

Minutes of the Fish & Game NZ, Southland Region Council meeting held at the Council Office, 17 Eye Street, Invercargill on Thursday 13th August 2020.

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

In attendance: Zane Moss (Manager).
C Mason (Minutes).

Members of the Public:
Len Prentice

As from the 12th August 2020, the Country, apart from the Auckland Region (Alert level 3) was put back to Alert Level 2, of the Government COVID-19 pandemic restrictions.
Councillors were all practising social distancing at the meeting.

1. Welcome

The Chairman opened the meeting at 6.00pm & welcomed those present. He pointed out all exits to the meeting should an emergency occur.

2. Apologies:

Resolved Harris/Norman that apologies be received and accepted from Cory Carston.
Carried.

3. Declarations of Interest:

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 were noted by the Chairman.

4. Confirmation of Minutes.

The minutes of the public meeting held 4th June 2020 were considered.
Cr Owen clarified that his request for a hard copy of the amended budget, page 6, was not for himself but for the whole Council. All Councillors had since received the amended budget with the agenda.

Cr Cochrane noted that at the June 4th meeting he had asked for a couple of items to be added to the next agenda for discussion and that the Chair had agreed to that at the time. However, correspondence since then said that those items requested would not be discussed. Cr Cochrane struggled with that as the premise for bringing discussions to the table was to have full and frank conversations on the matters, which was part of the governance policies. He asked the Chairman why he had taken the view to not include those items for discussion.

The Chairman replied that he had wrongly agreed to that at the very end of the last meeting. However, during that meeting Council had found Cr Cochrane to have pre-determined views on those matters and with that in mind, on reflection, he should not have agreed to have those matters added to the

agenda for discussion due to Cr Cochrane’s pre-determined views, hence, their removal from the agenda for discussion.

Cr Cochrane replied that he had recently been having a look at professional governance training and the argument that the matters were not on the agenda based on pre-determination was not right as there was no evidence that he had a pre-determined view on those two subjects. He asked the Chair to show him how his view was pre-determined in respect to staff contracts or to staff excluded sessions, when all the evidence, based on the emails sent to the previous Chair, simply said this it is our responsibility, under a governance role to discuss those matters.

At this point it was noted that the *pre-determination* subject was discussed in “Public Excluded Session” at the last meeting, “to protect the privacy of natural persons”, therefore it needed to go back into public excluded session if further discussion ensued.

Time 6.10pm Resolved Owen/Hartstonge

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 pre-determination.**

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 pre-determined views of one Councillor	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 6.30pm Resolved:(Stenning/Harris)

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

Resolved Stenning/McNaughton that the ruling of the Chairman from the public excluded session on the 4th June be brought into the public meeting. Carried with Cr’s Owen & Cochrane against.

The ruling by the Chairman in the public excluded meeting of the 4th June was:

That Cr Cochrane had pre-determined views on all matters concerning Staff and Management of Fish & Game Southland, fishing guides & science by Staff and external bodies.

Minutes of the Public meeting held 4th June 2020

Resolved Harris/Hartstonge that the minutes of the public meeting held 4th June 2020 were a true and accurate record. Carried with Cr’s Cochrane & Owen against.

5. Public Input.

Len Prentice:

Mr Prentice thanked the meeting for being able to express his thoughts tonight.

He gave a brief background of himself which included a long history of fishing and hunting and guiding. In 38yrs of guiding he met a lot of interesting people including Graeme Watson, Fish and Games previous Chair. He had always found Graeme to be an upstanding, honest person, and generally a great guy.

He had been attending Fish and Game meetings through several different Manager’s and Councils over many years and enjoyed giving back to the resource as an Honorary Ranger since his retirement. He was pleased to see some younger Council members currently on Council and hoped that would continue.

He wanted to express tonight his deep concern at Graeme Watson’s recent resignation from the Council and his disappointment at the culture developing in the Council. He said it was now on record that the sole reason the previous Chairman resigned was due to the continual harassment, bullying and intimidation from one Councillor in particular.

He had attended the 10th October 2019 Council public meeting here, where on that occasion Cr Owen was the Chair. He said it was the worst meeting he had ever attended anywhere in NZ. The Chair let Cr Cochrane smugly lecture members of the public and then denied them the opportunity to reply. The damage to Fish and Games credibility from the public that attended that night was immense. He had witnessed other incidents of intimidation and bullying from Cr Cochrane around the table since that night and he hated seeing that.

