

Meeting of the
New Zealand Fish and Game Council
Quality Hotel Plymouth International, Taranaki
Friday 19, Saturday 20 and Sunday 21 July 2013
Commencing at 1.45 pm Friday

1. Present

Chris Lynch, Colin Sherrard, Lindsay Lyons, Aaron Wakeford, Alan Flynn, Andrew Morris, Paul Dixon-Didier, Jean Willis, Peter Robinson, Dave Witherow and Paul Stenning.

2. In Attendance

Bryce Johnson (Chief Executive), Alison Lyall (Finance & Administration Manager), Hamish Carnachan (Communications and Marketing Manager), Robert Sowman (Policy & Planning Manager).

Taranaki Fish and Game Councillor Terry Russell greeted the NZ Council prior to the meeting and left before the meeting began.

INTRODUCTION

3.1 Welcome

The Chairman welcomed the Council to New Plymouth.

3.2 Apologies

Matthew Hall and Catherine Tudhope.

Resolved (Paul Dixon Didier/Aaron Wakeford)

That the apologies from Matthew Hall and Catherine Tudhope be accepted

MEETING REVIEW

4.1 Identification of other Urgent Business

One item was raised for consideration under urgent business:

- Complaint to Audit Office regarding Auckland/Waikato

4.2 Annual Agenda/Conflicts of Interest Register

Nothing raised under these two agenda items.

4.3 Confirmation of Minutes

The meeting considered the Minutes of the New Zealand Council meeting held in Wellington in May 2013.

Resolved (Chris Lynch/Andrew Morris)

That the Minutes of the New Zealand Council meeting held 24 & 25 May 2013 be confirmed as a true and correct record.

4.4 Matters arising from the minutes

The MOC plans to attend the November NZ Council meeting. The CE suggested a letter identifying key points for discussion be sent to the Minister in advance. It was agreed to make this an agenda item for the September meeting.

The NZ Council proposed to raise with regions the procedural matter of not making resolutions under Urgent Business. Issues raised at the meeting should be carried over to the following meeting for any resulting resolution.

4.5 Confirmation of exchange of emails on proposed licence fee, 19 – 20 June 2013

The scheduled telephone conference call by NZ Councillors to consider regional F&G feedback on the licence fee recommendations was unable to be held due to an error by Premier Conferencing issuing an incorrect teleconference number. Councillors instead emailed their responses to the Chief Executive. These were circulated to NZ Councillors prior to the meeting and supported by the following resolution:

Resolve (Colin Sherrard/Aaron Wakeford)

That following consultation with regional Fish & Game Councils, and support for the proposal, the NZ Council seeks approval from the Minister of Conservation for the 2013/14 sports fish licence fee to be based on an adult whole season licence fee of \$121 and the game bird licence fee to be based on an adult whole season licence of \$89 plus \$2 for the Game Bird Habitat Stamp (GST inclusive).

4.6 Review of accumulated action pending from previous meetings

Question whether CSI's extra staff member sought in 2011 (May 2011 meeting) has been appointed on a one year FTE basis or permanently. This is to be clarified, including discussing with managers the need for criteria for staffing levels and a policy for salary pay scales, and reported on at the next meeting.

The Chairman to clarify with the previous Chairman the proposal to review the NZ Council office structure and report back to the Council at the next meeting.

NZ COUNCIL GOVERNANCE ITEMS

5.1 Chairman's Report

The Chairman provided an update on what he has been doing between meetings. The Remuneration Committee met with the CE and drew up an updated job description. The development of portfolios is on-going. It is more about overseeing something and taking an interest in a particular area than doing the actual work allocated to staff.

List in previous minutes (p8) to be amended:

Matthew Hall – finance, CPI policy

Chris Lynch – policy

Lindsay Lyons – public relations, access

Jean Willis - research

Paul Dixon-Didier – Health & Safety, complaints

Paul Stenning & Andrew Morris – game birds, land occupier privilege

In future portfolio discussion should involve a written report to come into the agenda. This item would be listed in the agenda under the Chairman's Report.

