

Meeting of the
New Zealand Fish and Game Council
Invercargill
Friday 15 & Sunday 17 July 2011
Commencing at 1.00 pm

1. Present

Chris Lynch, Dan Madsen, Lindsay Lyons (delayed arrival, 2.20 pm), Bruce Bates, Alan Flynn, Richard Moore, Jean Willis, Peter Robinson, Matthew Hall, Dave Witherow, Peter Sutton and Chris Clenshaw.

2. In Attendance

Andy Cox (Director General's representative – Technical Support Manager Southland Conservancy), Bryce Johnson (Chief Executive), Jenny Norris (Finance & Administration Manager), Hamish Carnachan (Communications Manager) and Robert Sowman (Policy & Planning Manager).

Present for Friday afternoon:

Members of Southland Fish and Game Council – Stephen Brown (Chairman), Ron Peacock, Paul Stenning, Graeme Watson, Lindsay Withington, Zane Moss.

Also present Friday afternoon – Ian Hadland (Otago Fish and Game Council), Tom O'Connor (Licence holder).

INTRODUCTION

3. Welcome

The Chief Executive opened the meeting by explaining the New Zealand Council needed to appoint a new Chairman but with the Council's agreement he would first like to invite Stephen Brown, Chairman of Southland Fish and Game Council to introduce his Council present and extend a welcome to the New Zealand (NZ) Council.

Stephen Brown welcomed the NZ Council to Invercargill and commented about the Southland economy, the fish and game resource in Southland and concluded with a wish to see the NZ Council become engaged on the issues facing Fish & Game and overcome its current internal distractions.

4. Appointment of Chairman

The CE called for nominations for the position of New Zealand Council Chairman.

Resolved (Alan Flynn/Chris Lynch)

That Matthew Hall be nominated as Chairman of the NZ Council

There were no other nominations. Therefore Matthew Hall was elected Chairman and presided over the rest of the meeting.

In his introductory remarks Matthew Hall expressed a vote of thanks to Rob Roney for his contribution as a Councillor and Chairman of the New Zealand Council, with expressions of support from other councillors. This thanks was proposed as a motion of the Council

(Matthew Hall/Peter Robinson). However, it was objected to by Peter Sutton who believed Rob Roney's resignation was caused by personal harassment from factions within the Council and a lack of appreciation by some councillors of Rob's efforts. The motion would therefore be seen as hypocritical and proceeded no further.

5. Apologies

Robin Blackmore and Martin Gembitsky's apologies were accepted. Andy Cox apologised for Sunday.

MEETING REVIEW

6. Identification of other Urgent Business

The Chairman asked councillors to make known any items that they wanted to raise under "any other business".

Items raised included:

- Collective Responsibility
- NZ Rivers Trust
- Rob Roney's letter of resignation

Richard Moore asked that the minutes record the passing of ex-New Zealand Councillor and Wellington Fish and Game Councillor Karen Neilson.

7. Notice of Motion

The Notice of Motion before the Council was withdrawn by Chris Lynch

8. Annual Agenda/Conflicts of Interest Register

The conflicts of interest register was made available for recording any conflicts that might arise at this meeting.

9. Confirmation of Minutes

The Chairman introduced his preference for the recording of future minutes to follow the minute requirements set out in the Standing Orders. After further discussion it was:

Resolved (Bruce Bates/Alan Flynn)

That future New Zealand Council minutes follow the minute requirements set out in the Standing Orders with the addition of a rationale.

The meeting considered the Minutes of the New Zealand Council meeting held in Wellington 27 & 28 May 2011.

Resolved (Richard Moore/Peter Sutton)

That the minutes of the New Zealand Council meeting held on Friday 27 May & Saturday 28 May 2011 be confirmed as a true and correct record.

10. Matters Arising from the May Minutes

A number of amendments to the minutes were considered, including those highlighted by emails circulated to councillors prior to the meeting or denied by the Chairman during the course of the last meeting. It was agreed to accept the following additions as follows:

- 10.1 Item 5 – Addition to the minutes. “Councillor Witherow requested a councillor only session. This was denied by the Chairman. The CE commented that in his view councillor-only-sessions had been illegal all along. Councillor Witherow then moved (seconded by Councillor Lynch) that council adjourn in order for an informal discussion between councillors without staff present. The Chairman refused to accept the motion. Councillor Lyons moved a vote of censure on Councillor Witherow (seconded by Councillor Blackmore). Councillors Lynch and Hall asked for evidence to support this, no evidence was produced. The motion lapsed.”
- 10.2 Item 10.5 – change the word “constable” to “contestable”.
- 10.3 Item 12.1 – Correct the spelling of “Flyn” to “Flynn” and amend the resolution by adding the words “by show of hands” between against and recorded.
- 10.4 Item 12.2 – Addition to the minutes. Resolved (Chris Lynch/Dave Witherow) “The CE expressed a current (new) lack of confidence and trust in my employer ‘as a collective’ to give fair and safe consideration to a proposal I had previously been invited to put forward to reduce my hours and apply the ‘savings’ in an innovative way to increase national office capacity.” Richard Moore and Peter Robinson abstained.
- 10.5 Addition to the minutes – Resolved (Richard Moore/Peter Sutton) the Chairman asked the Council if anyone knew who had leaked Dave Witherow’s ‘The Great Audit War’ paper. Nobody replied to the Chairman.”

11 Confirmation of notes of discussion

The meeting considered the notes of discussion by Telephone Conference of members of the New Zealand Council on Wednesday 22 June 2011.

Resolved (Peter Sutton/Alan Flynn)

That the notes of discussion by Telephone Conference held on Wednesday 22 June 2011 be confirmed as a true and correct record.

Abstained due to absence from discussion: Bruce Bates and Richard Moore.

Each of the recommendations of the Telephone Discussion were then reconsidered and adopted in open forum by the full NZ Council.

Resolved (Dave Witherow/Matthew Hall)

That following consultation with regional Fish & Game Councils, and strong support for the proposal, the New Zealand Council seeks approval from the Minister of Conservation for the 2011/2012 sports fish licence fee to be based on an adult whole season licence fee of \$116 and the game licence fee to be based on an adult whole season licence of \$86 plus \$2 for the Game Bird Habitat Stamp (GST inclusive).

Resolved (Matthew Hall/Dave Witherow)

That NZC approve Wellington council’s application for funding of expert evidence expenses related to the Kaitoke Water Take hearing from the RMA/Legal Fund, of approximately \$4,500.

Resolved (Peter Sutton/Peter Robinson)

That an independent review be undertaken of NZ Fish and Game Council governance processes and relationships with regions to assist in the closure of

current disagreements. That preparation of this review include consultation with Central South Island Fish and Game Council on its views of such a review as an agreed way forward.

12 Action Log from Minutes of Previous Meetings

Two items on the Action Log were highlighted.

- 12.1 Item 10.1 May meeting – The Finance & Administration Manager explained the difficulty in providing bi-monthly financial information for all 13 councils to provide a national perspective of how F&G NZ is performing against budget. Until all councils reported in a uniform and consistent manner this was not possible. It was agreed the matter be discussed at the August Meeting of Managers.

Resolved (Bruce Bates/Peter Robinson)

That the NZ Council wants to receive a bi-monthly financial report on a consistent basis in accord with a national format that will build towards the end-of-year review report.

Opposed: Dave Witherow

- 12.2 Item 11.1 March meeting. The Policy & Planning Manager explained that regions had been asked to report on the performance of licence sales over time to provide information for the NZ Council over its concern in particular in the decline in game licence sales in the North Island. Regional Managers are to be reminded of this request for further insight and information for the NZ Council.

Resolved (Bruce Bates/Chris Lynch)

That the NZ Council Chairman ring the Auckland/Waikato Chairman to invite comment on declining licence sales and to ask whether the NZ Council can be of assistance.

NZ COUNCIL GOVERNANCE ITEMS

13.1 Independent Review of governance processes, issues and relationships

As proposed during the Telephone discussion in July and subsequently adopted at this July meeting of the NZ Council an independent review of NZ Fish and Game Council's governance processes and relationships with regions is to be undertaken. This review, with the recommendation to keep the enquiry as tight as possible, was accepted as providing an opportunity to use the outcomes/processes to apply in other circumstances.

Resolved (Dave Witherow/Peter Sutton)

That the NZ Council Chairman consult with the Central South Island (CSI) Council Chair and report on CSI's expectations of an independent inquiry into issues that have arisen between these two councils.

13.2 Conflict of Interest legal opinion

The Chairman noted that the opinion was in two parts, comprised of what constitutes a conflict of interest in a Fish & Game context, and the extent to which Bruce Bates could have

a conflict of interest over possible 'exclusive capture' arising from his involvement with Ngamatea Hunting & Fishing.

