

## CENTRAL SOUTH ISLAND FISH AND GAME COUNCIL

Minutes of Meeting of Central South Island Fish and Game Council held in the Boardroom, 32 Richard Pearse Drive, Temuka, on Thursday 9 December 2021 at 3:30 pm.

Present: S Bannister (Chair) L Koevoet  
P Centofanti (from 4:30 pm) D Rattray  
J DeWit C Stanger  
S Gerard J Henry (Ngai Tahu)

In Attendance:

*F&G Staff:* J Graybill, B Dolan, A Christensen, B Anderton (NZC).

*Public:* Peter Lowe, Brett Painter, Rab McDowell (HHWET), A Simpson, D Isbister.

### 21-081 APOLOGIES:

N Niles.

Resolved (Koevoet/Stanger)

21-079

**THAT THE APOLOGY OF N NILES BE ACCEPTED.**

### 21-082 ELECTION OF DEPUTY CHAIR

082.1 Election of Deputy Chair

Chair called for nominations for the position of Deputy Chair.

S Gerard - Nominated – J deWit/C Stanger

No further nominations for Deputy Chair were forthcoming. S Gerard was **declared** elected to the position of Deputy Chair.

### 21-083 COUNCILLOR INTEREST REGISTER:

Chair queried if Councillors had any new interests to add to the register or any conflicts, or perceived conflicts, between their current interests and the business of tonight's meeting? None were advised.

### 21-084 HEALTH & SAFETY:

Chief Executive pointed out exit points of the building and assembly point for evacuation of the premises in case of an emergency. He advised that the meeting would be held under Covid Orange Traffic Light conditions that included wearing masks throughout the meeting and maintaining 1-m separation between members and 2-m separation between members and the public.

### 21-085 CONFIRMATION OF MINUTES – 9<sup>th</sup> December 2021

Resolved (Koevoet/Gerard)

21-080

**THAT THE MINUTES OF THE MEETING OF 11 NOVEMBER 2021 BE ACCEPTED AS A TRUE AND CORRECT RECORD.**



## 21-086 PUBLIC ISSUES FORUM:

Andrew Simpson, former Chair of CSI Council, made comments to statements made in the meeting agenda under Item 5.4 CE Performance Report.

*“Council expressed concern at the non-notified nature of the report”*. A Simpson advised that the outcome of the Chief Executive performance was contained in his regular Chair’s Report (11 November 2021) in the same manner as in 2020 so should not have caused surprise.

*“It was conducted by outgoing members of the council”*. A Simpson advised that the CE’s performance appraisal for 2021 was conducted by two duly elected members of CSIFGC who were fully qualified under paragraph 21 of the CSIFGC’s Governance Policy to conduct the performance appraisal.

*“It failed to meet council expectations”*. A Simpson assured members that the two reviewers, with long experience, had taken care to ensure scrupulous compliance with the appraisal’s procedure prescribed by the CSIFGC constitution and therefore, should meet Council member’s expectations fully. The appraisal has been completed; it was completed in full compliance with applicable CSIFGC policy and cannot be changed retrospectively.

*“The Chairs Report being rejected when tabled”*. A Simpson advised that Chair’s Reports are provided for information of Council members and public. It is a matter of fact that the Chair’s Report was made, is a matter of public record, and stands regardless of whether it “was rejected when tabled”.

*“That the Council be apprised of the CE Performance KPI’s”* A Simpson left that matter for the CE to respond to or decline, as he sees fit.

*“That for 2022 CE performance report [Sept] be weighted to 50% implementation of strategic goals”* A Simpson advised that any change to criteria on performance of a CE should be assessed when the time for that comes next year. He advised members that the “strategic goals” of CSIFGC describe goals of the *Council*, not the work that the CE and staff must undertake. It is the function of the OWP to translate Council’s aspirations into a particular item of work. To attach a 50-percent weighting of the CE’s performance appraisal to “implementation of strategic goals” would be completely misguided.

He then reminded members that CSIFGC is bound by employment law generally, and by *Conservation Act 1987 s26T* and *Public Service Act 2020 ss 73 and 74* in particular, to act as a “good employer” including to “...operate a personnel policy that complies with the principle of being a good employer...”. He drew members attention to the *Employment Relations Act 2000* where it requires that an employer and employee “must deal with each other in good faith” which includes “being active and constructive in establishing and maintaining a productive employment relationship...”.

