

One-hundred-and-twenty-second meeting of the
New Zealand Fish and Game Council
CQ Hotel, Cuba Street, Wellington
Friday 22 & Saturday 23 July 2016
Commencing 9.30 am

PRESENT

NZ Councillors

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

In Attendance

Lou Sanson Director-General Conservation (arrived Saturday 11.45 am – departed after lunch), Bryce Johnson Chief Executive, Alison Lyall Finance & Administration Manager (Friday only), Don Rood Communications Manager and Robert Sowman Policy & Planning Manager.

Participants

Friday 22 July

Jay Graybill Chief Executive Central South Island Fish and Game Council, Niall Watson Chief Executive Otago Fish and Game Council, David Haynes President New Zealand Federation Freshwater Anglers (arrived 12.25 pm, departed 2.00pm), Phil Teal Manager Wellington Fish and Game Council (arrived 3.30 pm).

Saturday 23 July

Jay Graybill Chief Executive Central South Island Fish and Game Council, Niall Watson Chief Executive Otago Fish and Game Council, Chris O'Meara Councillor Wellington Fish and Game Council and Marc Flaws Councillor Wellington Fish and Game Council. – All present from 9.00 am – 2.00 pm Saturday. Phil Teal Manager Wellington Fish and Game Council (9.00 am to lunch),

INTRODUCTION

1. Welcome

The Chairperson extended a welcome to all and a particular welcome back to the Council table to Matthew Hall and Colin Sherrard.

2. Apologies

John Cumberpatch.

Resolved: (Paul Stenning/Andy Harris)

That the apology from John Cumberpatch for his absence from the July 2016 NZ Council meeting be accepted.

3. Confirmation of Minutes from 20 May 2016 Meeting

Nothing was identified in the minutes requiring further discussion.

Resolved: (Andrew Morris/Paul Dixon-Didier)

That the minutes of the New Zealand Fish and Game Council meeting of 20 May 2016 be confirmed as a true and correct record.

4. Confirmation of resolutions from the Telephone Conference of 22 June

A telephone conference call is held each June to consider feedback from Fish and Game regional councils on consultation with them on the proposed new season licence fees. This provides for a NZ Council recommendation that can be incorporated into the licence fee submission to the Minister for consideration of new fish licence fees to be approved in advance of the start of the new financial year on 1st September. The resolutions from a telephone conference need to be reaffirmed in a public meeting of the Council.

Resolved (Andrew Morris/Paul Dixon-Didier)

That the notes from the telephone conference of 22 June 2016 be confirmed as a true and correct record and the two recommendations recorded below be adopted as Council resolutions.

That following consultation with regional Fish and Game Councils and support for the proposal, the New Zealand Council seeks approval from the Minister of Conservation for the 2016/17 sports fish licence to be based on an adult whole season fee of \$125 and the game licence to be based on an adult whole season licence fee of \$90 plus \$3 for the Game Bird Habitat (GST inclusive).

The Telephone Conference also considered a legal funding request from Auckland/Waikato Fish and Game of \$65,000 that had been circulated to regional managers for comment and support and now required NZ Council endorsement.

That funding to Auckland/Waikato Fish and Game Council to the amount of \$65,000 be approved from the National Legal Fund for an Environment Court hearing regarding the discharge by the AFFCO meat-works in the lower Waikato River.

5. Review of Accumulative Action List from Previous Meetings

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

6. Annual Agenda

July annual items requiring NZ Council consideration include: confirming resolutions taken in the July Telephone Conference, the NZC Business Plan final sign-off and the Chief Executive's performance plan. The first two are itemised for consideration at this meeting.

7. Identification of Other Urgent Business and Agreement on Agenda Order

A change to the order of agenda items was requested to allow the Finance & Administration Manager to present finance and RM/Legal papers on the Friday and to not attend for the Saturday session of the meeting. Other items identified as other urgent business included:

- A letter from IRD on taxable income

8. 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.

Those Councillors still to complete the Oath of Office and their declaration of interest forms did so at the meeting. Declarations detail any ongoing occupation or activity the councillor is engaged in that may from time to time conflict with Fish & Game matters.

