

Minutes of the Fish & Game NZ, Southland Region Council meeting held at the Council Office, 17 Eye Street, Invercargill on Thursday 4th June 2020.

Present:

Lindsay Withington	Craig Horrell
Lyndon Norman (by Zoom)	Dave Harris
Paul Stenning	Bevan McNaughton
Mike Hartstonge	Chris Owen
David MacGregor	Ken Cochrane
Corey Carston	Cyril Gilroy (Te Runanga o Ngai Tahu)

In attendance: Zane Moss (Manager).

Members of the Public:

David Linklater
Dr Mike Turner (by Zoom)

The Country was currently at Alert Level 2 of the Government COVID-19 pandemic restrictions. Councillors were all practising social distancing at the meeting.

1. Welcome:

The Manager opened the meeting at 6.00pm & welcomed those present explaining the Health & Safety procedures for COVID -19 Level 2.

2. Nominations for new Chair.

With the resignation from Council of Graeme Watson on the 13th May 2020, the Manager called for nominations for a new Chairman.

Harris/McNaughton nominated Lindsay Withington.

With no further nominations:

Resolved Harris /McNaughton that Lindsay Withington be the Chairman of the Southland Fish & Game Council. Carried (with Cr Cochrane & Cr Owen abstaining from voting).

Cr Withington took the Chair and thanked the Council for their support.

The Chairman recorded the sad passing of Fred Inder on the 25th March 2020, just prior to the lockdown period. Fred was a long time Councillor & Honorary Ranger of the Council for the Te Anau area and had advocated strongly for better outcomes of the Waiau River and the lakes in the Fiordland region.

The Chairman then referred to the Governance Policies and reminded Council that we had to work with some key competencies, those being teamwork, honesty, integrity, acting in good faith and accountability. He encouraged every Councillor to re-read those policies as they provided important fundamentals on how we should behave, which had been neglected recently by some. We need to set aside all private and personal interests in our decision making. This included supporting any Council decision formally reached, whether you agreed or disagreed with that decision, as it was then the Council resolve, and it was unacceptable for a member to undermine that decision. Such actions were grounds for Council to request a replacement of the member concerned.

He had considered the Chairmanship role and wished to run the meetings very formally and will in future accept any Points of Order when members stray off topic or try & discuss issues not specifically on the agenda, or when a member had a pre-determined view on an issue.

Also, the current agenda order of business would be updated to the Standing Orders from the next meeting. The Executive Committee would also be set tonight.

Cr Hartstonge asked to add an extraordinary business item to the agenda under 2.3.16 of the Standing Orders and that this be the next order of business. This was the matter of the resignation of the previous Chairman and should be public excluded to protect the privacy of individuals.

The Chairman accepted that addition to the agenda and for it to be the next order of business.

Time 6.14 pm Resolved (Hartstonge/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) The matter of the resignation of the previous Chairman.

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
Matter of the previous Chairman's resignation.	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
a	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.

Note

Section 48(4) of the Local Government Official Information and Meetings Act 1987 provides as follows:

“(4) Every resolution to exclude the public shall be put at a time when the meeting is open to the public, and the text of that resolution (or copies thereof):

- (a) Shall be available to any member of the public who is present; and
- (b) Shall form part of the minutes of the Council.”

Time 6.46pm Resolved:(Harris/Hartstonge)

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

3. Apologies:

An apology was received & recorded for Len Prentice.
Cr McNaughton apologised for having to leave the meeting early.

4. Conflicts of Interest with items on the agenda:

The individual member declaration of conflicts of interest with any item on the agenda had been circulated to members for signature before the start of the meeting.
Any conflicts would be noted by the Chairman.

5. Health & Safety Report:

The Council health & safety report for the period 1st April to 31st May 2020 was attached to the agenda for consideration. The report showed a nil return for the period.
All known hazards were listed in the Southland Health & Safety Plan.

COVID-19.

Council were fully aware that COVID-19 was declared a global health emergency on 31st January 2020 by the World Health Organisation. Council had considered the impact on the Council of this.
Steps had been taken to ensure Staff & the Office complied with the various stages of the Government Pandemic Alert level restrictions. During the Alert Level 4 lockdown period, the Office was closed, and staff worked from home. Some staff resumed at the Office at Level 3 but most continued to work from home. All staff resumed back in the Office at Level 2 and the Office re-opened to the public with the necessary sanitisation and social distancing steps practised.