L Koevoet endorsed the presentation of A Simpson and stated that Council must take notice. S Gerard asked why time was spent creating Strategic Goals then. He wanted the CE to know that Council wants those goals to be fed into the OWP. J Henry responded that once Council approves the OWP and budget within its Strategic Goals, that becomes the instruction for the CE.

Chair thanked A Simpson for his input. A Simpson handed up copies of his letter for the Chair and for the CE.



D Isbister, former CSIFGC Councillor, sought clarity to statements raised on Agenda Item 5.3 of this meeting where it states, "that the words sockeye salmon be struck" from the Strategic Goals. The agenda says that species "was added after the fact without the consent of Council". That statement was wrong. He was on Council at the time and remembered Council deliberately putting it in there as sockeye salmon is a sports fish and CSIFGC are bound to manage it. Chief Executive stated that D Isbister was correct. The initial Strategy document was later amended by Council as it had failed to include sockeye and a number of other core responsibilities of Council. He planned to speak to this later in his CE's Report.

### 21-087 Presentation on Managed Aquifer Recharge:

Representatives of the Hekeao/Hinds Water Enhancement Trust (HHWET) were in attendance that included Brett Painter, Peter Lowe and Rab McDowell. Their pre-circulated report was taken as read and they asked if there were any questions. Questions were raised by Council members and staff with responses from HHWET representatives on their vision for the Hinds. *Council asked MAR representatives for a baseline environmental flow and MAR agreed to report back to Council.*

Chair thanked the HHWET representatives for their attendance.

### 21-088 CHAIR'S REPORT:

#### 088.1 Upper Ohau Season (Stanger/Koevoet) 5.2

Reference was made in the Chair's Agenda that some members believed that the upper Ohau spring season contravened the Conservation Act 26ZJ(1). It stated that Council could be liable to aiding and abetting an offence by selling licences, could be liable for promotion and encouragement to commit an offence and that the nature of the fishery is in contravention of accepted standards of conduct. They wished to seek an immediate closure by the Minister.

CE spoke to a briefing paper, received 7 December on an opinion prepared by Chen and Palmer. The key finding was that "Fishing for spawning sports fish in accordance with the Anglers Notice would not constitute a breach of the offence in s 26ZJ".

C Stanger stated he read through the Act, and it clearly read to him that fishing for spawning fish was in breach but obviously in light of the legal opinion he had read it incorrectly. He still felt it wasn't the most ethical or logical way of fishing.

P Centofanti supported fishing at the Upper Ohau and noted that R Adams report to Council stated that 80% of the fish had spawned by 1 September. He believed that Council must consider the legal perspective. The Minister has approved the regulation, and this cannot be changed without scientific data.

CE advised that a detailed report will be coming to the February meeting of Council. It will include information gained from monitoring program agreed by Council to ensure the sustainability of the resource. He reminded members that the Minister has already approved this fishery as a back country fishery with a conservative balloting program. L Koevoet suggested that the correct time to address this issue would be when Council considers the next Anglers Notice.

Resolved (Centofanti/Stanger)

21-081

**THAT COUNCIL ACCEPT THE LEGAL OPINION OF CHEN AND PALMER AND DEFER THE DISCUSSION ON THE UPPER OHAU SPRING SEASON TO THE NEXT ANGLERS NOTICE REVIEW.**

088.2 Strategic Goals in Reference to Sockeye Salmon (S Gerard) 5.3

~~S Gerard put to Council that the words “sockeye salmon be struck” from Council’s Strategic Goals. He believed the deliberations of the Council did not include reference to sockeye and this species is not part of the prioritised strategic goals of the Council. He stated it had been added after the fact without consent of Council.~~

CE spoke to an excerpt from the 17 September 2020 council minutes with an attached “track-changes” listing of suggested revision to strategic goals and outcomes. It was stated in the minutes that councillors held a workshop to discuss the strategic goals with council staff expressly excluded. CE stated that upon his review, he noted serious omissions that included key management information and statutory functions prescribed in the Conservation Act. He noted that no mention was made to: assessing harvest of sports fish and game birds, the habitat of sea-run salmon, sockeye salmon (a statutory sports fish with the potential as a “new” fishery), promoting participation (one of eight functional areas), promoting access for anglers and hunters, ensuring that council assets are maintained, and two of the eight functional areas, licencing (council’s main source of income) and ranging, enforcement and compliance. When these omissions were reported to Council at its 17 September 2020 meeting, Council resolved “*That Council amends its Strategic Plan to incorporate additional outcomes as set out in the Annexed Strategic Plan.*” Therefore, to say that sockeye (and a number of other functions) were added without council consent is not correct.