9. 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 July meeting included:

- Wildlife Park and Hatchery at Te Anau is subject to a redevelopment proposal with involvement by Real Journeys & Department of Conservation. Fish and Game presence is wanted to be retained in any proposed development of the site.
- Northland Regional Council Environmental Services Committee is proposing a Far North Wildlife Management Plan wishing to remove black swan and paradise shelduck from game bird status in Northland. Northland Fish and Game Council has asked for further information on the concerns raised to seek removal of these species.
- Hearings on the Lindus River has been heard with decisions due in August 2016.
- High country stations – Hunter Valley in hands of Overseas Investment Office with commercial use a point of concern under sensitive land provisions.
- Taikitakitoa wetland work outside Dunedin has been completed with hunting stands put in place and shot over this game season. This has been a win-win situation for game hunters and freshwater wildlife including inunga.
- Waikato Regional Council is holding a series of meetings on a proposed plan that will restrict further land availability for dairying. Beef & Lamb apparently are organising its own meeting on this.
- Kahurangi National Park 'Battle of the Birds' drop on 1080. It would appear that Fish & Game have been deemed to not be an affected party by the consenting authority (TDC). There has been no response to the submission on the Kahurangi 1080 drop with Fish & Game's suggestions for setbacks and withholding periods.
- Nelson/Marlborough Fish and Game Council proposal is pursuing the utilising of recent research findings to reduce Didymo through use of phosphorus to stop it proliferating.
- RMA issues with irrigation in the Central South Island region and in particular the Rangitata River catchment with proposals for substantial storage ponds. CSI will be involved in the design of fish exclusion techniques.
- Ashburton District Council is one of the biggest users of the Ashburton river. The council is considering changing its water use consent (for irrigation) to a different purpose than what it was originally provided for (stock use) through a blanket consent. The Council has also committed to return some of the water to the river.

10. NZ Council 2015/16 Bi-Monthly Financial Report No. 4

Several questions were raised and answered for clarification on expenditure. Report No 4 records the Council being 83% through the year with expenditure at 72.38%. Northland Fish and Game has requested an adjusted payment regime to cover its cash-flow situation due to the bulk of its revenue coming through game licence sales. This request was supported by the NZ Council.

Resolved: (Noel Birchall/Andrew Morris)

That the Financial Report No. 4 to 30th June 2016 be accepted.

11. Fish & Game NZ Finance Report

This item provides an update on expenditure by all Fish and Game Councils as at 30th June 2016 (being 83% through the financial year). Two councils are showing over 90% of expenditure at this point of the year. The Finance & Administration Manager is to seek further information on this expenditure, particularly North Canterbury expenditure.

Resolved: (Paul Stenning/Andy Harris)

That the National Finance Report to 30th June 2016 be received.

12. Legal Funding Applications

Three legal cases have been submitted for NZ Council endorsement. These are:

- a. Lower Waikato River – AFFCO Meatworks discharge
- b. Waitoa River – Wallace Corp
- c. Implementation of One Plan Management rules.

There has been a further update on the Auckland/Waikato applications - Lower Waikato AFFCO case has been withdrawn. Waitoa Wallace Group appear to want to settle outside of court but in the interim Auckland/Waikato Fish and Game Council wish to retain the sum applied for from the Legal Fund. Therefore the proposal is to transfer the \$65,000 agreed in the Telephone Conference call from Waikato River AFFCO to Waitoa River Wallace Corp.

Resolved: (Noel Birchall/Andrew Morris)

That the application for Waitoa River – Wallace Corp by Auckland/Waikato Fish and Game Council be approved for funding from the National Legal Fund of legal costs of \$65,000 for 2016/17 financial year. Noting that this amount may be needed this 2015/16 year.

Horizon's One Plan (Implementation of Nutrient Management rules)

All managers who responded to the Wellington Fish and Game Council request have agreed to this application. The background to this is that the instruction handed down by the courts on how Horizons Regional Council must give effect to the One Plan has not been followed.

Resolved: (John Jillett/Kevin Williams)

That the application for implementation of the One Plan Nutrient Management rules by Wellington Fish and Game Council be approved for funding from the National Legal Fund of legal costs of \$95,000 for 2016/17 financial year.

