

One hundred and twenty ninth meeting of the  
**New Zealand Fish and Game Council**  
**Wellington Airport Conference Centre**  
Friday 24 November 2017  
*Commencing 8.50 am*

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**PRESENT**

**NZ Councillors**

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

**In Attendance**

Martin Taylor Chief Executive, Don Rood Communications Manager, Robert Sowman Policy & Planning Manager.

**Present:**

Niall Watson (Chief Executive Otago Fish and Game Council) – present until the afternoon tea break, Chris O'Meara, Dan Waechter & Marc Flaws (Wellington Fish and Game Council councillors) – present for the full day on Friday.

**INTRODUCTION**

**1. Welcome**

The Chairperson extended a welcome to all, noting that this was a significant meeting given it was the first meeting of the Chief Executive Martin Taylor.

**2. Apologies**

Paul Dixon-Didier and Allison Lyall are both unwell and unable to attend the meeting.

Resolved: (Colin Sherrard/Matthew Hall)

**That the apologies from Paul Dixon-Didier and Alison Lyall for absence from the November 2017 New Zealand Fish and Game Council meeting be accepted.**

**3. 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. No one identified any conflicts with the listed agenda items.

**4. Confirmation of Minutes from 29 September 2017 Meeting**

Nothing was identified in the minutes requiring further discussion.

It was noted that the number order in the circulated minutes were incorrect.

Resolved: (John Cumberpatch/Andrew Morris)

**That the minutes of the New Zealand Fish and Game Council meeting of 29 September 2017 be confirmed as a true and correct record.**

It was agreed to deal with the public excluded minutes of the previous meeting later in the Agenda when the CE is to discuss his report.

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

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

## **6. 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. Subjects raised at this meeting included:

- Older farmers in the Lower Waikato continue to exhibit a lot of denial about water quality and what is causing it.
- CSI Fish and Game Council is opposing Ecan's "urgent flood protection work" due to it disturbing spawning streams. CSI is likely to take a prosecution on this.
- The Infinity case on the Hakataramea has been dropped with costs to be shared.
- Subject of fish screens that don't work on irrigation canals has been raised with Ecan. This follows the subject featuring strongly at the recent Salmon Symposium.
- Northland F&GC is advertising for its second field staff. Other issues in Northland include consideration of Northland Regional Plan and work on the Kai Iwi Lakes proposal is on hold while a research program is being considered.

## **7. NZ Council 2017/18 Bi-Monthly Financial Report No. 1**

Several questions were raised and answered for clarification on expenditure. Report No 1 records the Council being 16% through the year with expenditure at 18.6% against budget.

Clarification was sought over where \$700,000 appears in the spreadsheet that is shown in total of Term Deposits on the summary sheet. Staff undertook to confirm and reply to council on this.

The Chief Executive explained he is to investigate alternative reporting practices and will report on this at a future meeting.

Resolved: (John Jillett/Andrew Morris)

**That the Financial Report No. 1 to 31 October 2017 be accepted.**

## **8. NZ Council Annual Performance Report Y.E 31 August 2017**

The audited financial statements for the Council require sign-off by the Council and to be returned to the Auditor Grant Thornton for audit certification. They will then be presented to the Minister, with deliver of copies to the Bills Office for tabling as non-Parliamentary papers.

Comments received included:

- Page 32 – Fish & Game has not "designated itself" as a public benefit entity.
- Page 33 – RMA legal revenue is recognised when the invoice is issued. The reality is that it occurs when costs are received, not when invoiced.

Resolved: (Matthew Hall/Noel Birchall)

**That the draft Financial Performance report for the year ended 31<sup>st</sup> August 2017 be received and approved for signing by the NZ Fish and Game Council Chairperson.**

## **9. RM Legal Funding Applications**

Six applications for RM/Legal funding have been submitted for NZ Council consideration. Submissions on each provide further detail as attached.

Several questions arose on information that should accompany these applications but are absent in most cases. Certainly, the level of documentation is variable across the applications. This needs tightening up with the "template" followed and further information

on names of legal and planning experts included, along with the number of hours budgeted for them and a quarterly breakdown of when any approved funding would need to be uplifted.

