

Meeting of the
New Zealand Fish and Game Council
Wellington Airport
Friday 20 July 2012
Commencing at 9.30 am

1. Present

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

2. In Attendance

Catherine Tudhope (D-G Conservation's representative), Jenny Norris (Finance & Administration Manager), Hamish Carnachan (Communications Manager) and Robert Sowman (Policy & Planning Manager).

INTRODUCTION

3. Welcome

The Chairman called the meeting to order and welcomed Catherine and fellow councillors.

4. Apologies

Apologies were received from Bryce Johnson. Lindsay Lyons, delayed by air travel, arrived at 12.05 pm.

Resolved (Chris Lynch/Peter Robinson)

That the apologies be accepted.

MEETING REVIEW

5 Identification of other Urgent Business

Items raised for inclusion in the agenda:

- Wellington RMA expertise
- One-day NZ Council meetings

It was agreed that the public-excluded minutes from the previous meeting be held over and considered in a public-excluded session of the meeting.

6 Annual Agenda

Agenda noted but no action required. However, it was accepted that the NZ Council Business Plan set for approval at this July meeting remained dependent on the proposed licence fees being approved as this would determine whether contestable fund items would become projects for the year or not. The Business Plan would therefore be submitted to the September meeting for final consideration and approval.

7 Conflicts of Interest Register

The conflicts of interest register was made available at the start of the meeting to record any conflicts that might arise with items to be discussed at this meeting.

8 Confirmation of minutes from the previous meeting

The meeting considered the public session minutes of the New Zealand Council meeting held in Wellington on 25 May 2012.

Resolved (Chris Lynch/Dan Madsen)

That the minutes of the New Zealand Council meeting held on 25 May 2012 be confirmed as a true and correct record.

9 Confirmation of the notes of discussion from the telephone conference of 20 June 2012

The meeting considered the notes of discussion by telephone conference of members of the New Zealand Council on Wednesday 20 June 2012.

Resolved (Robin Blackmore/Chris Lynch)

That the notes of discussion by telephone conference held on Wednesday 20 June 2012 be confirmed as a true and correct record.

The recommendation contained in those notes was then presented and adopted in open forum by the full NZ Council.

Resolved (Andrew Morris/Alan Flynn)

That following consultation with regional Fish and Game Councils and strong support for the proposal, the New Zealand Council seeks approval from the Minister of Conservation for the 2012/13 sports fish licence to be based on an adult whole season fee of \$120 and the game licence to be based on an adult whole season licence fee of \$88 plus \$2 for the game Bird Habitat Stamp (GST inclusive).

10 Matters arising from the May 2012 minutes

Southland has confirmed that the funding from its reserves for mallard research is per year for three years. The NZ Council would like a report on milestones and dates for reporting from the mallard research programme so that this can be provided to councils on a regular basis. Reporting on milestones should also be considered for placement on the F&G NZ website.

The Chairman noted that a meeting is to be organised by Ecan on 29 July 2012 to discuss South Island Canada goose management, especially as it relates to Christchurch Airport. It is believed that Fish and Game councillors and staff from the relevant regions were expected to attend the meeting.

Regional feedback on expenses and mileage costs of councillors was discussed. It was established that no wide dissatisfaction was highlighted in a survey of councils and that no further action was required at this time.

11 Review of accumulative Action List from previous meetings

Nothing was raised from the list of accumulated action.

12 Matters arising from outstanding issues

RESOLUTION TO EXCLUDE THE PUBLIC

Section 48, Local Government Official Information and Meetings Act 1987.

Time 9.45 am

Resolved (Chris Lynch/Andrew Morris)

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

- 1. Confirmation of the public-excluded minutes from the previous meeting**
- 2. Legal advice on conflicts of interest**
- 3. Issues arising on NZ Council's dealings with a Fish and Game Council.**

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
Information provided in confidence) Good reason to withhold exists) under section 9 of the Official) Information Act 1982	Section 48(1)(a)(ii)
Consideration of independent external advice		

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
1, 2 & 4.	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.
3.	Protect information which is subject to an obligation of confidence ... where the making available of the information would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied	Sec 9(2)(ba)(i)	Disclosing the information would jeopardise the relationship with the supplier because the supplier may no longer trust the Council to hold its information in confidence.	Not unless there is a public interest in disclosure of the specific information.
4.	Maintain legal professional privilege	Sec. 9(2)(h)	To enable the Council to discuss legal advice.	Once the matter is completed and the legal advisor agrees to its release.

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: 1.00 pm

Resolved (Chris Lynch/Peter Robinson)

That the open meeting of the New Zealand Fish and Game Council resumes.

