

Minutes of the Fish & Game NZ, Southland Region Council meeting held at the Council Office, 17 Eye Street, Invercargill on Thursday 8th October 2020.

Present: Lindsay Withington (Chair) Cory Carston
Lyndon Norman Dave Harris
Paul Stenning Bevan McNaughton
Mike Hartstonge Chris Owen (6.05pm)
David MacGregor

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

Members of the Public:

Len Prentice
Gavin Roy

The Country was currently at Alert level 1 of the COVID-19 pandemic restrictions.

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/Hartstonge that apologies be received and accepted from Craig Horrell, Cyril Gilroy and Ken Cochrane and Chris Owen for lateness (6.05pm). 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 13th August 2020 were considered.

Minutes of the Public meeting held 13th August 2020.

Resolved McNaughton/Harris that the minutes of the public meeting held 13th August were a true and correct record. Carried.

The Manager reported that Richard Crean, as the next highest poller in the last elections (2018), had been approached to see if he would like to take the vacant position on the Council until the next election. Mr Crean was interested but had commitments that he had to discuss further before accepting the position.

Cr Carston referred to the last meeting and Mr Prentice's comments, particularly concerning the acting Chairman (Chris Owen) at the 10th October 2019 meeting. Cr Carston said he wished to defend the Chairman as he was friendly & welcoming to the public, who were quite intimidating at the time. Some members of the public continually interjected during the meeting and he believed the Chairman did not deserve the comments received in the situation he had to Chair on the night.

5. Notices of Motion.

a) **Health & Safety Report to 30th September 2020.**

The Council health & safety report for the period 1st August to 30th September 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.

Two staff had completed the NZ Advanced Driver Training programme on 24th September 2020. The Manager reported he was working on an in-depth driving Policy.

Resolved Norman/Hartstonge that the Health & Safety Report to 30th September 2020 be received.
Carried.

b) **AGM venue 2020 and date.**

Last year Council had the AGM in Invercargill separate to the December Council meeting. However, with the cost cutting restraints due to impacts of COVID-19 it was suggested that Council combine the two meetings this year. Some Councillors preferred a separate meeting, as it was a lot more relaxed and gave members more time to mingle with people. Previous AGM's had been held in Gore & Te Anau but after discussion it was agreed that it be held in Invercargill this year with the normal Council meeting on the 10th December 2020. The Council meeting would commence at 5.00pm and after a short break the AGM at 7.30pm.

Resolved Stenning /Owen that the AGM and the December Council meeting be held on the 10th December 2020 in Invercargill commencing at 5.00pm. Carried.

c) **Draft 2020 Financial Statements subject to Audit.**

The Draft 2020 Financial Statements had been circulated to Councillors prior to the meeting for their consideration and approval subject to Audit. The accounts showed a loss of \$23,286 against a budgeted loss of \$82,000.

Councillors noted that with COVID-19 impacts the Council had fared better than expected. Cr Owen advised he had not had time to consider the financials at this stage.

Resolved McNaughton/Harris that the Draft 2020 Financial Statements presented were approved subject to Audit. Carried with Cr Owen abstaining.

d) **Policy Reviews:**

(i) Governance Policy, Standing Orders and amendment.

An amendment to the Standing Orders Policy had been circulated at the last meeting. The amendment was to update the Orders for audio- & audio-visual links, points of order and pre-determination.

Cr Cochrane had an apology for the meeting tonight but had asked that a statement be read out to the meeting and recorded in the minutes. The Chairman read out the statement to the meeting:

Dear Mr Chairman and fellow Councillors,

Tonight, you will be asked to adopt a change to Southland Fish and Games Standing Orders. Before you consider this change, I urge you to take a moment and reflect what's happening to this regional organisation. I want you to consider how you would feel if your thoughts and views were to be silenced by the ruling of your peers that don't understand the term "freedom of speech" and

“democracy”. I would like you to consider how you would feel when the very licence holders that voted for you are now silenced through your voice.

I urge you to consider the letter from the Wyndham Angling Club that demonstrates licence holders are aware of Councils struggles of dominance and manipulation. I talk to many licence holders that echo the same sentiments.

