

One-hundred-and-twenty-third meeting of the  
**New Zealand Fish and Game Council**  
Wellington Airport Conference Centre, Wellington  
Friday 23 September 2016  
*Commencing 9.15 am*

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## **PRESENT**

### **NZ Councillors**

Lindsay Lyons (Chairperson), Noel Birchall, Colin Sherrard, Kevin Williams, Alan Flynn, Andrew Morris, Paul Dixon-Didier, Andy Harris, Matthew Hall and John Jillett.

### **In Attendance**

Peter Robinson (North Canterbury Fish and Game Councillor) in attendance due to absence of John Cumberpatch.

Bryce Johnson Chief Executive, Alison Lyall Finance & Administration Manager, Don Rood Communications Manager (two hours only).

### **Participants**

Kevin Payne and Bryan Colman, NZ Professional Fishing Guides Association

## **INTRODUCTION**

### **1. Welcome**

The Chairperson extended a welcome to all and a particular welcome back to the Council table to Peter Robinson standing in for John Cumberpatch.

### **2. Apologies**

John Cumberpatch, Paul Stenning and Robert Sowman (Policy & Planning Manager)

Resolved: (Colin Sherrard/Paul Dixon-Didier)

**That the apology from John Cumberpatch, Paul Stenning and Robert Sowman for absence from the September 2016 NZ Council meeting be accepted.**

### **3. Confirmation of Minutes from 22-23 July 2016 Meeting**

Nothing was identified in the minutes requiring further discussion.

Resolved: (Paul Dixon-Didier/Andrew Morris)

**That the minutes of the New Zealand Fish and Game Council meeting of 22-23 July 2016 be confirmed as a true and correct record.**

### **4. Review of Accumulative Action List from Previous Meetings**

Points were clarified with discussion resulting on some items.

It was noted that the determination of what constitutes 'affected party' status, and a 'less than minor' effect needs to be determined nationally, following a review of how these terms are applied by individual regional councils.

## **5. Annual Agenda**

September annual item requiring NZ Council consideration is the Councillors' self-appraisal review. This has not been undertaken in the last couple of years and remains in abeyance. It was agreed to collate what any of the regions do with a view to a consistent method being adopted organisation wide.

Resolved: (Matthew Hall/John Jillett)

**That an interim appraisal questionnaire be sent to councillors for completion before the November meeting.**

## **6. Identification of Other Urgent Business and Agreement on Agenda Order**

No change to the order of agenda items was requested. The item on the Guide Licence is to be taken once the two Professional Fishing Guide Association representatives arrive.

## **7. 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 to record these during the meeting.

- Lindsay Lyons acknowledged a perceived conflict as a retired guide in discussion on the guide licence.

## **8. 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:

- John Jillett reported on the Lindis River minimum flows case outcome being acceptable to Fish & Game.
- Otago Fish and Game, with Otago University, the NZ Royal Society, and the Guardians of Lake Wanaka was entering into an MOU with the Alpine Lake Research and Vegetation Centre.
- Matthew Hall reported on the difficulties CSI is having being recognised as an 'affected party' by ECan.
- Matthew Hall explained the developing issue around juvenile fish screening of the Rangitata Diversion race and the success of the rock screen used for water entering the South Rangitata irrigation intake.
- Noel Birchall reported on progress re access to Landcorp farms in Northland and Kai Iwi Lakes trout case
- Lindsay Lyons explained Eastern was repeating the fishing opening weekend trout tagging promotion.
- Colin Sherrard noted that the recently publicised Waikato Healthy Rivers plan could become another 'OnePlan' case.
- It was noted that the manager of the North Canterbury Fish and Game Council was standing for ECan.

## **9. Standing Orders**

The NZ Council revised the December 2015 edition of its Standing Orders at the March 2016 meeting. These changes were again considered at the July 2016 meeting. It was agreed in July that revised wording on conflict of interest be prepared and circulated to Councillors for consideration prior to the September meeting to allow this to be confirmed and the Standing Orders approved at that time.

Resolved (Andrew Morris /Andy Harris )

1. That the Standing Orders as revised be approved as NZ Council policy.
2. That the NZ Council recommend to the Minister of Conservation that she under 26A(1)(d) of the Conservation Act 1987, establish, by notice in the Gazette, the approved Standing Orders for the conduct of the meetings of the New Zealand Fish and Game Council, and as model rules for the conduct of Fish and Game Council meetings.