During the public excluded session, Councillor Blackmore left the meeting at 11.25 am for a prior arranged appointment.

Meeting paused for lunch at 1.00 pm

Meeting recommenced at 1.30 pm.

RESOLUTION TO EXCLUDE THE PUBLIC

Section 48, Local Government Official Information and Meetings Act 1987.

1.30 pm.

Resolved (Dave Witherow/Andrew Morris)

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

1. Complaint procedure

Councillor Sutton expressed his opposition to continued debate on this matter and for returning to a public-excluded session and left the meeting at 1.30 pm.

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
Information provided in confidence) 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
1, 2 & 4.	Protect the privacy of natural persons.	Sec. 9(2)(a)	Information provided identifies a particular person or can easily be	Once the person to whom the information relates

			connected with a particular person.	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.”

2.43 pm.

Resolved (Chris Lynch/Alan Flynn)

That the open meeting of the New Zealand Fish and Game Council resumes.

Peter Sutton returned to the meeting at 2.43pm.

NZ COUNCIL BUSINESS

13.1 Operational Report

The Operational Report was considered on a page by page basis.

Project 1210: Habitat Advocacy

The letter from Otago Fish and Game Council on the need for an energy plan was discussed. It was agreed the NZ Council receive the letter and that Otago be informed that the draft paper will be updated and discussed by NZ Council at its next meeting.

Resolved (Jean Willis/Dave Witherow)

That the draft energy policy proposed by Otago Fish and Game Council be updated for discussion at the next meeting.

Councillor Willis, with some background in the subject, expressed a wish to be consulted in drafting this paper.

Output 1510 Ranger Coordination

The NZ Council was advised that the appointment and oversight of warranted rangers was a function of the NZ Council Chief Executive (referred to in legislation as the Director), not the NZ Council. Draft criteria for handling warranted rangers in the new 2012/15 warrant period had been circulated to regions, feedback noted and final criteria established by the Director. These criteria included recommendations that each region should endeavour to retain a minimum of 10, with a maximum of 30 honorary rangers. Numbers either side of these will need to be justified, and considered, on their merits. It also called for applicants to be under 70 years of age at 30 September 2015 (with individual cases over this age needing to be justified, and considered on their merits). Ranging is increasingly a potential area of risk that must be properly managed with a duty on Fish and Game to ensure adequate health and safety and other necessary compliance training is provided and maintained for those involved.

Another tier of Fish and Game volunteers is suggested to lessen the demand for overly large numbers of warranted rangers. This would be a group of less active and less trained individuals who do not need to be warranted. Time at this July meeting did not permit this

suggestion to be debated but it was proposed a paper be prepared outlining what is proposed for consideration at a later date.

Project 1815 Elections

Under the 2012 schedule of election dates, it is proposed that elected members taking office on 19 December. This means that the first meeting should be held by 9 January 2013. The NZ Council asked that this be looked into and a question had been put to Crown Law but there were questions around Fish and Game's eligibility to seek Crown Law advice. The DG-Conservation's representative offered to ask for DOC Legal's consideration on when the first meeting could be held.

Resolved (Jean Willis/Alan Flynn)

That the Operational Report for July 2012 be received.

13.2 Introduction to NZ Council budgets

The NZ Council had previously indicated that it wanted an opportunity to discuss and better understand the budget system. The Finance and Administration Manager provided the meeting with folders which contained the timetable and details of the process for the annual budget and reporting cycle, along with samples of the spread sheets used in the process and the budget national policies. It was intended to select the budget and bi-monthly reporting process to take councillors through, but it was apparent that meeting time was not available to extend the item to cover that process at this meeting. However it was suggested that councillors bring the Budget folder to future meetings to consider this material further, with a dedicated session to be included within the council agenda at the next opportunity.

13.3 NZ Council Bi-Monthly Financial Report

The Financial Report was considered on a page by page basis.

Resolved (Chris Lynch/Matthew Hall)

That the Financial Report to 30 June 2012 be adopted.

13.4 Specific Proposals for Capital Expenditure

There were no specific proposals.

Resolved (Peter Robinson/Peter Sutton)

That the Specific Proposals for Capital Expenditure be received.

13.5 CE Performance Committee

The Chairman informed the Council he had a draft report from the Committee's last meeting. However there had not been enough time to prepare copies and with the Chief Executive away it was best that this be advanced at a later stage.