I urge you to consider that our Governance Policy dictates that our Chairman has to allow all views from all Councillors to gain the widest perspective of our organisation. Council has therefore decided that it doesn't want to operate under those Governance Policies and the adoption of the proposed standing orders Infront of you merely reinforces that position.

I along with other licence holders simply don't agree with the approach taken by some to suppress the views and opinions of duly elected Governors.

*Kind regards,
Ken.*

A letter from the Wyndham Angling Club (Inc) had been received and circulated to Council on the 6th October, concerning limitations placed on Cr Cochrane.

The Chairman said a key focus for him, as Chair, was to improve the culture of the organisation as a Council. We were all aware of the reason for the previous Chair's resignation and he did not want anyone else to suffer the same fate. Council had now passed two votes of *No Confidence* in Cr. Cochrane and asked for his resignation. He has been found to be *Pre-determined* and will be excluded from significant parts of our meetings going forward. He did not want to argue over these issues at every meeting and suggested that he respond to the Wyndham Angling Club outlining the fact that our Councillors sign an Oath of Office and behave according to the Governance Policies and Standing Orders adopted by the Council.

Cr McNaughton noted that the Wyndham Angling Club were only aware of the public comments and not the public excluded business in the background on the matter, which had relevance to the decisions made.

Cr Owen said that under the Governance Policies it was the Chairman's duty to listen to all views of all Councillors. The Wyndham Angling Club made some valid points in his view. We were all duly elected members representing anglers & hunters. We may have different views on different subjects around the table, but collectively decisions were made. Excluding any member because of pre-determination shows that there is a pre-determination by one person, as the Chair.

Cr Hartstonge on the matter of a Chair being pre-determined noted that it was up to the Council as a group to vote on that if necessary. As far as he was concerned the majority of the Council agreed with the Chairs ruling on pre-determination of Cr Cochrane. It was different to having a difference of opinion around the table. In respect to “democracy” mentioned that was all about a group of people getting on and having respect for each other and discussing things with an open mind. We as a Council voted Cr Withington as Chair and the Council as a majority have been supportive of his actions.

Cr Owen replied that he couldn't see why not all Councillors should be able to speak and the Council as a whole make a collective decision and move on.

Cr Carston agreed if anyone was acting out of order, or we didn't agree with it, a collective decision was made, but that person should not be muzzled.

The meeting was then referred to the Governance Policy which identified what pre-determination was. The Governance Policy was about how the Council should act generally and the Standing Orders were how the Council should act during meetings. The Chairman had found that Cr Cochrane was pre-determined as per the Governance Policy. The Standing Orders did not refer to pre-determination, but the Governance Policy said that a person with pre-determination will be excluded from discussing the matter. The only time that Council discusses matters was during Council meetings and therefore pre-determination under the Governance Policy should be reflected in the Standing Orders. Both documents were taken from local government best practise, but the Standing Orders also identified that where those Orders were found to be insufficient it was up to the Chair to make that determination. The suggested amendment tonight was that the pre-determination aspect of the Governance Policy was picked up and put into the Standing Orders for more clarity and so the Chairman was not exposed when dealing with the issue. It was not an attempt to muzzle any Councillor.

Cr Owen added that in the Governance Policy it said that all Councillors must be heard. Pre-determination was just a view of someone and a grey area. It was totally different to a Conflict of Interest.

The Chairman said we were bound by the Governance Policy and the amendment was just to give the Standing Orders more clarity.

After discussion:

Resolved Harris/Hartstonge that the Council agreed to the amendment as circulated being added to the Standing Orders. Carried with Cr Owen and Cr Carston against.

(ii) Controlling Sensitive Expenditure:

The Policy for Controlling Sensitive Expenditure was adopted by Council in Dec 2009.

Council now reviewed this Policy.

Resolved Hartstonge/Norman that the Controlling Sensitive Expenditure Policy after review remains the same with no amendments and re-signed by Lindsay Withington as Chairman. Carried.

In respect to the Council Policies some Councillors did not know what the standing Policies of Council actually were.

The meeting agreed that Council would review the full list of Council policies at the next meeting.

6. Staff report.

The staff report was attached to the agenda.

