

Meeting of the
New Zealand Fish and Game Council
Lakes Lodge, Lake Okataina, Rotorua
Friday 16 & Sunday 18 March 2012
Commencing at 11.00 am

1. Present

Matthew Hall (Chairman), Chris Lynch, Dan Madsen, Lindsay Lyons, Bruce Bates (present for Friday only), Alan Flynn, Andrew Morris, Robin Blackmore, Jean Willis, Peter Robinson, Dave Witherow and Peter Sutton.

2. In Attendance

Catherine Tudhope (DG Conservation's representative), Bryce Johnson (Chief Executive), Jenny Norris (Finance & Administration Manager), Hamish Carnachan (Communications Manager) and Robert Sowman (Policy & Planning Manager).

Eastern Chairman (Barry Roderick), Manager (Rob Pitkethley) and staff (4) were present for the morning of Friday, with the Eastern Chairman and Manager also attending for part of the afternoon and the Sunday sessions. One member of the public attended from mid-morning Sunday.

INTRODUCTION

3. Welcome

The Chairman welcomed members, in particular the two new participants, Andrew Morris (new Wellington appointee) and Catherine Tudhope (new DG representative) to the meeting and extended a welcome and thanks to the Eastern Fish and Game Council representatives present as the host region for this meeting.

Barry Roderick, Chairman of Eastern Fish and Game Council, welcomed the NZ Council and introduced those from Eastern attending this meeting.

4. Apologies

No apologies.

MEETING REVIEW

5 Identification of other Urgent Business

No items raised for inclusion in the agenda:

6 Annual Agenda

Annual items for consideration at the March meeting include the NZ Council draft business plan and budget, plus a review of governance. Both are listed items for consideration at this meeting.

7 Conflicts of Interest Register

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

8 Confirmation of minutes from previous meeting

The meeting considered the Minutes of the New Zealand Council meeting held in Wellington 3 February 2012.

Resolved (Chris Lynch/Dan Madsen)

That the minutes of the New Zealand Council meeting held on Friday 3 February 2012 be confirmed as a true and correct record.

9 Matters arising from the February Minutes

Clarification of further follow-up proposed after meeting with President of Federated Farmers was sought. It was agreed that there is a need to keep the dialogue going, including the holding of informal meetings such as after Federation meetings held in Wellington.

No other substantive matters arose from the February 2012 minutes.

10 Review of Accumulative Action List

An amendment is required to the wording of the May 2011 item about national staff salary pay scales to replace “other than” with “including” managers.

A suggestion was made for minutes to show the start time for each item. The Chairman proposed it becomes an item for discussion at a future meeting.

11 Recording of Public Excluded Minutes

After a brief discussion the Council adopted the recommendations contained in the discussion paper.

Resolved (Bruce Bates/Dave Witherow)

That the NZ Council

- 1. Crafts its resolution so that they do not contain confidential information.**
- 2. Records all resolutions (made in open or closed session) in its open record for posterity.**
- 3. Adopts the practice that future minutes are not included in the agenda for the next meeting but are circulated and “confirmed as circulated” at the following meeting.**

NZ COUNCIL BUSINESS

12.1 Operational Report

The Operational Report was considered on a page by page basis. The following queries or elaboration arose:

Project 1140 Concessions/Guide Licence

Council questioned the merit of deferring the proposed guide licence while the non-resident licence is being developed through the Department of Conservation at the request of the Minister of Conservation. The reason for this deferral is that the non-resident fishing licence was supported by the Government through its Blue-Greens policy at its 2009 General Elections and is recognised as receiving priority by the Minister.

Project 1210 Habitat Management

Fish and Game is continuing its involvement in the Land and Water Forum. A question was raised about beef and lamb dry stock farming and whether there is any focus on making this sector adopt better best practice guidelines. The chief executive reported on a positive meeting in this regard with Beef & Lamb NZ. The issue is mainly about sediment content in waterways and this is to be highlighted in a report soon to be released by the Parliamentary Commissioner for the Environment.