NATIONAL FISH & GAME ITEMS

14.1 Desired Outcomes Achievable by 2025 – Report back from NZ Councillors

It was recognised that although this item had been reported to regions before, there remained some uncertainty and lack of awareness about what was wanted to be achieved. Therefore it was agreed to provide the paper again for regions to consider, explaining what feedback is

being requested and why. Regions are to be asked for each aspiration to be rated as a priority 1, 2, or 3.

14.2 Legal Update Report

The NZ Council recognised that the information provides a good record of what has happened and further work pending. However, one of the NZ Council's strategic sessions needs to look at its legal requirements and the options open to it in delivering these. One option worthy of further discussion is the appointment of its own legal staff.

Resolved (Peter Sutton/Lindsay Lyons)

That the Legal Update Report be received.

Robin Blackmore returned to the meeting at 3.25 pm.

14.3 National Financial Report 5

To the year to date (30 June) it was recognised that overall net expenditure was tracking just under the budgeted total for this time. However, some concern was expressed with the level of expenditure shown for North Canterbury, and to a lesser extent Otago councils, but the Finance & Administration Manager advised that assurance had been received that both councils anticipated year end expenditure to be in line with budget.

Resolved (Chris Lynch/Andrew Morris)

That the National Financial Report to 30 June 2012 be received.

14.4 National Licence Sales Trends

Positive trends were reported overall. Councillors discussed the changing pattern in sales channels and the growing importance of AOL.

14.5 National Licencing Service Agreement Renewal

Regions are to be provided information and invited to discuss and generate any feedback councils may wish to provide. The NZ Council recorded its general acceptance of the process and professional approach being undertaken and expressed its confidence in the Licence Working Party with input from Dr Marks.

Resolved (Chris Lynch/Peter Robinson)

That the NZ Council:

- 1. Note the proposed process and milestones**
- 2. Agree it is comfortable with that process.**

14.6 Non-resident Fishing Licence

Consideration of this item had been prompted by the letter of 29 May 2012 from the Minister of Conservation seeking NZ Council and regional Fish and Game council support for a non-resident fishing licence. The Minister's letter had been sent to regions for comment and resulted in the NZ Council's support for the proposal.

Resolved (Dave Witherow/Lindsay Lyons)

That the NZ Council:

1. **Note the strong support from Fish and Game regions for a non-resident fishing licence**
2. **Agree, that a non-resident fishing licence be introduced at a cost of 1.3 times the adult whole season fishing licence.**
3. **Agree that with the introduction of a non-resident fishing licence, family and winter fishing licences be restricted to resident anglers only.**
4. **Agree that any increased revenue from a non-resident fishing licence be ring-fenced for specific management purposes for the improvement of back country fisheries management.**
5. **Agree that the Minister of Conservation be asked to approve the establishment of a non-resident sports fishing licence for the 2013 fishing season.**

14.7 Review of National Office

Time did not allow for a full debate on this item. The Chairman had earlier asked for points to be considered in such a review and had a limited response. Therefore it was:

Resolved (Dave Witherow/Bruce Bates)

That within 10 days, councillors with a concern of this matter, will provide points for consideration for the Chairman to seek advice about.

Peter Sutton, Lindsay Lyons, Jean Willis asked for their opposition to the motion be recorded.

15 GENERAL

The Chairman acknowledged that time had not permitted discussion on a number of items and that these should be carried over to the next meeting. These included:

1. Wellington Fish and Game Council's RMA expertise – a paper was distributed by Councillor Morris.
2. Conflict of Interest policy
3. Oath of office
4. Correspondence on captured access from Eastern Fish and Game Council.

16 Urgent General Business

There being no urgent general business, the Chairman declared the meeting closed at 4.37 pm Friday 20 July 2012.

Confirmed: _____

Date: ____/____/____12

Notes from the public-excluded meeting:

1. Confirmation of the public excluded minutes 25 May 2012

Councillor Sutton's recorded vote against the motion for South Island High Country Federated Farmers and Canada geese was for Canada geese, not Federated Farmers. He asked that this be made clear in the minutes.

Resolved (Chris Lynch/Dan Madsen)

That the public-excluded session of the NZ Council on 25 May 2012 is a true and correct record subject to the one correction.

Robin Blackmore and Bruce Bates (both absent when this item was considered at the previous meeting) abstained from voting.

2. Legal opinion about the conflict of interest of a NZ Councillor.

Bruce Bates left the meeting at 10.56 am after expressing his concerns about the handling of the legal opinion on his perceived conflict of interest but before the item was discussed.

The Council was advised that before releasing the document under section 48 of the OIA, the NZ Council needs to record the process it has gone through at arriving at its decision to release the material, should this be the outcome.