Waituna Wetlands:

The Manager gave a powerpoint presentation on the proposed Waituna wetland development, which would be a collaboration project with Iwi.

Staff had attended a meeting at the Bluff Marae, which was attended by senior staff from DOC, MPI, SDC, MBIE etc. Drone footage was taken for the presentation as part of the funding bid to Central Government by Ngai Tahu for the development.

The presentation included Fish & Game's background with significant wetland development - Redcliff wetlands, which had the highest longfin eel habitat, in the Lower Waiau, outside of the National Park. Takitakitoa wetland, restored by Otago Fish & Game, showed adult whitebait migrating demonstrating the significance of wetlands to native fish. A large private wetland constructed at Waimumu was shown along with one at Tokanui where staff surveyed eel populations. This all added to Fish & Game's trustworthiness in creating wetlands. Tying in wetland work with habitat values, not only for our own interests but native fish habitat as well added credibility with other agencies.

The presentation then showed what the proposed wetlands at Waituna would look like and where they would be placed geographically. We were waiting to hear now if funding was to be received or not for the development, however we remained optimistic.

Iwi were appreciative of the work Fish & Game had put into the funding bid so far and appreciated our expertise, pragmatism and experience in wetland development.

Staff were asked by the Review panel what engagement we had with Iwi. Later they were pleased to hear about the eel work we had undertaken and were going to use that as an example in the review. The opportunities for media coverage with F&G working with Iwi, native fish etc would be huge and generally a win win for all parties involved.

Fish and Game owned properties.

At the last meeting two properties no longer required by the Council and costing rates each year were suggested to be disposed of. One being the Mandeville pond and the other the Sinclair Road access at Te Anau. The Manager showed the location of the gravel pond at Mandeville. This had no commercial value to the Council and could not be built on. The options were to give it to Iwi or sell it to the adjoining neighbour who currently hunted it. The title would be checked to see if it had to be offered to Iwi first. If not an expression of interest would be sought from the adjoining neighbour.

The access at Sinclair Road to the Upukerora was given to us by DOC in 1993. It was not the most practical access being far from the actual river and there was better access to the Upukerora upstream and downstream of that access. The Fiordland Trails Trust had shown some interest in the access. Southland District Council had also been asked if they had any interest in it.

Council were happy for the Manager to proceed with disposing of those properties.

Angler Notice Draft:

Cr Harris asked for a copy of the draft Angler Notice for next year.

Willow removal:

Cr Harris reported that while fishing just above Garston recently he noticed someone had attacked the willow trees with a digger leaving a huge mess behind in the riverbed. He wondered if a consent was required for that. He was asked to photograph it next time, so we had the evidence to make a complaint.

7. Administration Reports.

The accounts paid, direct credit/debit payments list & automatic payments since the last meeting, licence sales progress to 31st August 2020, and the correspondence list were attached to the agenda for Councillors consideration.

Licence Sales:

Fish licence sales were down -6.5% compared to the same time last year and game sales were down -4.8%.

Correspondence

The letter from Dean Bell, as circulated to Council, was responded to by the Chairman.

8. NZ Council update.

Cr Harris updated the Council on the last NZC meeting held 21-23rd August 2020, which he attended by zoom, as his flight was cancelled.

- Resource allocation programme.- DOC would assist the review with a contribution of \$25,000. This programme would look at the resources of each region & how much staff and resources were needed to manage it. A committee had been set up for the review and Zane Moss was part of that Committee. The review has come about as the finances for the organisation were based on an outdated model.
- A draft Policy, by Ray Grubb, on the Accumulation, Management & Application of Reserves within Fish & Game had gone out to regions for discussion. This would be discussed further at the meeting tonight.
- Pheasant Preserves. – Recommendation to the Minister was that NZC endorsed allowing existing preserves to continue but no new ones to be established.
- Trout Farming – Further independent research to be undertaken to establish risks of trout farming.
- Non-Resident Levy – NZC agreed to the NR levy being treated as licence income for the budgeting process and that all NR levies becomes general reserves in the region they are currently held, instead of dedicated reserves.
- Mallard Research fund allocation – NZC rescinded a previous motion on mallard research contribution and agreed to discontinue the separate mallard research fund. All mallard research applications would be assessed on their merit as funds allowed.
- Review of Policies – NZC Policies were out of date and needed to be reviewed.