The NZ Council needs to have a debate on its view of regional local government and unitary councils so that it can speak out on the subject when Government proposes anything on this sector.

A lunch break was taken at 12.30 pm. After lunch the meeting recommenced at 1.15 pm with Eastern councillors (2) and manager present.

Project 1220 Water Conservation Orders

The Ngaruroro application is likely to become a joint one between Fish and Game (regional and national councils) local iwi, and Forest and Bird. There is also a possibility that the HB regional council might be supportive of the application. It was noted that there will probably be a need to engage external assistance with the project management of the Ngaruroro WCO application due to the combination of applicant parties.

Project 1270 Advocacy Assistance

The time and expert contribution being made by Neil Deans (Manager Nelson/Marlborough Fish and Game Council) on Land and Water Forum was recognised and greatly appreciated by the NZ Council.

Resolved (Lindsay Lyons/Jean Willis)

That the Chairman write a letter to the Chairman of the Nelson/Marlborough Fish and Game Council in appreciation of the exceptional contribution Neil Deans has made to the Land and Water Forum process and generally as resource management coordinator.

Appreciation is also extended to Eastern Fish and Game staff and the contribution they are making to the administration of the national licence system and to compliance coordination.

Project 1460 Auckland/Wellington Public Awareness

Grant Dyson, based in Tauranga, spends 1-2 days a week at the Eastern Fish and Game Council. His work responsibilities cover the top half of the North Island. The Eastern Chairman spoke with appreciation of Grant's involvement with his council.

Project 1520 Compliance and Enforcement

It was accepted that there is a need to look at instant fines and the consequences of not having these proposed provisions contained in the Conservation Enforcement and Compliance Bill become law.

Resolved (Peter Sutton/Robin Blackmore)

That the Chairman write to the Minister urging her support for the Conservation Enforcement and Compliance Bill.

A correction was made to the Operational Report's last sentence on this project item. The issue made by managers is not to get a legal opinion (as Fish and Game already have these), but to standardise its approach on the use of reparation.

Project 1810 Coordination General

A question was raised about the Save New Zealand Rivers Trust and Chris Clenshaw's efforts to appoint trustees. Chris had asked Fish and Game Councils' help identify suitable trustees. However, he has had a disappointing response.

Resolved (Dave Witherow/Lindsay Lyons)

That the NZ Council chairman write to regional Fish and Game Councils encouraging them to identify and advise Chris Clenshaw of suitable trustees for the Save New Zealand Rivers Trust.

Resolved (Peter Sutton/Chris Lynch)

That the Operational Report for March 2012 be adopted.

The Council agreed to move into Public Excluded session at 2.05 pm. At this point in the meeting the Eastern Chairman and Manager left for the remainder of Friday's session.

Resolved (Matthew Hall/Chris Lynch)

That the public be excluded from the following parts of the proceedings of this meeting, namely the agenda items:

3.4 Review of governance policy

3.5 Conflicts of interest advice

The withholding of the information is necessary to maintain the effective conduct of public affairs through the free and frank expression of opinions by councillors or officers and to maintain legal professional privilege.

This resolution is made in reliance on section 48(1)(a)(ii) 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 relevant part of the proceedings of the meeting in public.

Councillors Lyons, Sutton and Willis asked that their names be recorded as voting against moving into Public Excluded session, particularly for agenda items 3.4 (Governance) and 3.6 (Relationship Matters).

Resolved (Andrew Morris/Dan Madsen)

That the NZ Council move out of committee (at 6.19 pm.) and that the public be invited to return to the meeting.

The Chairman declared the meeting closed at 6.20 pm on Friday 16 March.

Meeting reconvened at 9.00 am Sunday 18 March 2012.

12.2 NZ Council Bi-monthly Financial Report

The Bi-monthly Financial Report was considered page by page. It was noted that actual hours recorded exceeded budgeted hours and an explanation was requested in future reports. It was agreed the Finance and Administration Manager would take councillors through the budget process and provide an overview of the national budget system and identification of proposed licence fees.