Field operation protocols were drawn up for contract work and game season compliance work at level 2. A new COVID-19 H&S Plan had been added to the Council's Health & Safety Plan.

Resolved Withington/Hartstonge that the Health & Safety Report to 31st May 2020 be received.
Carried.

6. Minutes of the meeting held 19th March 2020.

The draft minutes of the meetings were asked to be received earlier by Council, should be one week after the meeting. This had not always occurred for various reasons.
The Manager took that onboard and said that we would endeavour to make that happen in future.
On the subject of the minutes he would like to see them more summarised, more in line with the NZC minutes.

Resolved Stenning/Hartstonge that the minutes of the meeting held 19th March 2020 were a true and accurate record. Carried.

7. Matters arising from the 19th March 2020 Minutes

There were no matters arising from those minutes.

8. Minutes of the Zoom Extraordinary meetings held 14th April & 16th April 2020.

Resolved Harris/MacGregor that the minutes of the Extraordinary meetings held 14th & 16th April 2020 were a true and accurate record. Carried.

9. Matters arising from the Extraordinary meetings held 14th & 16th April 2020.

There were no matters arising from the minutes of the Extraordinary meetings

10. Administration Reports:

The accounts paid, direct credit/debit payments list & automatic payments since the last meeting, licence sales progress to 25th May 2020, budget to actual expenditure to 1st May 2020 and the correspondence list were attached to the agenda for Councillors consideration.

With the COVID –19 restrictions and the delay in the opening of the 2020 game season to 23rd May, the game licence income was predicted to be down both locally & nationally.

Southland Game Sales were down 5% as at 1st June which was a better result than expected. Our results were better than some other F&G regions. This was probably due to good communication locally prior to the season start and the fact that hunters were very aware there were large numbers of ducks around this year.

Resolved Hartstonge/McNaughton that the administration reports be received & accepted. Carried.

11. Staff Report:

The staff report was attached to the agenda.

Proposed Southland Water & Land Plan:

Councillor Owen excused himself from the table due to a conflict of Interest with his contracts with Environment Southland.

Time 6.56pm Resolved:(Hartstonge/ MacGregor)

To move into Public Excluded 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) Considerations for the proposed Southland Water & Land Plan Appeal.

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
A) Topic B Appeal considerations	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
a	Maintain legal Professional Privilege	Sec. 9(2)(h)	To enable the Council to discuss legal matters.	Once the matter is completed and the legal advisor agrees to its release.

Note

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- (a) Shall be available to any member of the public who is present; and
- (b) Shall form part of the minutes of the Council.”

Time 7.15pm

Resolved:(Michael Hartstonge/Dave Harris)

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

Zoom meetings.

At the last meeting the Manager was asked to clarify if voting was valid by Councillors attending electronically, in this case by zoom.

The Manager reported that a clause had been added to the Local Government Official Information and Meetings Act during COVID-19 to allow meetings by Zoom with full meeting rights. Our Standing Orders already allowed electronic attendance at meetings and that they were part of any quorum for that meeting, but we probably should add in a clause similar to the Act which clarifies electronic attendance includes full meeting rights and included voting.

Resolved Cochrane / McNaughton that the electronic attendance of members at meetings of the Council will be included in the Standing Orders as part of the full Council meeting with all voting rights. Carried.

A clause would be drafted for the next meeting to add to the Standing Orders for clarification.

Appointment of Executive Committee member.

With the resignation of Cr Owen from the Executive Committee a new member was to be elected. The Chairman was an automatic member and Cr Hartstonge the other current standing member.

Nominations were called for another member.

Stenning/Harris nominated Bevan McNaughton.

There were no further nominations & Cr McNaughton was appointed to the Executive Committee.

A deputy Chair appointment would be an agenda item for the next meeting.

Amended Budget 2020/2021

To help with the financial challenges of COVID-19 and the resulting income loss expected from licence sales NZ Council had requested that Regions reduce their 20/21 operating budget by 5% and also to find 10% from their own reserves.

The previously approved Southland Budget was for \$677,578 plus \$20,000 for survey of the Waikaia and tribs under the Pressure Sensitive Fisheries project. Staff had now withdrawn the \$20,000 for that as no non-resident licence holders were expected to come to the country next season due to border closures, quarantine etc, so any such work would be pointless.