He urged the Council to stop the bullying and intimidation tactics going on here as it would affect those people wanting to stand for Council. If he could, he would move a vote of no confidence in both Councillors, Owen & Cochrane. Unfortunately, he could not do that but urged the Council to do something about the bullying and intimidation that was going on, it had to stop before it was too late.

He urged all Councillors to read the emails that had been sent to the previous Chairman, Graeme Watson.

Cr Horrell said he agreed that this Council had hit rock bottom with the tactics going on and something had to be done. With this in mind he moved a motion:

Resolved Horrell/ MacGregor that this Council moves a vote of No Confidence in Cr Cochrane after his bullying tactics to the previous Chairman, Graeme Watson. Carried with Cr Owen & Cr Cochrane against.

The Chairman then addressed Cr Cochrane saying that with a vote of *No Confidence* from his fellow Councillors and the fact he had been found to be *pre-determined* in matters concerning Staff, Management of Southland Fish and Game, fishing guides and science by Staff and external bodies, and in line with the Council Governance Policies he was told he would need to leave the meeting when any of those matters cropped up. The Chairman said he would also direct Staff to not provide Cr Cochrane with any written material in relation to those matters and he would not be able to discuss those matters outside of the meetings with other Councillors. Given the significance of these issues for Fish and Game and given the lack of confidence in him from Council the Chairman suggested he could not function effectively as a Councillor and should therefore re-consider resigning from the Council.

Cr Cochrane replied that he would not resign.

The Chairman said that was unfortunate and he had hoped Cr Cochrane would reconsider his position. The meeting then continued.

6. Notices of Motion.

a) Health & Safety Report to 31st July 2020

The Council health & safety report for the period 1st June to 31st July 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.

Resolved Norman/McNaughton that the Health & Safety Report to 31st July 2020 be received.
Carried.

b) Deputy Chair appointment.

Under the Governance Policies Council could elect a deputy Chairperson who would preside over the meeting if the Chairperson was absent or vacated the Chair for all or part of the meeting.

Council agreed to have a deputy Chair.

The Chairman called for any nominations for a deputy Chairperson.

Cochrane/Owen nominated Dave Harris.

There were no further nominations and Dave Harris was declared Deputy Chairman.

c) Replacement Council member.

With the resignation of the previous Chairman council had expressed an interest in appointing a replacement Councillor. The Conservation Act provided for that.

Council generally agreed that it was a good opportunity before the next election for someone to see if they liked the role and what it was all about.

Under section 26ZA of the Conservation Act, Council agreed to offer the position to the next highest polling person at the last (2018) elections.

Resolved Stenning/Hartstonge that the Council offer the vacant position of Councillor to Mr Richard Crean as the next highest poller at the last election. Carried.

7. Staff report.

The staff report was attached to the agenda.

Proposed Southland Water & Land Plan.

The first half of the Appeal (Topic A – higher order policies) was almost complete.

The National Environmental Standards for Freshwater regulations 2020 (Freshwater NES) & the National Policy Statement for Freshwater Management 2020 have both since been released & will come into force on 3 September 2020, which will have some implications for our case.

Some aspects of the NES were interesting, particularly in relation to winter grazing in Southland. One of the conditions to be a permitted activity was that less than half the paddock was pugged. Pugging was defined as when animal's hooves penetrated the soil when grazing. This made the use of fodder crops in Southland very difficult. No pugging was allowed greater than 20cm. No wintering was allowed in a paddock where the average slope was greater than 10°.

We will continue in the development of our case in respect to Topic B which covered areas of significance for Fish & Game including point source & discharges of contaminants.

Overall, the regulations released have been positive for Fish & Game.

Smelt Study Lower Oreti.

This study will commence soon with Otago University looking at the importance of smelt and the significance of the estuary in the diet of trout in the Lower Oreti. The study hoped to highlight that smelt were more significant to the diet of trout in our lower reaches than whitebait. It was also expected to show the importance of smelt to native species as well as trout.

Waituna Wetlands:

The Manager reported that Iwi have bought land close to Waituna Lagoon for the development of wetlands. Staff have been working with them on the project. One site may be able to create 17ha of open water just opposite Little Waituna. Another site would create 4.5ha, and another 12.5ha downstream of the gravel pit and one at 6.5ha in between.