It was noted that this case may carry over into the next financial year.

13. 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. There was discussion and verbal updates provided on some cases. The loss of protection for fish spawning and angler awareness through the transfer of navigation bylaws from the Local Government Act was noted with concern. No further decisions were recorded on other listed projects.

Resolved: (Matthew Hall/Andrew Morris)

That the NZ Council write to the relevant Minister to secure the apparent loss of fish and angler protection in the transfer of navigation bylaws from the Local Government Act to the Maritime Transport Act.

Resolved: (Colin Sherrard/Andy Harris)

That the 30 June 2016 RM/legal update report be received.

14. Standing Orders

The NZ Council revised the December 2015 edition of its Standing Orders at the March 2016 meeting. The agreed changes have been included with one change about conflict of interest to be finalised at this meeting. Once this has been achieved the meeting rules are able to be confirmed and adopted as Council Policy.

Discussion occurred on the subject of conflict of interest agreement 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.

15. F&GNZ Financial Review Committee update

Councillor Matthew Hall as convenor of the Financial Review Committee provided an update on progress with the review. He asked that the documents referred to in the May minutes under outcomes from the March Workshop be circulated to regions. Other comments in those minutes should also be acted on, including inviting comment on a draft policy on legal funding. Councillor Hall thanked Carmel Veitch and others for progress made with the two-tier reporting of financial statements. A proposed workshop of financial administrators on financial management is to be held in the second half of September 2016.

16. 2016/17 NZ Council Business Plan

The Business Plan highlighted new projects and those provided under contestable fund consideration. It was recognised that the Business Plan is subject to approval of the licence fees by the Minister of Conservation in July.

Resolved: (Andy Harris/Paul Stenning)

That the NZ Council agree that once a decision on the 2016/17 licence fees by the Minister is known, this plan be adopted in principle (or adjusted) to become the final plan for inclusion into the NZ Council blue meeting folder.

17. Health & Safety policy

A generic draft health and safety policy has been prepared by Carmel Veitch and amended by further staff comment. It is now available for each Fish and Game Council to customise for its own purposes. Discussion identified two small changes needing to be made to the draft, including making a report on health & safety a routine agenda item.

Resolved: (Kevin Williams/Paul Dixon-Didier)

That the New Zealand Fish and Game Council adopts the health and safety policy as part of its own Health and Safety material.

18. Audit the activities of councils

Section 26C(1)(j) of the Conservation Act 1987 requires the NZ Council “to audit the activities of Fish and Game Councils”. Discussion was held on the way this function of the Council could be implemented.

Resolved: (Paul Dixon-Didier/John Jillett)

That the NZ Council set up an audit working group including representation from regional councils to establish templates and protocols in order that the NZ Council can complete audits according to the Act.

Break for lunch Friday 22 July.

19. Economic value of trout in New Zealand

The New Zealand Federation of Freshwater Anglers wish to commission a study of the economic contribution of trout fishing to the New Zealand economy which the Federation argues, other than for local studies, has never been undertaken nationally before with any rigour.

Base cost was quoted at about \$80K with the project planned over 10-12 months.

There was agreement such a study should be done but questions were raised about issues on methodology and use of the results. The Federation agreed to provide examples of the number and content of questions asked in other similar surveys. From Fish and Game's perspective, section 26Q(1)(a)(ii) Conservation Act 1986, the function of monitoring the success rate and degree of satisfaction of users of sports fish and game would be more relevant justification to its involvement than mere economic values.

Resolved (Paul Stenning/Paul Dixon-Didier)

That the NZ Council seek the views of regional managers on the merits of undertaking an economic value of freshwater sport fishing and the requirements Fish and Game would need to satisfy before proceeding further.

20. 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

The value of Macro-invertebrate Community Index (MCI) was discussed in the context of the findings of Cawthron Institute that there is not a strong correlation between MCI and the abundance and productivity of sports fish.

