THE DRAFT UPDATED CSI GOVERNANCE POLICIES BE RECEIVED AND LIE ON THE TABLE FOR CONSIDERATION BY COUNCIL AT A LATER COUNCIL MEETING.**
- 2. THAT COUNCIL RECEIVE THE EXAMPLE CONFLICT OF INTERESTS MANAGEMENT PLAN FOR CONSIDERATION AND ANY OTHER EXAMPLES THAT MAY COME TO HAND FOR CONSIDERATION AT A LATER MEETING.**
- 3. THAT COUNCIL RECEIVE THE EXAMPLE INTEREST REGISTER DECLARATIONS FOR CONSIDERATION AT A LATER MEETING OF COUNCIL.**

Chief Executive advised that draft guidelines are currently in preparation for consideration by Council at a later Council meeting. These address the fourth recommendation from the audit report on “an approach to the Council oversight of regulatory functions”.

Chairman thanked Chief Executive for the substantial amount of work that went into bringing the draft Governance Policies to Council.

19-058 OPERATIONS AND STAFF REPORTS:

058.1 Staff Activities Reports

Staff responded to general queries from Councillors related to topics reported in their activities and operations reports.

058.2 Tagged Fish in the Hakataramea

There was a query as to when fish were being caught in the Hakataramea trap was there an ability to gain further information by weighing and measuring those fish? It was felt there could valuable information potentially being missed. M Webb responded that the most important information to gather at this point is the tag number on the fish.

058.3 Set Netting

Concern was expressed about capital trout stock potentially being removed via illegal set-net activity on the Rangitata. Staff responded that they are working with MPI on the issue and will have more to report at a later meeting.

19-059 NZFGC MATTERS:

D Isbister provided an update on NZC matters from the June 2019 meeting of the NZ Council. Topics included:

- Non-Resident Licence premium and what regions are spending this income on



- 3 sub-committees have been established. Those being; Strategic Financial, Remuneration, and Licencing.
- CSI Audit – external cost (DoC) of the audit is \$122,000 but this did not include costs incurred by CSI Council and NZ Council.
- Bequests Policy is now signed off.
- Licence Working Party members resignations.
- Hawkes Bay audit still ongoing

Chief Executive gave background around the issue of Licence Working Party (LWP) members tendering their resignation. The LWP felt they were not being involved in important decision making and not being provided necessary documents to enable them to be fully involved in the process. He advised that a lot of progress has been made since their resignation and was confident the LWP would again be more workable. He therefore requested Council's support for him to go back on the LWP.

Resolved (Hall/Fulton)

19-058

THAT CSI COUNCIL ENDORSE/SUPPORT JAY GRAYBILL'S MEMBERSHIP ON THE LICENCING SUB-COMMITTEE.

19-60 NOTIFIED GENERAL BUSINESS:

060.1 Notice of Motion-CSI's Audit Costs (LK)

L Koevoet felt that costs incurred by the CSI Region on the audit be forwarded to the NZ Council for re-imburement citing that the burden placed on the staff was substantial and the outcome of the audit found that the allegations made against the CSI Council were unsubstantiated.

M Hall agreed. He stressed that the audit was put upon this Council and staff had worked weekends and extra time to fulfil the requests for information, which was substantial. In the normal budget round CSI have to go through a process of justifying its costs to NZ Council. CSI Council was put in the situation where additional time was required of its staff that had not been budgeted for.

D Isbister advised that as a member of the NZ Council there was the potential for him to be conflicted, so he left the boardroom at 9:30 pm.

Resolved (Koevoet/Hall)

19-059

THAT CSI COUNCIL SEND AN INVOICE TO NZ COUNCIL FOR CSI'S INTERNAL COSTS OF PARTICIPATING IN THE AUDIT. THE ALLEGATIONS WERE UNSUBSTANTIATED AND THEREFORE THE COSTS NEED TO BE MET BY THE AGENCY WHO PUT UP THE AUDIT.

D Isbister returned to the meeting at 9:34 pm.

060.2 Salmon Committee (MH)

M Hall advised that he could not attend the Salmon Committee meeting in July and felt another Councillor could attend in his place. It was **AGREED** that L Koevoet attend for CSI in M Hall's absence.

060.3 Notice of Motion-Governance (SG)

S Gerard requested that minutes be sent to Council within 5 working days of the meeting. M Hall queried if S Gerard had discussed this issue with staff to ascertain their views. S Gerard responded he had not.

Councillors did not feel there needed to be a set time for the minutes to be distributed and were not in favour of a hard and fast rule of setting numbers of days. However, staff agreed to take on board to complete unconfirmed minutes as soon as was reasonably possible.

It was noted unconfirmed minutes must be watermarked and Councillors must not distribute unofficial and unconfirmed minutes to any other individuals. It was **AGREED** that unconfirmed "public excluded" minutes will not be included or released.

It was agreed that any issues of accuracy made on unconfirmed minutes must be sent as a group email to include all Councillors and the Chief Executive.

Chief Executive stressed that there would be no alterations to unconfirmed minutes prior to the full Council meeting as the decision on accuracy of the minutes rests with the full Council at its scheduled meeting.

060.4 Draft Governance Policies

Chairperson requested that Councillors read through the draft Governance Policies and submit to him their input before the August meeting of Council.

Meeting closed: 9:55 pm.

Next Council Meeting: Thursday 15 August 2019.

Signed  Date 15 / VIII / 2019