Each year we budget for our asset replacement fund (ARF) worked out with a template from NZ Council. Southland does not expect to have any asset purchases in the 20/21 year so adding to the asset replacement fund was not needed as our fund was quite healthy compared to other regions. By removing our ARF for the 20/21 year we have managed a 5% reduction required. The 10% from reserves was for the expected reduction in licence sales that will probably occur.

Council were asked to approve a 5% reduction to come from ARF and a loss of 10% to come from reserves.

Resolved Harris/McNaughton that the Council accept & approve an amended operational budget of \$643,699 for 2020/2021 with the 5% reduction coming from the asset replacement fund and 10% loss from reserves plus the withdrawal of the non-resident angling Waikaia project. Carried.

Cr Owen requested that a hard copy of the amended budget be sent to him, as it had not been supplied at the meeting.

12. NZ Council Report.

Cr Harris updated the Council and said the major considerations of the NZC had been the impact of COVID-19 Government Policies on Fish & Game's revenue stream. In particular the different scenarios of the Game 2020 season including the impacts of no season at all. Regional & national reserves had also been discussed.

- NZC had agreed that regions should maintain 20% of their budget as their reserves, down from 30%.

A Standing Finance Committee (SFC) had been established to monitor and improve the organisations finances generally in the long term, as well as in the current COVID-19 situation. This Committee would advise the NZC.

- For the 2020/2021 year forecast of licence revenue NZC had agreed to adopt one of the five scenarios from the SFC meeting for the regional budgets. Adopted was the scenario that there would be a 90% decline in non-resident licence sales, a 10% decline in resident licence sales and a 5% decline in game sales.
- This had resulted in all the Regions being asked to reduce their budgets by 5% and to take a 10% loss of their budget from reserves.
- The NZC budget was also discussed with further considerations to come.
- The NZC wanted 3 meetings per year face to face and the rest to be zoom meetings. Only 2 face to face meetings had been budgeted for.
- The National legal fund pool was put back up to \$300,000 from \$150,000. No Contestable funding was included in the budget figures next year with most regions withdrawing their applications, so funds were available for that.
- Another saving NZC proposed was to no longer publish the Regulation Books, due to the high cost of publishing them, but they would still be available online.

- At tonight's NZC meeting the Minister will be releasing the *Terms of Reference* for the review of Fish & Game, to the meeting. These would be embargoed until the Minister makes an announcement.

Fish & Game Licensing System Agreement

The Manager reported that negotiations had taken place between NZC Staff and Eyede, the existing licence provider, culminating with an agreement sent out to Regions for consideration and signature. (Emailed to Councillors 18/05/2020). The Agreement had been approved as legally appropriate.

In talking to other regions as well, the Manager suggested that there were some concerns in the Agreement that needed to be resolved. (The changes/concerns suggested were tabled and circulated to Councillors).

After Council discussions on the matter:

Resolved Stenning/Cochrane that the Manager raises the concerns with NZC and other Regions and seeks clarification on the points of concern and reports the feedback back to Council. Carried.

If the timeline requires it to be done prior to the next full meeting, Council were happy to have an Extraordinary Meeting by Zoom to finalise it.

Cr McNaughton left the meeting (7.47pm)

2020/2021 Licence fee recommendations:

The Manager apologised that he had overlooked the email from NZC concerning that recommendation in the timeline required. The email was included with other subjects and was missed.

Resolved Hartstonge /Horrell that there be no change to current licence fees and categories for the 2020/2021 year. Carried.

13. General Business:

Te Anau Wildlife Park Building Insurance.

The Manager described the buildings at the Wildlife Park that were vested in Fish & Game & currently insured and the premiums for that insurance. Some of the buildings were used by the Dept of Conservation and some of the buildings were not used. Management was suggesting that there were potential cost savings to be had by not insuring all of the buildings, except the rental house & garage and the main Te Anau Office. This would save \$3,000 in premiums.

The Council having been advised by Management of the risks were happy to leave the decision whether to insure all the buildings or not in the hands of the Manager.

Cyril Gilroy left the meeting 8.16pm

Western Southland Drift Boat proposal.

Before discussions began Cr Cochrane asked for clarification on why the Council thought that he was conflicted on this matter as he did not see any conflict on his part.

The Chair referred to earlier discussions where it was ascertained that Cr Cochrane had a pre-determined view on fishing guides and should not be part of discussions or voting on this proposal.

Cr Cochrane wanted it recorded that he opposed the Council's view that he had a "Conflict of Interest" with the Western Southland Drift Boat proposal.