## 10. Financial Review Committee update

Matthew Hall updated councillors on the very successful Administration staff workshop recognising the contributions of a number of staff. He also noted that the matter of how Fish & Game should handle RMA funding applications had been referred to staff and would be further discussed at the November meeting.

## 11. Public Excluded session of the meeting

10.04 am Resolved (Matthew Hall/John Jillett )

### 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 proceedings of this meeting, to discuss legally privileged and confidential advice.**

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.”

11.07am Resolved (Matthew Hall/Andrew Morris)

### **To move out of Public Excluded and back into a Public Session of the Meeting**

## **12. Guides Licence**

The Professional Fishing Guides Association comments on an earlier draft of the Guide Licence proposal were considered at the July 2016 meeting. The Chief Executive wrote to the Association outlining these outcomes and proposed a meeting between the NZ Council Chairperson and Robert Sowman with Bryan Colman in Rotorua. The Association preferred a further meeting with the NZ Council to make its case. This was scheduled for the September meeting.

The chairman welcomed Kevin Payne and Bryan Coleman to the meeting.

Following discussion on the proposed Guides Licence paper and Regulatory Impact Statement the following changes were agreed:

- New clause 21f : *be the holder of an adult whole season licence*
- Replace references to ‘*citizen*’ with ‘*New Zealand resident*’

Resolved (Matthew Hall/Noel Birchall)

**That the NZPFGA will provide in writing the points they raised and that were agreed with, for Robert Sowman to review his official papers in light of these agreements, for submission to the Minister.**

**And further, that the base documents placed before this meeting be accepted, subject to the changes discussed and agreed with the NZPFGA representatives.**

## **13. Health & Safety 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 (Noel Birchall/Alan Flynn)

**That the Health and Safety Report for September 2016 be received.**

It was agreed that future reports include the date of relevant staff meetings.

*Break for lunch 12:28pm*

## **14. Public Excluded session of the meeting**

12:53pm Resolved (Andrew Morris/Kevin Williams)

**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:**

- a. Fish & Game NZ Magazine**
- b. Executive Committee report.**
- c. Implementation of NZ Council Office Review**
- d. Confirmation of minutes from the public excluded session July 23 2016**

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:

<b>GENERAL SUBJECT OF EACH MATTER TO BE CONSIDERED</b>	<b>REASON FOR PASSING THIS RESOLUTION IN RELATION TO EACH MATTER</b>	<b>GROUND(S) UNDER SECTION 48(1) FOR THE PASSING OF THIS RESOLUTION</b>
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<b>ITEM</b>	<b>REASON UNDER THE OFFICIAL INFORMATION ACT 1982</b>	<b>SECTION</b>	<b>PLAIN ENGLISH REASON</b>	<b>WHEN REPORT CAN BE RELEASED</b>
	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.

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1.48 pm      Resolved      (Kevin Williams/Andy Harris)

**To move out of Public Excluded and back into a Public Session of the Meeting**

## **15. Business Plan 2015/16 – Reporting on results**

This reports against the outputs set out in the 2015/16 NZ Council Business Plan as an end of year account of performance. This document will be used for auditing purposes to show what was achieved, by when.

Resolved (Matthew Hall/John Jillett)

**That the NZ Council agree that the Reporting of Results on the New Zealand Council 2015/16 Business Plan records an acceptable level of performance.**

## **16. 2017 Meeting Schedule**

Last year 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 remains – i.e. a telephone conference link in July.

The suggestion is to have two three-day away meetings in 2017 (CSI in March and Wellington in November), and three meetings in Wellington – two one-day meetings in May and September and one two-day meeting in July.

Resolved (Andrew Morris/Andy Harris)

**That the NZ Council meetings for 2017 will be as per the Schedule contained in the September 2016 Agenda, incorporating any changes, as discussed and agreed to at this meeting.**

Regarding the meeting scheduled for CSI in March it was suggested that because of the size of the region and the spread of possible points of interest the meeting could perhaps be held at an inland venue that could enable the Council field trip to also include the canal fishery and other inland points of interest.