Councillor Lynch outlined a Notice of Motion set out in an email to fellow councillors of 11 July 2012 that sought to rectify what he considered to be an unfortunate and rushed resolution at the end of the previous meeting. This was introduced by Councillor Lynch at the meeting and discussed before being put.

Resolved (Chris Lynch/Peter Robinson)

That the NZ Council meeting of 20 May resolution "That the Mai Chen legal advice on conflicts of interest not be released ever" be rescinded.

The following motion as part of Councillor Lynch's Notice of Motion was also introduced and discussed but when put the motion was subsequently lost.

Resolved (Chris Lynch/Jean Willis)

That the Mai Chen legal opinion on exclusive capture be released subject to the provisions of Section 48 of the Official Information Act, after appropriate redaction by Mai Chen to protect the privacy of any individual or business identified in that opinion.

Motion lost.

The following motion was introduced with an amendment being promoted during discussion.

Amendment (Andrew Morris/Peter Robinson)

Add the words, "for the protection natural persons".

Resolved (Dave Witherow/Dan Madsen)

That the Mai Chen legal advice of 7 March 2012 on conflicts of interest not be released for the protection of natural persons.

Robin Blackmore left the meeting at 11.25 am for a prior arranged appointment.

Bruce Bates returned to the meeting at 11.30 am on completion of discussion about his perceived conflict of interest.

3. Issues arising on NZ Council's dealings with a Fish and Game Council.

This item deals with Central South Island (CSI) issues. As CSI's appointee to the NZ Council, the Chairman recognised that it could be alleged he has a perceived conflict of interest so he vacated the Chair.

Matthew Hall vacated the Chair and left the meeting at 11.30 am.

Resolved (Peter Sutton/Peter Robinson)

That Chris Lynch become the acting Chair to discuss the item on Central South Island issues.

Resolved (Jean Willis/Bruce Bates)

That the letter of 10 July 2012 from the Chairman of Central South Island Fish and Game Council be received.

It was agreed a letter from the Acting Chair should be sent to CSI outlining that the purpose of the Desired Outcomes is to focus Fish and Game on future direction. It does not reflect on past or present actions or positions as CSI had implied.

The reply to CSI is also to outline the proposed path forward as resolved by the NZ Council, namely an independent reviewer to be appointed to look into the handling of the dispute between the two councils.

Resolved (Peter Robinson/Bruce Bates)

That an independent review of the CSI/NZC dispute be undertaken to provide a neutral viewpoint on the handling of the Tom O'Connor complaint by both CSI/NZC.

Matthew Hall was invited to return to the meeting at 12.05 pm to join the discussion on how an independent review might be organised.

Lindsay Lyons also joined the meeting at 12.05 pm after being delayed due to air travel problems.

Discussion on who to consider as an independent advisor resulted in the Institute of Directors being proposed. In arriving at this decision it was pointed out that no funding had been allocated in the NZ Council's 2012/13 budget for this purpose.

Resolved (Peter Sutton/Bruce Bates)

That the Institute of Directors be asked by the Chairman to provide a proposal including costs to carry out an independent review of the CSI/NZC dispute on the handling of the Tom O'Connor complaint by both CSI/NZC.

Resolved (Andrew Morris/Dan Madsen)

That the proposal and cost be discussed and agreed at a subsequent NZ Council Telephone Conference and any decision be adopted in open forum at the next NZ Council meeting.

Resolved (Dave Witherow/Bruce Bates)

That Chris Lynch as Acting Chairman vacate the chair and Matthew Hall be reinstated as the NZ Council Chair.

Correspondence from Councillor Witherow

Resolved (Chris Lynch/Bruce Bates)

That the NZ Council receive the correspondence dated 5 July 2012 from Dave Witherow.

Discussion then followed as to the process for dealing with the correspondence. Councillor Willis pointed out that this correspondence had crossed into employment dispute territory and as such needed to be treated according to the correct process set out under the relevant legislation.

Resolved (Jean Willis/Lindsay Lyons)

That the NZ Council dismiss the complaint from Dave Witherow.

Motion is lost.

At 1.00 pm was agreed to stop for lunch. The meeting resumed after lunch at 1.30 pm, going back into a public excluded session.

It was recognised that the subject of this correspondence had a right of reply and that the matter should not be dealt with until both sides had the opportunity to be heard. It was also recognised that the NZ Council did not have a complaints procedure policy. Therefore it:

Resolved (Bruce Bate/Andrew Morris)

That in the absence of a complaints procedure, the Council authorise the Chairman to seek advice on how to proceed.

Jean Willis and Lindsay Lyons asked for the record to show they did not support the motion.

UNCONFIRMED