Following general discussion, and additional advice from Mai Chen on how this agenda item should be handled, it was agreed that Mr Bates could be present for the discussion of the first part of the legal opinion. This additional advice also noted that Mr Bates be extended the opportunity to respond formally to the legal opinion and that on receipt of that response Chen Palmer be asked to consider it for possible integration into a final opinion, as there should not be two documents comprising the final conclusion to the principal question that was before the Council.

On the current Conflict of Interest meeting register it was proposed that the current wording on the agenda sheet provided at each meeting to record possible conflicts should include the relevant bullet points of the Council's Governance Policy.

Resolved (Peter Robinson/Lindsay Lyons)

That the CE prepare a revised draft conflicts of interest policy taking into account the advice from Chen & Palmer and the draft policy be reviewed by Mai Chen to ensure that it is legally robust.

Regarding the second part of the legal opinion Mr Bates left the room and the Council agreed to move into Public Excluded session.

Resolved (Matthew Hall/Peter Robinson)

That the public be excluded from the following parts of the proceedings of this meeting, namely the agenda item Conflicts of Interest.

The withholding of the information is necessary to protect legal privilege and the commercial position of an individual who supplied that information.

This resolution is made in reliance on sections 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 9(2)(b)(ii) and 9(2)(h) of the Official Information Act 1982 which would be prejudiced by the holding of the relevant part of the proceedings of the meeting in public.

Resolved (Peter Sutton/Richard Moore)

That the NZ Council move out of committee (at 4.55 pm.) and that the public be invited to return to the meeting.

Role/intent of one-day January meeting

Clarification was sought by staff as to what the Council wanted to achieve with the addition of an extra meeting in January/February. The absence of a meeting between November and March was considered by Council to be too long. It was agreed to hold a meeting on the Friday before Waitangi Weekend in 2012 on 3 February. The Chairman will determine the focus of the agenda for this meeting.

13.4 Setting Chief Executive's performance plan

It was agreed that the CE's performance plan should be discussed first by the CE Performance Committee.

Resolved (Matthew Hall/Lindsay Lyons)

That the CE Performance Committee be the Chairman, Chris Lynch, and Peter Sutton.

NZ COUNCIL AND FISH & GAME NZ FINANCES

14.1 Operational Report

The Operational Report was considered page by page. Three items caused the Council to form their conclusions as resolutions. These involved:

Project 1210 Habitat Advocacy.

Resolved (Dan Madsen/Richard Moore)

That the NZ Council endorses the CE's memorandum of 13 July 2011 to the Chairman of the Land and Water Forum

Resolved (Dave Witherow/Jean Willis)

That the NZ Council Chairman write to the new Chairman of Federated Farmers to arrange a meeting to discuss matters of mutual interest and aspirations.

Resolved (Peter Sutton/Dave Witherow)

That the NZ Council's independent review of differences and consequences on the Government's NPS for Freshwater Management and the draft prepared by the Board of Inquiry be released for public information and to inform the pre-election debate on the future management of freshwater habitat in New Zealand.

Resolved (Chris Lynch/Jean Willis)

That the Operational Report for July 2011 be received.

The meeting closed for Friday at 6.05 pm to recommence Sunday at 8.30 am.

14.2 NZ Council Financial Report

The Financial Report was considered page by page.

Resolved (Bruce Bates/Lindsay Lyons)

That the Financial Report to 30th June 2011 be adopted.

14.3 Specific proposals for Capital Expenditure

There were no specific proposals to consider.

Resolved (Chris Lynch/Dan Madsen)

That the Specific Proposals for Capital Expenditure Report be received.

14.4 Legal Fund Report

The update report was considered.

Resolved (Lindsay Lyons/Richard Moore)

That the Legal Fund Report be received.

NATIONAL FISH AND GAME ITEMS

15.1 National licence administration & YTD sales

The Policy & Planning Manager gave a presentation on changes to the licence administration system and on licences sales to 30 June. An effort had been made to record sales and income to provide the NZ Council with a financial statement of YTD sales.

Resolved (Peter Robinson/Peter Sutton)

That the National Licence Administration and YTD Sales Report be received.

15.2 Taupo Sports Fishery Management Plan Discussion Document

It was recognised by the Council that it needed ample time between the release of a final Management Plan and submission deadline to consult before contributing comments on the proposed Taupo Sports Fishery Management Plan. It also requested that comment be received from Rob Pitkethley as the observer on the Taupo Fishery Advisory Committee before the NZ Council finalised its comments.

Resolved (Peter Sutton/Bruce Bates)

That the NZ Council note that a Taupo sports fishery discussion document is open for consultation to 15 July and that Fish and Game wait for the release of the draft Taupo Sports Fishery Management Plan later in 2011 before submitting comments.