Next NZC meeting is the 20th November.

Council was asked for feedback to NZC on the following:

- **Proposed Commercial Origin Salmon Release Policy.**
The release of surplus commercial salmon into rivers where they were able to reach the ocean was undesirable as it diluted the wild population with inferior stock and reduced the available food and spawning habitats for wild fish, resulting in degradation of the wild salmon population. Fish and Game did not support the release of hatchery reared commercial origin salmon into open water systems or the planting of ova from such sources.

Resolved Stenning/Harris that the Southland Council supported the Commercial Origin Salmon Release Policy. Carried.

- **Customs Import Prohibition (Trout) Order.**
DOC had asked for Fish & Game's position on the continuation of the Customs Import Prohibition (Trout) Order which prohibited the importation of trout, dead or alive, and any product derived from trout into NZ.
The main concern was that it would encourage black market supply of spawning trout flesh. Also, there was the risk of introducing disease into the wild population.

Resolved Harris/Norman that Southland Council supported the continuation of the Customs Import Prohibition (Trout) Order. Carried.

- **Draft Policy on the Accumulation, Management and Application of Reserves within Fish & Game.**

A discussion document on the use and classification of general, dedicated and restricted reserves was circulated to Councils by the Chairman of the Standing Finance Committee, Ray Grubb.

The Manager noted his concern with the non- resident levy reserve particularly. To classify that reserve as general reserve was a decision that was not consulted on with the regions and it did affect Southland significantly. The original justification with Kate Wilkinson we made was to differentiate, based on the disproportionate use by non-resident anglers on those pressure sensitive fisheries. She had made a point in a letter at the time that the increased revenue obtained would be directed to improve back country fisheries. To be able to say to non-resident anglers that the difference in price was for back country management gave us more integrity and justification of the price difference.

Eugenie Sage in her later letter said there were no legal constraints in spending the revenue in either back or front country fisheries. NZC saw the revenue as general licence sales income. Cr Harris noted that the non-resident levy could still be classified a dedicated reserve in Southland but if the total general & dedicated reserves of a region were above 30-50% of licence sales, for levy paying regions, then the region would have to seek NZC approval to hold those elevated reserves.

Resolved Harris/McNaughton that as a discussion document the Council generally supported the document but particularly supported Overriding Principles in Clauses 7,8, and 9, Carried

Time 7.55pm Resolved:(Harris/ 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:

- a) Confirm Public Excluded minutes of the meeting held 13th August 2020.**
- b) Executive Committee update.**

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) Public Excluded Minutes	Good reason to withhold exists under section 9(2)(l) of the Official Information Act 1982	Section 48(1)(a)(ii)
B) Executive Committee update		

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) Confirmation of Public Excluded Minutes	Section 9(2)(i) OIA The withholding of information is necessary to enable a Minister of the Crown or any department or organisation holding the information to carry out, without prejudice or disadvantage, commercial activities	Sec. 9(2)(i)	Section 48(1)(a)(ii) That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist.
B) Executive Committee update	Section 9 (2) 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.

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/MacGregor)

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

Reel Life & TV footage.

Cr Carston referred to the TV footage recently of Staff and the Reel Life article which appeared that we were endorsing guiding. Were we getting revenue for the ads shown in Reel Life?

The Manager said that he had no knowledge of the revenue received from Reel Life advertising but presumed Fish & Game would be receiving some revenue for the ads.

The TV footage was shot at the end of last season just before lockdown occurred, so the footage wasn't shown then but was shown after lockdown and tagged with the fishing guides article about the impacts of COVID-19 for them. We had no control over that timing, but also had no issue with guides. The overriding theme was supposed to be that this was the year to get into the backcountry as there would not be many overseas anglers.

Upper Oreti signage.

Cr Stenning noted that there was no signage at the Upper Oreti. The Manager said that Staff would be attending to that next week.

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

- Staff recommendations for 2021 Game Season.

There were no other items of business and the meeting closed at 8.05pm

Chairman _____ Date _____