## **17. Resource Management Strategy**

The NZ Council at its meeting in July 2016 held a workshop to consider the preparation of a strategy to manage RM outcomes. The NZ Council recommended that a draft strategy be circulated to regional Fish and Game Councils with feed-back in time for this strategy to be considered with a view to being approved at the September NZ Council meeting. All Councils provided feedback, with seven Councils indicating full support for the stated objectives. There were two unspecified replies and one informal (staff opinion) reply along with a range of comments.

The Council had a wide ranging discussion on both the draft strategy and the responses from regions. The Council was also mindful of:

- the advice it had received from its legal adviser regarding the ongoing uncertainty around the yet to be reported back Resource Legislation Amendment Bill which included many provisions that would be relevant to a Fish & Game RM strategy
- an upcoming report by the Environmental Defence Society ‘Evaluating the Outcomes of the Resource Management Act’
- the still awaited response of the government to the numerous RM related recommendations of the Land and Water Forum
- and the pending OECD report reviewing New Zealand’s environmental performance.

Resolved (Andrew Morris/Kevin Williams)

**That further consideration of the RM Strategy be deferred until the November meeting when the outcome of the Resource Legislation Amendment Bill, the Environmental Defence Society's RMA Outcomes report, the Government response to the LWF recommendations, and the OECD report on New Zealand's environmental performance are known.**

However the Council acknowledged that work could begin on the development of 'keystone documents'; and on the collation of current Regional Council approaches to the consenting of winter grazing of livestock, to stock exclusion from water bodies, to defining 'affected party' status, and to defining 'less than minor' environmental effects, all with a view to the development of standardised interpretations and definitions.

## **18. Operational Report**

The bi-monthly operational report was considered with questions raised mainly for information. Questions raised under various project headings were answered or the point queried was explained. Discussion occurred on the following projects:

### **Project 1210: Habitat Advocacy General**

In relation to the Hakataramea river bed channelization issue Matthew Hall reported that CSI had expressed its dissatisfaction to ECan regarding ECan's failure to properly process the riverworks consent and adequately protect the river.

Resolved (Andy Harris/John Jillet)

**That the New Zealand Council writes to ECan on the following points:**

- **request an explanation how the consents in question came to be processed as non-notified,**
- **ask if ECan is going to prosecute the persons responsible for the illegal river works, and if not, why not,**
- **seek confirmation that livestock grazing will not be permitted in the riverbed,**
- **request an explanation how the originally proposed works were judged to have a 'less than minor' adverse environmental effect.**

### **Project 1270**

The Chief Executive explained that this project area had become larger than initially anticipated due to the need to engage external expert advice, and had become a catch-all for a number of RMA related issues. These included the advice and advocacy regarding the Resource Legislation Amendment Bill, the pending review of both the NPS Freshwater and associated National Objectives Framework, and the pending review of WCO law.

It would also become the cost centre area for any implementation of LWF recommendations, for the intended development of 'keystone documents' to inform Fish and Game participation in regional planning and resource consent hearings, and for the collation of currently variable Regional Council approaches to the likes of *affected party* status, *less than minor* environmental effects, winter grazing policy and waterbody stock exclusion/riparian buffers.

### **Project 1410**

Considerable discussion occurred on the planned blanket spreading of 1080 in relation to back-county fisheries, particularly around the popular 1 October opening of the fishing season. It was explained that discussions had taken place with the DoC Director General and that Fish and Game held a

number of residual science and operational concerns which were causing some ongoing tension between the two organisations.

It was noted that Nelson Marlborough had become the flashpoint for Fish and Game concerns over this issue with a number of unanswered questions in relation to the rate of metabolism of 1080 by trout, consequent public health, and around the need for, and duration of, a stand down period for trout consumption, the assurances around which were held to be the responsibility of the agencies conducting the poisoning operations. Fish & Game was also asking for the helicopter spreading operation to adopt a precautionary approach by not dropping 1080 in and immediately adjacent to fishable waterways.

Finally, it was clarified that Fish & Game has to date not had a formal position on 1080, having previously only expressed concern over its use immediately prior and during the gamebird season owing to its extreme danger for gun dogs.

#### **Project 1440**

Peter Robinson updated councillors on the 'Fish in Schools' project noting that it was now operating in 30 schools.

#### **Project 1820**

Following a brief discussion on progress regarding the migration of email facilities to Microsoft Office 365 by nine councils it was agreed that all councils should be using the same email address.