Resolved (Robin Blackmore/Andrew Morris)

That the Financial Report to 29 February 2012 be adopted.

12.3 Specific proposals for Capital Expenditure

There were no specific proposals to consider.

Resolved (Peter Robinson/Peter Sutton)

That the Specific Proposals for Capital Expenditure Report be received.

12.4 Strategic Planning Session Summary

The Council discussed the Land and Water forum and outcomes Fish and Game wants to promote through public awareness.

It was agreed additional bullet points be added to the aspirational (priorities) list of what is achievable by 2025. These were:

- That Fish and Games values and aspirations are reflected in statute.
- That the distinction in roles and responsibilities between the NZ Council and regional councils is accepted and respected.

The suggestion was made that this aspirational (priorities) list be included with each future meeting agenda for the Council to review progress towards their achievement or re-evaluate particular priorities. It was also accepted that the NZ Council should invite comment from regions on the proposed list before it is finalised.

Resolved (Peter Robinson/Lindsay Lyons)

That the list of desired outcomes be communicated to regions by NZ Council appointees for their prioritisation and addition by regions before the next NZ Council meeting.

It was agreed that public awareness remains the key for Fish & Game NZ if it wants to meet these desired outcomes. Awareness raising on all levels – the community, politicians, other habitat users, licence holders and the next generation of potential licence holders (those 12 year olds' today who will be approaching 25 years of age by 2025).

It was also accepted that achievement of these targets will be a building exercise over time and the organisation needs to be strategic in what it selects to be priorities for the next one or two financial years.

Resolved (Dave Witherow/Lindsay Lyons)

That the NZ Council in 2012/13 (a Fish and Game Election year) focuses on:

- 1. Engaging informed participation of licence holders in all aspects of the organisation (governance and F&G role) and**

2. Identifying additional opportunities associated with the recreational resource.

A morning tea break was taken at 10.45 am. At the recommencement of the meeting a member of the public (Guy Ralph, an Auckland/Waikato Fish and Game Councillor and upland game preserve operator) joined the session.

The meeting reconvened with Eastern Fish and Game Council, as the host region, making a presentation.

Eastern Fish and Game Council

Barry Roderick the Chairman of the Eastern Council spoke about a number of questions his council had raised by letter with the NZ Council. These included:

- Expenses and mileage costs of councillors to attend meetings. There is a difference between the rates set for Conservation Boards and Fish and Game. Fish and Game have national policy on such payments. A rate is based on cc of motor vehicles. It was agreed Fish and Game managers to discuss and report back.
- Setting of manager's salaries. There are big differences of salaries between managers in other councils. This has been recognised with advice to be sought on the range of salaries. This advice is to be shared with regions.
- Oath of office. Eastern has had no difficulty in signing an oath of office and encourages the NZ Council to urge other Fish and Game Councils do the same.
- Perception of infighting in the NZ Council coming into this March meeting has not been reflected in the meeting held in the Eastern region.
- Governance. Would like an update on governance policy for regions on conflict of interest once the NZ Council has reviewed its own.
- How a council is performing. Need a structure to evaluate how a council is performing.
- Treaty issues. Issues in negotiating access in Kaingaroa Forest have been more complicated than first understood. Often find out after the Settlement process that claimants think they have more than what was dealt with at the time. Important for Fish and Game to become involved although it is difficult for this to occur.

Resolved (Lindsay Lyons/Andrew Morris)

That the Eastern Fish and Game Council be invited to draft a letter for the NZ Council to adopt and send to the Minister of Tourism on the impacts the closure of Kaingaroa Forest is having on the regional economy.