Fish passage would be provided and there was the potential to transfer eels from other areas into the new ponds rather than from the lake itself.

These wetlands were a collaboration project with Iwi and would add to Fish and Game waterfowl habitat values.

Cr Cochrane asked in respect to transferring of eels what value would that be to our licence holders. The Manager replied it was in our interest to explore opportunities with Iwi and be proactive with the relationship.

One of the terms of reference of the Fish and Game review panel was how well we give effect to the Treaty with respect to Iwi. At some point the Council could consider the possibility of customary harvest of Black Swan, which were not highly valued by our game hunters. There were increasing complaints about the numbers of Black Swan and Iwi have expressed interest in harvesting them to obtain cultural benefits.

A concern was that if we did not initiate it, it may be required of us anyway, and we would lose the opportunity for gaining some credit in recognising the opportunities of customary harvest that could be practised, that used to be culturally significant to Iwi.

However, some Councillors thought there would be push back on that as some would see it as a stepping-stone to other game birds.

Monowai Jetty.

Application had now been made for the instream works consent to construct the jetty at Monowai. Indications of interest in respect to funding had been negotiated prior to COVID-19. However, since then that funding may not now occur, and other sources of funding may have to be looked at. Once the consent is issued those that had expressed interest previously would be contacted again.

Pressure Sensitive Fisheries.

The ballot system for this coming season 20/21 on the Worsley and Clinton River beats was unable to be administered by Eyede, due to short timing issues for them. This would be done locally in house with an editable pdf that licence holders could fill in and send to us. With non-residents not able to come this season the pressure should be less, and this will help to iron out any issues that may occur. A full online system would be up and running for the 21/22 season.

Council owned land.

Cr Harris referred to the Southland District Council rates demand for the Mandeville Pond and the Sinclair Road walking access to the Upukerora in Te Anau. He suggested that Council dispose of those two properties as they were no longer needed and were costing the Council money. There was a better access to the Upukerora just upstream of that access.

The Manager agreed that the Sinclair Road access was not a very practical access as it was a long way from the actual river and he had asked Staff to approach several different organisations (Fiordland Trials Trust, SDC, DOC etc) to see if they were interested in taking over the land.

The Mandeville pond had no commercial use to the Council. The Manager would bring further info on those two properties back to the next meeting.

8. Administration Reports.

The accounts paid, direct credit/debit payments list & automatic payments since the last meeting, licence sales progress to 23rd July, budget to actual expenditure to 30th June 2020 and the correspondence list were attached to the agenda for Councillors consideration.

Licence Sales:

Council were generally happy with the result of the duck hunting licence sales compared to last year (-4.8%) as we were lucky to have a season at all. Southland sales were pretty good compared to some other regions.

2020/2021 Amended Budget.

A copy of the amended budget 2020/2021 with a 5% saving in expenditure and a 10% loss to come from reserves as requested by NZC was circulated with the agenda.

Cr Harris noted that the GST on the NZC LEQ forecast Income budget was out by \$22.

Resolved McNaughton/MacGregor that the Amended Budget 2020/2021 totalling \$643,699 as circulated was approved. Council also noted the \$22 difference in the NZC GST calculation on the LEQ licence Income forecast. Carried.

Correspondence

A concern was expressed on the use of Brodifacoum being used for possum control as advised by Blue Mt Pestcontrol in their notice of intention for the Mataura possum control area, for ES. As this was not a consent application only a notice of intention there was no action Fish and Game could take on the matter.

9. NZ Council update.

Cr Harris updated the Council on the last NZC meeting held by zoom.

- To help with the financial challenges of COVID-19 and the resulting 15% 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. These amended budgets were considered at the meeting and approved.
North Canterbury did not provide a full budget but did ask for a substantial increase in their operational budget as their current financial position was unsustainable in their view. They also had no reserves to utilise and required additional top up of reserves from NZC.
- The decision to not print regulation books for the season had been re-visited so the anticipated savings of \$36,000 in the NZC budget would not now occur and this would have to be added back on.
- The agenda for the NZC meeting next weekend had been circulated to Councillors along with some late papers. This included a draft Reserves policy and included the terms of reference for the resource allocation survey of each region.
- It was unknown at this stage if the next NZC meeting would be zoom or not.