### **Minister of Conservation Eugene Sage**

Agenda discussion paused at 9.45 am to discuss the pending arrival of the Minister of Conservation to meet with the Council, then returned to discussion on the RM/Legal items (see following page).

The Minister of Conservation Eugene Sage and her staff - Geoff Woodhouse, Rick McGovern-Wilson – arrived at 10.55 am.

The Chairperson greeted the visitors and invited the Minister to speak first. She outlined how this was her dream job. She is from a tramping perspective, rather than a fishing one, but acknowledged we all appreciate the outdoors. Fish and Game's advocacy has been a valued and recognised contribution. The Rangitata Water Conservation Order was one the Minister's first contacts with Fish and Game and what she witnessed was enough to make her appreciate Fish and Game's efforts. This was due in part to the fact that it is water that has focused the Minister's efforts over recent years.

It was noted that Minister Parker is leading work on fresh water. One of the outcomes will be to send strong signals to regional councils to change their ways.

Climate change and droughts in parts of the country will introduce fire risks, toxic algae in waterways, etc. These impacts will require responses.

The Minister has asked DOC to have a stronger advocacy role. There is a also a commitment by this Government to provide more funding to DOC.

Minister Sage accepted that there is a need to look at economic signals and sustainability of resources in the longer term.

Her advice was that Fish & Game needs to continue to advocate for healthy waterways. It should look at making savings in the ways it does this, such as considering an internal legal advisor as practised by Forest and Bird Society.

Points raised with the Minister included the Ward Ranch dispute with DOC and Fish and Game over loss of grazing and agricultural land due to the weir changing water levels on the Whangamarino wetlands and the condition of north Waikato lakes.

Discussion also raised points about fish screens and non-compliance with Ecan and mining privileges water take review in Otago – over 400 consents to be applied for by Oct 2021. Mean annual river flows is something that needs further national guidance. Cumulative effects are a critical issue.

The Minister and her party left at 11.30 am.

In the discussion that followed the Minister's departure, it was agreed to write and thank the Minister for the time she made available to the NZ Council and promote a future opportunity to speak with her and Minister Parker. It could be an advantage, and more appealing, for the

Minister(s) if a meeting was set for a Thursday rather than Friday or Saturday as politicians traditionally leave Wellington for their constituents Thursday afternoon.

The CE acknowledged the need for a costs & benefits assessment of an in-house legal adviser is something he would be interested in following-up.

**Continued discussion on RM Legal Funding Applications**

At 10.30 am The Council recommenced its Agenda discussion on RM/Legal funding and agreed to deal with each application in turn:

**1. Auckland/Waikato Fish and Game Council**

1.1. Ward Ranch vs DOC & Auckland/Waikato F&GC  
**\$30,000** for legal representation during 2017/18.

Resolved: (Andrew Morris/Kevin Williams)

**Subject to being recommended by the Fish & Game Managers, that the application of \$30,000 for the Ward Ranch vs DOC and Auckland/Waikato Fish and Game Council hearing be approved for 2017/18 financial year.**

1.2 Section 128 review of resource consents held by DOC & Auckland/Waikato F&GC  
**\$50,000** for engagement and contribution to legal, technical and planning expertise during 2017/18.

Resolved: (Paul Stenning/Andrew Morris)

**Subject to being recommended by the Fish & Game Managers, that the application of \$50,000 for the Section 128 review of resource consents held by DOC and Auckland/Waikato Fish and Game Council be approved for 2017/18 financial year.**

**2. Otago Fish and Game Council**

2.1. Minimum residual flows due to historic mining privilege takes  
**\$150,000** from Otago reserves to fund required actions

Resolved: (Paul Stenning/John Cumberpatch)

**Subject to being recommended by the Fish & Game Managers, that the application of \$150,000 from Otago Fish and Game Council reserves for action involving historic mining privilege takes be approved for 2017/18 financial year.**

2.2. Kye Burn Environment Court hearing  
**\$85,000** for hearing if compromise agreement with irrigators fail.

Resolved: (Andrew Morris/Colin Sherrard)

**Subject to being recommended by the Fish & Game Managers, that the application of \$85,000 for the Kye Burn catchment group consent be approved for 2017/18 financial year.**

### **3. Hawke's Bay Fish and Game Council**

3.1 Hawke's Bay Regional Policy Plan change  
**\$30,000** to defend F&G interests in process. \$65,000 for this same Plan change was approved in September 2016 with \$3,973.85 remaining that can be drawn on.