Cr Carston referred to his actions in relation to his sending of a letter to an external source in respect to the application & was prepared to remove himself from the vote of the proposal if Council wished.

The Manager said that Cr Carston had apologised to all parties and had conducted himself appropriately over the error of judgement.

In conclusion the Chairman ruled that Cr Carston could be included in discussions but should abstain from voting on the matter.

Cr Hartstonge said as he was seen to have a perceived Conflict of Interest he would also abstain from voting on the issue.

The discussion would stay in open meeting as there was nothing of commercial detail that would be discussed.

The Manager reported that staff had worked extensively with the applicant in good faith, who had made significant concessions to mitigate any concerns. The Manager noted the Statutory responsibilities and functions under the Act.

The environment for the purposes of considering the application for SDC was overlaid with both consented and permitted activities already occurring. In relation to the Lower Waiau this included commercial jet boat operations, suction dredging, and another drift boating operation. Permitted activities included recreational boating & hunting and fishing activities. There were no restrictions by Fish & Game to fish from drift boats on any of the proposed fishing areas.

Staff perspective was that there was sufficient scope to accommodate both drift boating and angling activity, including bank-based angling on the fisheries proposed in the application. The scale and nature of the proposal was unlikely to adversely impact on the recognised angling values associated with any of the fisheries involved.

Southland District Council was only required to publicly notify a consent application under the RMA if it would have, or was likely to have, adverse effects on the environment that were more than minor. Staff did not consider the effects of the activity were likely to be more than minor or that there were any legitimate reasons to request public notification of the consent application, keeping in mind the operations already occurring on the river, so it would be inappropriate for us as a statutory body to do so.

We had written to Southland District Council previously on another drift boat application, that had more grounds than this one for public notification and it was declined. We also had to consider that the applicant did have the right to withdraw all the negotiated concessions and go back to his original application if he wished to do so.

Staff recommended that Fish & Game did not oppose the application.

Discussions followed with the majority of Councillors agreeing that as there were no reasonable grounds to ask for the proposal to be publicly notified, as staff had just explained, we needed to negotiate in good faith the best deal for our licence holders. We needed to put that across to the licence holders that the application was within the regulations and we can't say no to it but could only try to negotiate the best deal. Staff had done well with that so far. Making a token opposition was not an option. The proposal did provide better access to the resource.

However, some Councillors believed that we still had room to negotiate even further, and one area mentioned was the top stretch of water in the Lower Waiau.

They suggested that Staff approach the applicant to not fish from the boats until downstream of the Jericho access, only drifting to that point, and no fishing in that reach during the month of May.

This was to avoid conflict with shore anglers using the accesses created for the public by the Waiau Trust, which were popular.

A Councillor point made was that using access for commercial gain was not actually creating more access.

Shore anglers couldn't tell how many had been fishing from boats going through. The Waiau was one of the few wild places left to fish, with not many access points so anglers getting there to fish could have their experience ruined with boats drifting past. Didymo spread was also mentioned.

Another Councillor questioned why we were getting involved at all, as it was the SDC's role and we should let them decide that. It was explained that under the Act we were an affected party and if we excused comment on the application, we were not fulfilling our statutory role. We couldn't be silent on these matters.

Council wanted to discuss the matter around the table which they had now done. There were different views and a resolution was put forward.

Resolved Harris/ Horrell that Staff notify the Southland District Council that we have no objections to the application as it stands. Carried with 3 against (Cr Stenning, Cr Owen, & Cr Norman) Cr Hartstonge & Cr Carston did not vote.

14. Public Excluded Session

Time 9.12pm (Resolved Stenning/MacGregor)

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. To confirm public excluded minutes of the meetings held 19th March, 14th April & 16th April 2020.**

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
To confirm public excluded minutes of the meetings held 19 th March, 14 th April & 16 th April 2020.	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:

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a	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.

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Time 9.15pm (Resolved MacGregor/Stenning)

To move out of Public Excluded session and back into the public meeting

15. Proposed items put forward for discussion in the next agenda.
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- New Deputy Chair appointment.
- Replacement Council member.
- Role of the Executive Committee- (In isolation or not?)
- Staff excluded sessions before meetings (In Committee)
- Staff Contracts with Council (In staff excluded sessions)

There were no other items of business and the meeting closed at 9.20pm

Chairman _____ Date _____