It was noted that life supporting capacity and ecosystem health have been key points successfully used and defended by Fish and Game in recent hearings/court cases. It was further explained that the Cawthron advice was not intended to in any way undervalue MCI but rather to have it enhanced by the addition of fish as a parameter defining the statutory requirement to safeguard life supporting capacity of water and ecosystems. Within Fish and Game there is considerable knowledge about MCI and ecosystem health that can be drawn upon.

At this point in the meeting the Council considered a letter from Tony Tweed on the Hakataramea River where much of the flood plain and parts of the riverbed are being reshaped for farming purposes. It appears the consent was issued without public notification or thoughts to the impact on river morphology. The criticism is that ECan is ignoring its statutory responsibilities around environmental protection and raises concerns of national precedence where similar river works occur without proper consent criteria being applied or adhered to as set down in the consent.

In this regard it was noted that denial of affected party status is of growing concern to Fish and Game and other environmental interests in many parts of the country. There is a need for some generic focus from a national level. The definition of 'less than minor' and how it is interpreted would be an associated issue that will be pursued nationally.

Resolved: (Matthew Hall/Noel Birchall)

- 1. That the NZ Council writes to ECan expressing its concerns about river works exceeding the resource consent on the Hakataramea River. A draft of this letter to be prepared in consultation with the Chief Executive Central South Island Fish and Game.**
- 2. That a letter be sent to Tony Tweed advising him of the action being taken.**
- 3. That NZ Council writes to Central South Island Fish and Game Council forwarding the letter from Tony Tweed along with the reply from the NZ Council to Mr Tweed.**

Project 1220 Water Conservation Orders

The Chief Executive explained the delays caused by the Hawke's Bay Regional Council and the MfE regarding the Ngaruroro WCO application which has now been formally received and accepted by the Minister for the Environment. At the meeting with the Minister for the Environment it was noted that the Minister had asked Fish and Game advice on how the WCO legislation could be improved.

Project 1320: Angler and Hunter Participation

The question of access over Land Corp land in Northland was raised and it was explained that this matter has already been brought to the attention of Landcorp head office.

Project 1330: Angler & Hunter Participation

The role of Mountain Safety Council in firearm safety was discussed and agreed that Fish and Game needs to continue to be vigilant and maintain its involvement.

Project 1822: Maritime NZ Compliance

The NZ Council acknowledged its thanks to Rudi Hoetjes for coordinating Fish & Game's achievement of a national Maritime Transport Operators Certificate allowing all Fish and Game boats to operate within the approved plan.

Resolved: (Alan Flynn/Kevin Williams)

That the Operational Report for July 2016 be received.

Meeting adjourned 3.55 pm Friday 22 July.

Saturday morning commenced with a workshop on **preparing a strategy to manage RM outcomes**. The purpose of the workshop was to discuss the direction and preparation of a strategy to manage Fish and Game's future involvement in resource management practices. The NZ Council has already resolved (Nov 2015) to have a national strategy on resource management in place by September 2016.

The NZ Council met initially on its own from 8.15 am with the open discussion beginning at 9.30 am Saturday.

The public meeting of the NZ Council recommenced at 10.05 am Saturday after the Workshop session.

The conclusions from the workshop were brought back into the public meeting where it was agreed to re-state a resolution from the November 2015 meeting. It was also noted that the November resolutions need to be added to the Action Plan. Meanwhile the NZ Council is committed to:

A draft strategy to be circulated to regions with feed-back requested before the September NZ Council meeting.

That at the September 2016 NZ Council meeting the Council will seek to finalise the RMA strategy.

21. Research Programme update

An update was provided on research projects currently in progress. Unfortunately, not all project managers have responded with updates. However, overall NZ Council was pleased with the reports and new format. There was general debate on some projects but no issues were raised. It was agreed, the project on Integrated Catchment Management is to be closed off once payment for work is completed and written up.

Resolved: (Matthew Hall/Alan Flynn)

That this July 2016 Research Programme update report be received.

22. National licence sales & licence systems update

An update on licence sales was provided with a comparison of YTD figures to 30 June for the current and previous seasons. A set of daily cumulative graphs were also included showing fish licence sales comparing four seasons. Discussion focused on the sale of more licences but less revenue received than targeted. Nevertheless, there was general agreement that the introduction of new licence categories and the move away from paper licences had been successfully undertaken.