Resolved: (John Cumberpatch/Matthew Hall)

**Subject to being recommended by the Fish & Game Managers, that the application of \$30,000 for the Hawke's Bay Regional Policy Plan change process be approved for 2017/18 financial year.**

### **4. Environmental Defence Society**

4.1 Resource Management system reform project proposal  
**\$40,000** as Fish & Game's contribution to project.  
EDS has secured some \$300k towards the cost of this project. EDS wants F&G involvement.

Resolved: (Paul Stenning/Colin Sherrard)

**The application of \$40,000 for the Resource Management system reform project as Fish & Game's financial contribution be declined for 2017/18 financial year.**

### **5. Taranaki Fish and Game Council's New Plymouth Office**

5.1 Exceptional Funding for lease of new premises  
**\$13,500** for lease costs including solicitor fees.

Resolved: (Andrew Morris/Colin Sherrard)

**The application for exceptional expenditure of \$13,500 for lease costs to secure premises in New Plymouth for Taranaki Fish and Game Council be approved.**

## **10. NZ Council Vehicle for the South Island Communications Advisor**

Currently the South Island Communications Advisor based in North Canterbury has been using a vehicle supplied by the North Canterbury Fish and Game Council. If the NZ Council is to continue with this arrangement it will be under new charges of 75 cents per kilometre. when and if a vehicle is required. Other options are to buy or lease a vehicle.

Resolved: (Matthew Hall/Allan Flynn)

- 1. NZ Fish and Game Council approve the purchase of a 4wd ute under the All of Government scheme.**
- 2. The recommended vehicle is a Mitsubishi Triton GLX double cab with canopy, tray liner and snorkel for \$34,573 excluding GST.**
- 3. Approval is also required for vehicle running costs and insurance of \$6,500 p.a. and a one-off cost for wrap around signwriting of \$4,000.**
- 4. It is suggested the vehicle be owned and operated for five years.**
- 5. Increase NZ Council budget cost centre 1461 (South Island Communications Advisor) to cover the purchase price of a vehicle and its operating expenses.**

## **11. Pay structure for managers**

Each region deals with its annual manager performance and pay scales in various ways. There is no 'level playing field' to ensure all regions deal with this appropriately. More transparency and discoverable processes should be considered. Discussion on this subject was assisted by having the

Otago Fish and Game Council Chief Executive present at the meeting and able to respond to several queries. Consultants have been used to size staff jobs in the past, including for managers. Strategic Pay has been used by Councils such as Otago.

A generic job size provides a good indicator. It was recognised that there is some sensitivity about the information.

The sizing information supplied to managers should be requested. The Otago Chief Executive offered to check whether this would be permissible and if so to supply the information without identifying individual arrangements.

## **12. Release of Captive Reared Mallards**

The subject of captive reared mallard is a growing practice in parts of the North Island and has generated diverse opinion on its legal and ethical position. There is a wish to develop policy that can be followed in a consistent way across all of Fish and Game, hence a paper for discussion to be shared with regional Fish and Game councils with the feedback available for further discussion by NZ Council in the New Year.

Resolved: (Andrew Morris/Andy Harris)

**That the NZ Fish and Game Council:**

- i) Receive Dr Williams' report and notes his key findings**
- ii) Agrees to make it available to interested parties on request with an invitation to provide comment on it back to the NZ Council by 1 March 2018.**
- iii) Agrees to send Dr Williams' report and this memorandum to Fish and Game Councils asking them to respond by 1 March 2018 to each of the questions raised in the memorandum under 3. Fish & Game's Position.**

## **13. Specific letters to be considered**

A letter had been received from Nelson/Marlborough Fish and Game Council urging action on the securing a guide licence.

Resolved: (Noel Birchall/Matthew Hall)

That the letter be received and a suitable reply sent.

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

1.40 pm Resolved: (Paul Stenning/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, to discuss:**

- a. Minutes from the last meeting taken in public excluded.**
- b. An introductory report by the new NZC Chief Executive**

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.”