5.2 CE Performance & Remuneration Committee

The Council considered an updated Chief Executive (CE) position description previously circulated to councillors for information. A concern raised by the CE was that the role of creating and maintaining an "operational climate for success" for staff was a function of the

Council that should be made explicitly clear in the Governance Policies. The amount of work involved in arriving at an acceptable position description was noted by the Council and it wished to express its appreciation to Matthew Hall and Chris Lynch for the time spent on this.

Resolved (Chris Lynch/Lindsay Lyons)

That the NZ Council ratify the Chief Executive’s position description and refer it to the CE for endorsement.

Guidelines for the CE’s performance agreement remains in draft form but has been developed for appraising performance. This document was discussed.

Resolved (Chris Lynch/Lindsay Lyons)

That the guidelines to assist the preparation of Chief Executive’s annual performance agreement be adopted.

5.3 Councillor Witherow complaint

It was agreed to move into public excluded session to discuss this item, with the public, Councillor Witherow and staff excluded from proceedings.

RESOLUTION TO EXCLUDE THE PUBLIC

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

Time 5.00 pm

Resolved (Peter Robinson/Andrew Morris)

That the public be excluded from the following parts of the proceedings of this meeting, namely the “Witherow complaint”.

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	Once the person to whom the information relates consents to its

			particular person.	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: 6.07 pm

Resolved (Andrew Morris/Paul Stenning)

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

Saturday 20 July

The meeting returned to the order of business set out in the Agenda.

5.4 Public excluded resolution of May 2013 NZ Council meeting

Council agreed to bring the public excluded resolution of the May 2013 into the public meeting.

Resolved (Andrew Morris/Aaron Wakeford)

- 1. Other than completing the tasks and carrying out the advice outlined in this resolution the council does not authorise any further expenditure on this complaint nor will it take any further action on the complaint. The Council considers the matter to be fully and finally closed.**
- 2. Because the complaint relates to the interpretation of events that took place mainly in May and June of 2010 on advice the council has received too much time has elapsed for any disciplinary action to be considered. Note – It is unfair to expect exact details of events to be remembered this far back and employment action would therefore be fraught with risk.**
- 3. Nevertheless from a governors perspective the council considers that it was not fully or properly informed in a timely manner of events particularly Mai Chen’s submission to the Ombudsman.**
- 4. There is a division of opinion within council that the means used by the CE in dealing with Tom O’Connor’s concerns about CSI were appropriate and they hold the view that the council should have been given greater opportunity to express their judgement and direction on the matter.**

5. As a result of this experience the delegations to the CE will be clarified with complaints such as those expressed by Mr O'Connor being handled by a complaints procedure and complaints policy.
6. To improve the lines of communication between the CE and the council using modern technology and emails a system of weekly reports to Councillors on the activities of the CE and National Office staff be instituted.
7. In the completion of the job description of the CE, which is currently under review and the subsequent performance agreement between the CE and the Council, special consideration is given to the matters raised by Mr Witherow with the objective of better defining the roles of the CE and the Council.
8. That a letter is sent to Mr Witherow explaining the steps that the Council has taken.

5.5 Confirmation of public excluded minutes of May 2013

Discussion on the public excluded session of May 2013 occurred in the public excluded meeting held at 5.00 pm Friday afternoon. This discussion included confirmation of the minutes.

Resolved (Chris Lynch/Colin Sherrard)

That the public excluded Minutes of the New Zealand Council meeting held 24 & 25 May 2013 be confirmed as a true and correct record.