Resolved: (Paul Dixon-Didier/Andrew Morris)

**That all regions expedite change over to the Office 365 email address (fishandgame.org.nz) as soon as possible.**

It was agreed that a follow-up letter be written to the four outstanding Fish and Game Councils urging them to complete the transition to the common Fish & Game New Zealand email address.

Resolved: (Matthew Hall /Kevin Williams)

**That the Operational Report to 31 August 2016 be received.**

### **19. NZ Council 2015/16 Bi-Monthly Financial Report No. 5**

The Finance & Administration Manager advised the Council of the end of year processes still to be actioned. Several questions were raised and answered regarding clarification of expenditure.

It was noted that the surplus shown in the report will vary with the accrual of legal expenses. The Finance & Administration Manager undertook to review these and notify Matthew Hall accordingly. It was also agreed that each legal case be assigned a distinct reference number to enable it to be tracked over time and between years.

Resolved: (Matthew Hall/Paul Dixon-Didier)

**That the Financial Report to 31 August 2016 be accepted.**

### **20. Fish & Game NZ Finance Report**

This item provides an update on expenditure by all thirteen Fish and Game Councils as at 31 August 2016 being 100% through the financial year with total expenditure unavailable at this time.



Resolved: (Andy Harris/Andrew Morris)

**That the National Finance Report to 31 August 2016 be received.**

## **21. RM Legal Funding Applications**

One legal case, regarding Hawke's Bay Regional Council Plan Change 5, had been submitted for NZ Council endorsement. All regional managers had shown support for this application to define a wetland and promote the view that all wetlands are important.

Resolved: (Matthew Hall/Alan Flynn)

**That the application for Hawke's Bay Regional Council Plan Change 5 by Hawke's Bay Fish and Game Council be approved for funding from the National Legal Fund of legal costs of \$65,000 for the 2016/17 financial year.**

## **22. RM/Legal Update Report**

The RM/Legal Update Report provides details on the project manager, approved sums and spending to date of RM legal projects from around the country. No substantive matters were raised regarding the updated case reports.

Noel Birchall briefed the Council on the emerging Taharoa Domain / Kai Iwi Lakes issue where the appointed Commissioners acting as the Kaipara District Council have sought to prohibit recreational trout fishing, and hence future trout releases, despite the area in question being a 'Recreation Reserve' under the Reserves Act. It was explained that the Kai Iwi Lakes comprise the Northland Fish and Game Council's top sports fishery and that it appeared the law was being inappropriately applied to achieve an unrelated purpose. Owing to the potential precedent arising from this matter it was acknowledged that the Northland Fish and Game Council will likely be seeking to judicially review the KDC decision with a view to retaining this regionally important sports fishery as a recreation amenity.

Resolved: (Andrew Morris/Kevin Williams)

**That the September 2016 RM/legal update report be received.**

## **23. Research Programme Update**

An update was provided on research projects currently in progress.

It was noted that some project managers/coordinators had not provided complete information in the project summaries, which needs to be complete in future.

It was agreed that, as was proposed with legal cases, each research project be assigned a distinct reference number to enable it to be tracked over time and between years.

It was also agreed that clarification be sought on what 'copyright' means in relation to research funded by Fish & Game.

Resolved: (John Jillett/Kevin Williams)

**That this September 2016 Research Programme update report be received.**

## **24. National Licence Sales & Licence Systems Update**

An update on licence sales was provided with a comparison of YTD figures to 31 August for the current and previous seasons.

Noel Birchall commented that while the number of licence sales had increased the actual income had decreased, suggesting Fish and Game will need to closely monitor sales and income trends, and perhaps review the licence category and pricing mix in order to retain income.

Resolved: (Noel Birchall/Colin Sherrard )

**That an evaluation be conducted by the Licence Working Party of the fish licence categories prior to the next setting of licence fees, to balance increases in sales against income.**

Resolved: (Noel Birchall/Colin Sherrard )

**That this September 2016 national licence sales table and licence systems update report be received for Council information.**

## **25. Correspondence**

Correspondence received during the period was considered with recommended replies provided for the Chairperson to include in his responses accepted.

## **26. Urgent General Business**

No further urgent general business was discussed.

## **Closing Remarks**

The Chairperson confirmed the next meeting will be in Northland and thanked Council and staff for their ongoing passion and commitment to Fish & Game.

There being no further business, the Chairperson declared the meeting closed at 4:38pm Friday 23 September 2016.

Confirmed: .....

Date: ...../...../2016