2.10 pm Resolved: (Andy Harris/John Jillett)

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

### 15. Fish & Game NZ Finance Report

This item provides an update on expenditure by all thirteen Fish and Game Councils as at 31 October 2017 being 16% through the financial year with total expenditure indicated to be 15.58% against budget.

The figure shown for Nelson/Marlborough is rather low suggesting this may be a typing error? The discipline of regions reporting on time is a recognised issue.

Resolved: (Noel Birchall/Andrew Morris)

**That the National Finance Report to 31 October 2017 be received.**

### 16. Operational Report

The bi-monthly operational report was considered with questions raised, mainly for information. Discussion occurred on the following projects:

**Project 1130: Fishing and Hunting Regulations**

A question was asked as to whether the word “camouflage” can be changed to “any unmoored boat”. Why camouflage? Staff were to provide a response and circulate the answer to councillors.

**Project 1211: Habitat Advocacy within Fish and Game**

The question of continuing representation on the New Zealand Landcare Trust was discussed and it was confirmed that the new CE should continue in this role.

Resolved: Matthew Hall/Kevin Williams

**That the NZ Fish and Game Council write to the Land Care Trust to advise it that Fish and Game will be represented by Martin Taylor, the new Chief Executive.**

Resolved: (Andrew Morris/Paul Stenning)

**That the Operational Report for 24 November 2017 meeting be received.**

## **17. Guide Licence Proposal**

At 2.35 pm Friday three members of the NZ Professional Fishing Guides Association arrived at the meeting – Serge Bonnafoux, Kevin Payne and Craig Smith. The Council moved immediately into discussion on the guide licence. The Chairperson thanked the guides for attending and invited them to speak to the points they wished to raise.

It was accepted that the guides needed to provide their own lobbying of Cabinet Ministers and approach those government agencies with direct responsibility for the issues they have identified, such as foreigners working without work permits, not paying taxes or GST, not having adequate health & safety provisions, or liability insurance. It was agreed, this was currently not a level playing field.

The NZ Council agreed to share its draft submission with the Fishing Guides Association at the same time as it was to be sent to interested Fish and Game Councils – Otago, Southland, West Coast and Nelson/Marlborough.

It was also agreed at the time the submission was to be sent to the Minister of Conservation, the Chairperson and Chief Executive should take the opportunity to ask for a meeting with the Minister of Conservation to follow-up with the submission.

Resolved: (Paul Stenning/John Cumberpatch)

**That the NZ Fish and Game Council agree to prepare a revised guide licence proposal for submission to the Minister of Conservation by the end of February 2018 and request a meeting with the Minister to support the submission.**

At 3.35pm discussion with Fishing Guides Association was completed, and the meeting stopped for afternoon tea.

## **18. F&G NZ Financial Review Committee update**

It was acknowledged that progress has been a little piecemeal with this review and there is a need for a conversation with the new Chief Executive to review and reaffirm the timing of recommendations.



Resolved: (John Jillett/Andy Harris)

**That the F&G NZ report for November 2017 be received.**

## **19. Salmon Symposium update**

Councillor Hall spoke on the achievements of the two-day symposium to discuss the South Island's troubled wild salmon fishery. He described several of the points discussed and felt the main question being raised was "where to take the salmon fishery now?" He concluded the fishery is very sick. Discussion that followed focused on the importance of fish screens on irrigation schemes.

Resolved: (Kevin Williams/Paul Stenning)

**That the New Zealand Fish and Game Council:**

- 1. Scope out the formation of a salmon committee and the terms of reference needed to deal with restoring the Sea Run Salmon Fishery here in New Zealand. In achieving those objectives, the Council will:**
  - a. Consult with Fish and Game Councils requesting them to recommend their preferred terms of reference.**
  - b. List out and where appropriate speak to, other stake holders who would form part of the committee.**
  - c. Give advice on the committee's responsibility to the New Zealand Fish and Game Council and or other Councils.**
  - d. In setting up the committee consider the various recommendations that were collated from the workshop at the Salmon Symposium.**
  - e. Research and advise how a South Island Salmon Management Plan could be integrated into various Species Management Plans so that the recommendations on salmon had status under the Conservation Act and the Resource Management Act. This forming part of the scoping exercise in considering the functions of a Salmon Committee.**
  - f. Cost out the running of the committee for a year of operation.**
  - g. Report on and make recommendations to the first council meeting in 2018.**
- 2. Formally thank Eugene Sage for taking time to address the Salmon Symposium. Mentioning that Fish and Game are looking forward to working with her in securing habitats that will maintain and where need to be restore species populations including salmon and trout.**
- 3. Send appropriate letters of thanks, with the knowledge of the North Canterbury and Central South Island Fish and game Councils, to the various contributors to the Symposium.**
- 4. Record its thanks to Matthew Hall as the prime mover and organiser for a salmon symposium. The work put in by Matthew, ably supported by CSI and North Canterbury Fish and Game Councils and NZ Council staff, made the event a success.**