CE believed there to be a misunderstanding of the purpose and intent of the Strategic Plan. He explained that a Strategic Plan makes a high-level assessment of Council’s goals, its aspirations. These are then translated into objectives within the OWP that is approved by Council. It is the OWP, approved by council, that serves as the instruction to the CE.

S Gerard asked if Council still wants sockeye salmon in its Strategic Goals? L Koevoet responded that the Strategic Goals are already set.

CE added that Staff did pick up priority topics identified by Council and recommended projects to address them. These included emphasis on the sustainability of the canal fisheries and means (a season bag) to get more salmon to the spawning grounds and address the decline in salmon numbers.

**Resolved (Gerard/Koevoet)**

**21-082**

**THAT COUNCIL RE-AFFIRMS THE STRATEGIC GOALS AS PREVIOUSLY APPROVED AT THE 17 SEPTEMBER 2020 COUNCIL MEETING.**

088.3 CE’s Performance Report (S Gerard) 5.4

S Gerard stated concern at the non-notified nature of the report, its lack of transparency given that it was conducted by outgoing members of the Council. He felt it failed to meet Council expectations and so was rejected when tabled. He asked to review the CE’s performance criteria and what was decided. CE advised that he could potentially provide the criteria but would take advice on providing results.

L Koevoet stated that the results of the CE’s Performance Report are confidential.

Moved (Koevoet/Centofanti)

**THAT ALL REFERENCE TO THE CE'S PERFORMANCE REPORT BE REMOVED AND NOT DISCUSSED.**

A Simpson, former CSIFG Chair, was recognised by the Chair. He clarified to members that Council has a process outlined in the Governance Policy and it should ensure that process is followed. It is not up for this Council to re-litigate the outcomes. J Henry agreed that a process was put in place and that process should be followed.

J DeWit stated that if you check around district councils, they have been having these discussions about chief executives in open council meetings very regularly. They have no problems at all about doing it. We have a report (Fish and Game Review) that says Fish and Game Councils go into public excluded too quickly.

CE intervened stating that as an employment issue he wished this discussion to stop.

J Henry added that it needs to stop now.

The motion was put and declared PASSED. (5 for, 3 against). It was:

**Resolved (Koevoet/Centofanti)**

**21-083**

**THAT ALL REFERENCE TO THE CE'S PERFORMANCE REPORT BE REMOVED AND NOT DISCUSSED.**

088.4 Deferment of 10 Year Fish and Game Management Plan (J DeWit) (5.5)

J DeWit submitted to Council that the SFGMP be deferred until after the Anglers Notice review as there is a majority of new Councillors and the 10-year plan is being issued at a time of transition and amalgamation. He stated submissions from the public close 10 December and believes it prudent to delay this to ensure there is North Canterbury assessment and to permit present Council members own scrutiny.

B Anderton, NZC staff member, advised that it has been made clear by the Minister that she expects the timetable to be adhered to and does not want any overdue Sports Fish and Game Management Plans.

CE added that Staff have been working to Council's approved timetable. If the process is significantly delayed, Council will not meet the timetable or the Minister's expectations. It is a stretch for an extension to be proposed when Councillors have had ample opportunity to comment. Only 2 Councillors came forward with comments (M Hall and A Simpson) after ample invitations by the Chair. Their comments were considered, and amendments made before the draft SFGMP was approved by Council for public notification.

It was noted that correspondence was received from Alan Brooks, former CSI Councillor, requesting a delay. CE noted that he had provided Mr Brooks with a link to the Plan on 19 October to facilitate review by Mr Brooks and interested anglers who he represented. CE believed that ample time (40 working days) had been provided and cautioned Council against getting offside with the Minister. A Christensen advised that both Otago and North Canterbury Fish and Game Councils have received CSI's SFGMP.