Resolved (Lindsay Lyons/Robin Blackmore)

That additional initiatives to be taken, including:

- 1. A letter to the Hon Peter Dunne MP informing him of these concerns about access with a copy of the NZ Council's letter to the Minister of Tourism**
- 2. A letter to be sent to the Director General of Conservation highlighting the need for Fish and Game's access concerns to be supported in future Treaty Settlement involvement by the Department.**
- 3. The NZ Council's draft MOU with the Office of Treaty Settlement be reactivated and finalised.**
- 4. The access matter within Kaingaroa Forest be formally re-submitted by the NZ Council to the Walking Access Commission.**

Wider discussion on liabilities from an OSH perspective of anglers and hunters accessing private land prompted the Council to agree to seek a clear definition from the Department of Labour of what this meant in practical terms.

Resolved (Peter Robinson/Jean Willis)

That the NZ Council ask the Department of Labour for a simple definition of the OSH implications for recreation on private land.

The Chairman of the NZ Council conveyed the Council's warm appreciation and thanks to the Eastern Council for hosting the March meeting and for the efforts of councillors and staff in putting together a most interesting and informative field trip to see habitat and hatchery initiatives in the region.

12.5 Draft 2012/13 NZ Council Business Plan

In addition to the projects listed in the paper, it was agreed items on Fish and Game Chairs meeting with the NZ Council (post-election) and for governance advice also be added.

Resolved (Dan Madsen/Andrew Morris)

That the NZ Council

- i. Note the proposed highlighted changes to the 2012/13 NZ Council Business Plan as presented in this agenda and also include provision for a Governors meeting to be held in 2012/13.**
- ii. Agree to consider a draft of the full Business Plan in May for final approval at the July NZ Council meeting once licence fees have been approved.**

NATIONAL FISH AND GAME ITEMS

13.1 Improving Public Awareness Capability

It was noted that the need for and associated cost of the proposed extra 1.5 FTE needs to be put into perspective with the very much larger costs that have accrued historically through legal litigation, and that successful public awareness could greatly reduce litigation costs in the future. While it was noted there could be some resistance from some regions that these appointments might be seen as 'growing centralisation' there was agreement that they were essential to Fish and Game growing and securing greater public understanding and support for Fish and Game advocacy on key issues. It was further agreed that the benefits for regions of the proposed appointments should be highlighted.

Resolved (Peter Sutton/Jean Willis)

That the NZ Council

- i. Receive this report**
- ii. Support this report in principle**
- iii. Direct the Chief Executive to make a contestable funding application to include 'North and South' Island public awareness/coordination' project in the 2012/13 national budget.**

13.2 Legal Update Report

Clarification was provided on aspects of the One Plan.

Resolved (Peter Sutton/Lindsay Lyons)

That the NZ Council receive the Legal Update Report.

13.3 National Finance Report 3: 2011/12

There was some discussion regarding under/over expenditure by some regions at this stage of the year, and the Finance and Administration Manager undertook to make enquiries to confirm the correct data was being supplied.

Resolved (Peter Sutton/Dan Madsen)

That the NZ Council receive the National Finance Report to 29 February 2012.

A lunch break was taken at 12.35 pm and the meeting reconvened at 1.20 pm.

13.4 Licence Sales Trends

The NZ Council extended its appreciation of the contribution made by Kate Thompson from the Eastern Fish and Game Council and her role as a member of the Licence Working Party and efforts to gain improvements in the reporting capability of the licence database.

13.5 Engaging Licence Holders in Fish and Game Council Elections

General discussion took place on the subject but it was agreed that NZ Councillors should discuss this with respective regions and then continue the debate at the next NZ Council meeting.

Resolved (Robin Blackmore/Andrew Morris)

That the NZ Council Chairman write to the fishing and game hunting clubs inviting them to put candidates forward for the 2012 Fish and Game Council Elections.

13.6 Research Opportunities for Mallard Duck Management in New Zealand

Concern was expressed for the process to take into account views of regional councils. However there was general acceptance that such views can be accommodated within the format proposed and that it was important to get this research started as soon as possible.