The meeting closed on Friday at 4.15 pm to allow the group to transport itself North of Wellington for dinner and overnight accommodation. Saturday was to feature a visit to some of Wellington Fish and Game Council's key sites, and the meeting would be concluded on Sunday morning, prior to a strategy planning workshop.

In closing the meeting, the Chairperson thanked the attendance of the three Wellington Fish and Game councillors - Chris O'Meara, Dan Waechter & Marc Flaws.

Sunday 26 October Solway Park Masterton.

Meeting resumed 8.30 am

The Chairperson introduced the day and commented on the field trip on Saturday and how much can be learnt from staff by going into the field with them. It was an excellent opportunity and well organised. He thanked Phil Teal, members of his Wellington council and staff.

## **20. 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. It was acknowledged by staff that there had been little to add since the last report apart from correspondence with the NZ Council Office landlord. The CE explained his recent discussion with the landlord and the request for a professional engineering assessment to assure the building at 2 Jarden Mile is safe to occupy.

Resolved: (Paul Stenning/Colin Sherrard)

**That the Health & Safety report for November 2017 be received.**

## **21. RM/Legal updates report**

The RM/Legal updates report provides details on the project manager, approved sums and spending to date of RM legal projects from around the country

The report has not been updated due to the Finance and Administration Manager being away unwell. It was noted the Water Conservation Order and the increase in allocations confirmed at the September are not included. The Infinity case has been withdrawn and this needs amending in the report as well. The question was also raised as to whether the September agreed allocations had been circulated to managers. Staff present were unable to confirm this but undertook to check.

It was suggested a sunset clause could be added to cover situations where funds are allocated but no action occurs, or the project is no longer live, since the date it was approved.

Resolved: (Kevin Williams/Andrew Morris)

**That the November 2017 RM Legal Update Report be received.**

## **22. Research Programme update**

An update was provided on research projects currently in progress. The actual status of projects 38, 41 and 47 was again questioned. It was agreed it is time to put pressure on Wellington Fish and Game to respond to get clarity on the status of these projects.

Again, due to the Finance and Administration Manager being away unwell, some information has not been updated and staff present were unable to respond to all queries. For example, the figures on the top left of the Research Fund spreadsheet do not make it clear as to what is outstanding as "other" research (other than mallard) and what is the total of allocating \$1 extra on licence sales for game research. The unallocated mallard budget figures need to be clearly shown. Similar points were raised by Councillor Birchall via email prior to the meeting. These need to be integrated and the report and spreadsheet made consistent.

## **23. National licence sales & licence systems update**

An update on licence sales was provided with a comparison of YTD figures to 13 November 2017 for the 2017/18 seasons and historic sales trend analysis back to the 1980/81 season.

There was discussion on the historic trends, implications and possible future options but no action recorded.

Resolved: (Noel Birchall/Kevin Williams)

**That the November 2017 national licence sales update report be received for Council information.**

**24. Use of consultants**

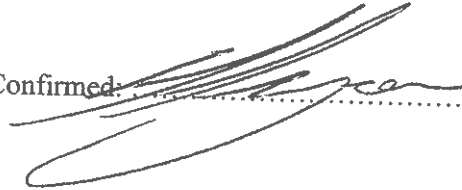
An informative discussion took place on the use of consultants, but no recommended action recorded.

**25. Closing Remarks**

The Chairperson thanked Council and staff for their participation.

There being no further business, the Chairperson declared the meeting closed at 10.00 am Sunday 26 November 2017.

Confirmed: .....

A handwritten signature in black ink, appearing to be 'M. J. ...', written over a dotted line.

Date: 25<sup>th</sup> / June / 2018