CE offered a compromise to accept late submissions on the SFGMP up to 10 January, giving the anglers an extra month yet still allowing the CSI Council to meet its approved timeframe.

**Resolved (DeWit/Centofanti)**

**21-084**

**THAT LATE SUBMISSIONS BE ACCEPTED UP TO 5 PM, 10 JANUARY 2022.**

CE noted that he was conscience of the short time remaining in the meeting. He requested that Council move to the agenda item (6.1) to approve Council's EoY Performance Report for presentation to the following Annual Public Meeting beginning at 7:30pm.

**21-089 CHIEF EXECUTIVE'S REPORT:**

**089.1 2020/21 Performance Report (6.1)**

CE presented the 2020/21 Performance Report and recommended adoption by Council.

**Resolved (Centofanti/Koevoet)**

**21-085**

**THAT COUNCIL ADOPT THE PERFORMANCE REPORT FOR THE 2020/21 FINANCIAL YEAR.**

**089.2 B Anderton – Update on Ministerial Review Process**

B Anderton, NZC General Manager, was invited by the Chair to update Council on progress to implement the Ministerial Review. He advised that there is now an Implementation Steering Group consisting of himself, R Grubb, and a DoC official. He advised that a coordinated submission from all 13 Councils was presented to the Minister who then referred it onto the Steering Group. The key outcome of the coordinated submission was that all regions felt that not enough analysis was done to justify recommendations in the report.

A Regional Structure Project Team made up of internal Fish and Game staff plan to undertake consultation with the 13 Councils in April/May 2022. He advised that the Minister wishes to make her final decision in November/December 2022. From there it will go to Parliamentary processes.

He advised that in terms of regional amalgamations, it was likely that if there are any regions to merge these would take place for the 2024 Fish and Game elections. He clarified that no decisions have been made on amalgamations. Council **AGREED** that this topic be put on Council's agenda to discuss.

**21-090 NZFGC MATTERS:**

L Koevoet tabled his report of his first NZC meeting after the election of the new Council. Topics in the tabled report included: identification of spawning streams under s26ZJA of the Conservation Act, Game Bird Habitat Trust, and Fish and Game Review/Structure update including timeline for completing the review.

**Resolved (Rattray/Gerard)**

**21-086**

**THAT L KOEVOET'S NZ COUNCIL REPORT BE RECEIVED.**

**21-088 CHAIR'S REPORT (Continued):**

The Chair returned to his agenda items.

088.5 Survey of Licence Holders (S Gerard/S Bannister) 5.6

S Gerard asked if the licence holder database can be made available to CSI Councillors for them to prepare questions to survey licence holder satisfaction. CE cautioned against this. He advised the proper process was for Council to define the outcome it wanted and then ask Staff for the project to carry it out that can be added to the OWP. He advised that under Governance, it is for the Council to set policy and the vision and outcomes for council and then for Staff to carry out approved projects as part of the OWP.

088.6 Salmon Management Plan (S Gerard) (5.7)

S Gerard requested the CE to expedite the Salmon Management Plan. He noted the current plan is dated 2012. He stated that Robin Holmes has said "*in his opinion the salmon fishery can be restored.*" and S Gerard wanted to know how CSI plan to restore it.

CE responded that while the Salmon Management Plan (SMP) wasn't currently under active review, it was the case that most of the projects in it were still relevant and were being pursued as OWP projects. This was advised to council in a recent summary report of SMP policies and objectives. In addition, new projects have been added more recently from the advice coming from the Salmon Symposium (where Robin Holmes presented) that included emphasis on the value of "wild" salmon, hatchery release strategies, adaptive management modelling and the season limit bag. CE reminded Council that there are a number of factors, such as irrigation takes, intensive farming, lack of adequate fish screening that are adversely affecting the salmon runs and that are outside the control of CSI. Major among these is climate change. He cited recent news items that reported near-shore sea-surface temperatures were 3 degrees higher than normal. This would have a major effect on the distribution and abundance of salmon's major food source thereby having an adverse effect on salmon growth and survival.

Next Council meeting – 3 February 2022.

Meeting Closed at 6:00 pm.

Signed 

Date 22/11/22