10. Standing Orders amendment.

After the last meeting the Chairman asked that amendments be made to the Standing Orders to give them a more robust clarification on pre-determination, points of order and audio links to bring them more in line with the approved Council Governance Policies and the Local Government Official Information & Meetings Act changes in relation to COVID-19.

The amendments were tabled at the meeting and as Councillors did not have enough time to read them thoroughly it was agreed to defer the discussion on the amendments to the next meeting.

Resolved Owen/Harris that the Standing Order amendments tabled tonight be discussed further at the next meeting to allow time to be read more thoroughly. Carried.

11. Role of the Executive Committee

The Chairman said that as one of the roles of the Executive Committee was to discuss staff and Management issues and as Cr Cochrane had been ruled as pre-determined on those matters, he was asked to leave the room.

Cr Cochrane replied that the role of the Executive Committee was not necessarily only to discuss the role of the Staff he therefore proposed it was out of Order for him to be made to leave the room. However, he did leave the room. (7.40pm).

Cr Hartstonge explained to the meeting how the current Executive Committee role worked. The Executive Committee role was mainly the liaison point between the Council & the Manager on employment related issues. They worked with the Manager to identify performance objectives that were measurable & achievable. However, with the recent changes in the Executive Committee members and COVID-19 they were behind in having some meetings. Now with the new Committee all being local members it was easier to have those meetings and they had one on Monday night. The process of identifying the new performance objectives for this year had begun and they would report back to Council on the progress to date.

Cr Owen referred to the criteria in the Standing Orders on sub committees that weren't really being followed. Everything decided in a sub-committee should be brought back to the full Council for approval. That had not happened in the past, including when he was on the Executive Committee. He wanted assurance that it would improve in the future and hoped that the process would be better. He said that the Manager's contract should not be the knowledge of only the Executive Committee. It should be the whole Council to approve. At the end of the day each Councillor was accountable in the employment of the Manager and should not be delegating the matter to only three people. That was poor governance in looking after a Manager's contract in his view.

Cr Hartstonge noted that in the past the Council had not been interested in the role of the Executive Council and trusted those that they had nominated for the position. He asked how much involvement the Council wanted now, were they happy for the Executive Committee to bring the Managers Contract with a recommendation for remuneration to the October meeting for approval? Cr Hartstonge said there were three parts to the Manager's performance review, rigours and behaviours, outcomes and measures against the job description and particular objectives Council wanted worked on.

After discussion the Council agreed they were happy for the Executive Committee to bring back their recommendations from the Manager's performance review to the full Council meeting in October.

Cr Cochrane then re-joined the meeting (8.02pm)

Time 8.03pm Resolved:(Hartstonge/ Harris)

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) Wage Subsidy – COVID-19

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) COVID-19 Government Wage Subsidy	Good reason to withhold exists under section 9(2)(l) 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
A) Government Wage Subsidy	The withholding of information is necessary to enable a Minister of the Crown or any department or	Sec. 9(2)(i)	That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in

	organisation holding the information to carry out, without prejudice or disadvantage, commercial activities.		the disclosure of information for which good reason for withholding would exist.	
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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 8.10pm Resolved:(Hartstonge/McNaughton)

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

The following resolution was brought forward to the public meeting.

Resolved McNaughton/MacGregor

- 1) Council agrees that the Govt wage subsidy was applied for in good faith.***
- 2) Council retains the wage subsidy on the basis that it fully meets the criteria to do so.***
- 3) That this decision becomes part of the public record.***

Carried.

NZ Game Animal Council.

The Chairman reported that Erin Garrick had been appointed by the Minister of Conservation as a Councillor on the NZ Game Animal Council.

Resolved Stenning/Harris that the Southland Council congratulated Erin on her appointment to the NZ Game Animal Council. Carried.

The Chairman said it was further recognition of the quality staff that this Council had.

Game Bird Habitat Trust Board.

The Manager reported that Mark Sutton and Jan Riddell from Southland had both been appointed to the Game Bird Habitat Trust Board.

15. Proposed items put forward for discussion in the next agenda.

- Standing Orders amendment

There were no other items of business and the meeting closed at 8.15pm

Chairman _____ Date _____