Resolved (Peter Sutton/Lindsay Lyons)

That the NZ Council

- i. Agree that a meeting be convened of senior regional Fish & Game staff to define a prioritised research strategy to identify current mallard duck population limiting factors and necessary management actions to improve the national mallard population.**
- ii. Agree that this meeting be facilitated by Dr Murray Williams**
- iii. Agree that a report be prepared for NZ Council approval at its May 2012 meeting, setting out research strategy/project briefs (details), timelines and anticipated costs**
- iv. Agree that all expenses associated with mallard research, including related meetings of relevant participants, be funded from the research fund**
- v. Agree that, by letter of the NZ Council Chairman to regional Chairs, all regions be requested to commit to agreed standardised monitoring**

techniques and the provision of any necessary staff time to take part in associated mallard monitoring and/or assist with research projects as deemed necessary.

GENERAL

14.1 Consideration of Review of Governance

This item had been considered in public excluded session on Friday. The NZ Council discussed the merit of making these resolutions part of its open minutes and decided to release the following for that purpose:

Resolved (Chris Lynch/Andrew Morris)

That the resolutions formed under public excluded for the item on a Review of governance policy made earlier in the meeting become a record on the Council's open minutes.

These resolutions were:

Resolved (Bruce Bates/Peter Robinson)

That the Chair approach an independent governance facilitator before the November election with a view the incoming council refresh its understanding of current governance policies and consider any review where appropriate.

Resolved (Lindsay Lyons/Peter Sutton)

That as part of the policy review facilitated by the governance specialist the NZ Council considers and seeks advice on disciplinary procedures in relation to breaches of governance.

Resolved (Peter Robinson/Andrew Morris)

That the NZ Council engage the governance specialist to assist the Council in a re-familiarisation of its statutory role, responsibilities and opportunities.

A proposal was also made that the appointment of the Chair should be made annually by vote of the council. This proposal should be considered during the review.

It was agreed that the Chief Executive Performance Committee meet the day before the next meeting of the Council – Thursday 24 May.

There was general agreement of the need to meet with regional Fish and Game Chairman to discuss future whole-of-organisation planning.

Resolved (Bruce Bates/Lindsay Lyons)

That once the new council is appointed and completed the governance re-familiarisation and review, the NZ Council invite the regional chairs to a meeting with NZ Council to discuss planning for the new term.

14.2 NZ Council Correspondence

A number of letters to the NZ Council were presented and discussed. Some had been received after the agenda was sent out. There was general agreement that in future correspondence that arrives after the agenda is sent out not be eligible for consideration at that meeting unless it was deemed by the Chairman to be urgent. Therefore, in future late correspondence will be held over to the following meeting.

14.2.1 Letter from Eastern Fish and Game Council

Resolved (Robin Blackmore/Lindsay Lyons)

That the letter from Eastern Fish and Game Council about an Oath of Office be received and that the NZ Council chairman write to regions advocating they adopt this practice.

14.2.2 NZC/Regional Relationship Matters (agenda item 3.6)

The Council agreed to move into Public Excluded session at 2.15 pm.

Resolved (Dan Madsen/Chris Lynch)

That the public be excluded from the following parts of the proceedings of this meeting, namely the agenda items:

3.4 NZC/Regional Relationship Matters

The withholding of the information is necessary to maintain the effective conduct of public affairs through the free and frank expression of opinions by councillors or officers and to maintain legal professional privilege.

This resolution is made in reliance on section 48(1)(a)(ii) 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 relevant part of the proceedings of the meeting in public.

Resolved (Chris Lynch/Robin Blackmore)

That the NZ Council move out of committee (at 2.53 pm.) and that the public be invited to return to the meeting.

The Eastern Chairman and Manager and Mr Ralph re-entered the meeting.

15 Urgent General Business

One outstanding item was discussed for consideration under Urgent General Business.

Guy Ralph spoke to the Council on his business proposal near Cambridge in the Waipa District Council to set up an upland game property with special conditions.

There being no further business, the Chairman declared the meeting closed at 3.08 pm Sunday 18 March 2012.

Confirmed: _____

Date: ____/____/2012

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