15.3 Taupo Fishery Advisory Committee

The Policy & Planning Manager highlighted the difference between the wording in the Taupo Fishing Regulations for membership to the Advisory Committee and that in the Conservation Act (s26L) for representation by the Director General on the NZ Fish and Game Council. Ideally, the Taupo Regulations should use similar wording to allow the CE of the NZ Council or his/her representative to attend the Taupo Fishery Advisory Committee. Such amended wording should be added when the Regulations are next changed.

Resolved (Peter Sutton/Bruce Bates)

That the NZ Council advise the Minister of Conservation that Rob Pitkethley is to be its representative on the Taupo Fishery Advisory Committee and that as its representative he liaise through the NZ Council Chief Executive and report accordingly.

GENERAL

16 Correspondence

Correspondence had been provided to NZ Councillors prior to the meeting. This included the following five items.

16.1 Correspondence between NZ Council Chair and Auckland/Waikato, 28 April 2011

Resolved:

That the NZ Council:

(Jean Willis/Peter Sutton)

1. Accept the letters be received.

(Peter Robinson/Peter Sutton)

2. Advise Auckland/Waikato of the appropriate process for dealing with matters that involve the Auckland/Waikato Fish and Game Council and the NZ Council and respective Chief Executives.

(Jean Willis/Chris Lynch)

3. Apologise to Auckland/Waikato for the offence given with the introduction of unrelated matters in the reply written by the NZ Council Chairman.

16.2 CSI:NZC from Wellington Chair, 21 June 2011

The letter was received.

16.3 NZFFA exclusive capture, 27 June 2011

Resolved (Peter Sutton/Lindsay Lyons)

That a workshop on exclusive capture be held at the November 2011 NZ Council meeting with suitable invitees.

That the NZ Council chairman reply to the NZFFA and explain that the Council is looking into the matter.

16.4 CSI:NZC relationship from Otago Chair, 1 July 2011

The letter was received. However, it was recognised that the subject had been overtaken by recent events. The NZ Council Chairman is to reply accordingly.

16.5 Tom O'Connor, 4 July 2011

Resolved (Bruce Bates/Jean Willis)

That the letter from Tom O'Connor be received and that the NZ Council Chairman prepare a suitable reply.

17 Urgent General Business

Items were raised for consideration under Urgent General Business.

- 17.1 **Collective Responsibility.** Lindsay Lyons recommended that NZ Council:
- a. Put on its next agenda an item on Evaluation of Council Performance and that the CE investigate how this can be achieved (ref 4.7 Governance Policy).
 - b. Develop an 'oath of office' or declaration, similar to that undertaken by local authorities as something Councillors agree to stand by.
 - c. Review its governance policies (ref 4.7.1 Governance Policy)
- 17.2 New Zealand Rivers Trust. Chris Clenshaw explained that Save New Zealand Rivers Trust has been set up as a registered Charitable Trust. He asked for help from the NZ Council to get high profile people to assist the Trust and to act as Trustees. The Trust can have a maximum of 10 people as Trustees. Chris is to circulate a letter he had earlier circulated to regions to all NZ Councillors.
- 17.3 Rob Roney's letter of resignation as Chairman and from the NZ Council. The NZ Council agreed to receive the letter.

Chris Clenshaw asked that the minutes record congratulations and appreciation for efforts made by Hamish Carnachan to increase Fish & Game New Zealand's public profile since he became the Communications Manager with the National Office.

With agenda business concluded and time still available, the NZ Council decided to discuss a Fish & Game future. It was recognised that with the 150 year anniversary of the acclimatisation society and Fish and Game movement in New Zealand it was timely to consider a strategic look ahead 25 years to 2036 and its 175th anniversary noting that the Minister had recently also suggested the NZ Council engage in some longer term strategic planning.

It was agreed that a facilitator should be engaged to help the Council workshop its strategic planning session at the November meeting to arrive at a more comprehensive look ahead based on the eight Output classes.

The Chairman in his closing comments extended his thanks for the support shown for his chairing of the meeting, appreciation for Peter Sutton and the Southland Council for hosting the July meeting and field trip, the NZ Council staff in preparing papers and participating at the meeting. He concluded by saying it was good to finish the session with a brief strategic look ahead and he looked forward to continuing this discussion at the meeting in November.

There being no further business, the Chairman declared the meeting closed at 2.10 pm Sunday 17 July 2011.

Confirmed: _____

Date: ____/____/11