Resolved: (Paul Stenning/Andrew Morris)

That this July 2016 national licence sales and licence systems update report be received.

23. Angling Ethics – Catch & Release

Councillor Andy Harris provided a description of the West Coast Fish and Game Council's voluntary code of practice proposing 6 fish limit per angler per day for fish landed and released. General discussion ended with agreement on a voluntary limit being discussed by regions to determine wider appeal.

Resolved: (Paul Dixon-Didier/Kevin Williams)

In order to instigate wider debate, regions be invited to discuss whether Fish and Game should develop a policy on the ethics of catch and release fishing, and if so what such a policy might include.

24. Land Occupier Licence to Fish and Hunt

Under both the Conservation Act 1986 and Wildlife Act 1953 the land occupier may fish or hunt on that land without a licence. The paper submitted for discussion identified a number of issues and promoted wider merit of establishing a free fish and game licence for land occupiers. The paper to be sent out to regions needs to include the relevant legislation providing for this, noting the statutory provision to register names participating in this way.

Resolved: (Kevin Williams/Andy Harris)

- 1. That the NZ Council consult with regions on a proposed free fish and game licence for land occupiers when fishing or hunting on their own property.**

2. **That regional Fish and Game Councils be asked to respond to this proposal by 14 November for consideration by the NZ Council at its 25 – 27 November 2016 meeting.**

25. Correspondence

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

26 Director-General Conservation

Lou Sanson the Director General arrived at the meeting at 11.45 am. The meeting paused at 12.00 for discussion with the DG. After a welcome and introduction Lou spoke about Battle of the Birds and Predator Free NZ, Living Waters and other Department flagship projects.

The Department is putting money into freshwater and associated consent processes including mining privileges. The Department is putting energy into relationships with the likes of the Walking Access Commission.

Issues relevant to Fish and Game that have had to be considered by the DG include the Round the Mountain Cycleway (Oreti River) and the closure of winter fishing in Canterbury (posing relationship issues with ECan).

Te Anau Wildlife Centre proposal has fallen through with Real Journeys looking for another site. DG thanked for help with Otago Fish and Game Council over tenure review and mining privileges. Infringement legislation is determined by Cabinet. Minister has said she is prepared to come back in a year and consider an opportunity for Fish and Game.

27. Public Excluded session of the meeting

2.00 pm Resolved (Paul Dixon-Didier/Paul Stenning)

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 public excluded session March 20th 2016.**
- b. **Executive Committee report.**
- c. **NZ Game Bird Habitat Trust Board**
- d. **IRD Taxable Income letter**

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.”

2.40 pm Resolved (Andrew Morris/Paul Stenning)

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

Paul Dixon-Didier re-joined the meeting after leaving the room for discussion in the public-excluded session on the IRD letter about taxable income.

The following items were brought back into the public meeting for inclusion in the minutes as resolutions of the Council:

i) Wellington Fish and Game Council advertisement for a Senior Environmental Planner

Resolved (Paul Stenning/Andy Harris)

That the Chairman write to Wellington Fish and Game Council explaining why the position advertised is unacceptable to the NZ Council.

Andrew Morris asked to abstain.

ii) NZ Council Office Review and staff appointments

The policy & regulatory services officer position has been discussed by the Executive Committee and reported to the NZ Council. It was suggested an update be provided that could be circulated to all councils for information to indicate what is proposed and when this is to happen

iii) Game Bird Habitat Trust Board Nominations

It was agreed to put forward to the Minister of Conservation names for the three positions to be appointed in consultation with the NZ Council and to recommend a name for chairperson of the Trust Board. The position of Chairperson is appointed by the Minister.

iv) IRD letter on taxable income

Resolved (Matthew Hall/Andrew Morris)

That NZ Council seek advice on the letter from IRD on taxable income and based on this advice provide a single national response from Fish and Game New Zealand.

28. Urgent General Business

No further urgent general business was discussed.

Closing Remarks

The Chairperson thanked Council and staff for their support.

There being no further business, the Chairperson declared the meeting closed at 3.50 pm Saturday 23 July 2016.

Confirmed:

Date:/.....2016