5.6 Witherow complaint expenses

Councillor Witherow spoke to this item. Councillor Lynch referred to the earlier November 2012 minutes (item 21) and read out the relevant resolution which stated: *“That the NZ Council deal with the Mr Witherow complaint itself and not through an independent advisor. The parties will be Mr Johnson, Mr Witherow, the Chairman, the employment lawyer Mr Kynaston and Mr Johnson’s lawyer. All costs will be met by the Council.”*

Councillor Lynch argued the spirit of that resolution should accept all costs to include those of Councillor Witherow including his subsequent engagement of his own lawyer.

Resolved (Chris Lynch/Paul Stenning)

That the full and final legal and travel costs incurred by Councillor Witherow be covered by the NZ Council in accordance with the November 2012 resolution that all costs be met by the Council.

The Chairman abstained and Councillor Lyons voted against the resolution and asked to have this recorded.

5.7 Proposed meeting with F&G regional Chairman

Preliminary discussion on a proposed meeting of the NZ Council and regional F&G Chairs resulted in support for such an event. It will be critical to create an agreed agenda and a positive attitude to work collaboratively with a future focus. It was also believed to influence attitudes and direction it would be better to include managers in the discussion.

Suggestion accepted that such a discussion is better sooner rather than later and could become a part of the NZ Council strategic planning session in November 2013.

Resolved (Dave Witherow/Andrew Morris)

That a combined meeting with F&G Chairman, managers and the NZ Council be held in conjunction with the NZ Council strategy meeting in November 2013.

5.8 Governance & F&G functions and responsibilities presentations

Two presentations were made by Robert Sowman (Governance) and the Chief Executive (F&G functions). It was agreed copies of the PowerPoint presentations would be sent to NZ Councillors.

NZ COUNCIL BUSINESS

6.1 Operational report

The Council considered the operational report on an exception basis, with discussion or further clarification occurring on several items. These included:

Project 1140: Commercial users of the sports fish and game resource

Jean Willis and Dave Witherow were asked to work with Robert Sowman to prepare a paper for consideration at a future meeting.

Project 1210: Habitat Protection and management

It was agreed that the Chairman write to Greenpeace NZ and thank them for the donation received.

As Lake Opuha was repeatedly being held up as a working model for other water storage proposals, it was felt an independent review of the scheme needs to be undertaken to establish the myths or truths behind the success of this scheme against the original promises.

Resolve (Peter Robinson/Aaron Wakeford)

That the NZ Council Chief Executive investigate the cost of an independent evaluation of the effectiveness of Lake Opuha as a water storage model against its original claims and draft the terms of reference for such an evaluation in liaison with the Chief Executive of the Central South Island Fish and Game Council.

Resolved (Jean Willis/Dave Witherow)

That the Operational Report of July 2013 be received.

6.2 F&G NZ Research Programme update report

This item was advanced in the agenda order to be discussed prior to concluding Saturday morning's session. The Council agreed the format as presented is what it wants to see at each meeting to keep abreast of progress across all research projects.

Resolved (Jean Willis/Andrew Morris)

That the F&G NZ research programme update report of July 2013 be received.

Sunday 21 July

6.3 NZ Council Financial report

Discussion focused on expense items with a greater percentage of expenditure than the average for this time in the financial year of 83%.

Resolved (Jean Willis/Andrew Morris)

That the NZ Council financial report to 30 June 2013 be received.

6.4 Specific proposals for capital expenditure

No specific proposals have been received during this period.

Resolved (Chris Lynch/Aaron Wakeford)

That the Specific Proposals for Capital Expenditure report be received.

6.5 2013/14 Business Plan

Discussion took place around minor adjustments to the business plan that may be needed with the acknowledgement that this was something within the delegated powers of the Chief Executive.

Resolved (Andrew Morris/Lindsay Lyons)

That the NZ Council agree to adopt the 2013/14 Business Plan subject to approval by the Minister of Conservation of the 2013/14 Fish and Game Licence Fees.

NATIONAL FISH & GAME ITEMS

7.1 National finance report

The Council noted the importance of this report and the need for regions to be able to provide accurate figures for inclusion. It was of some concern that a number of councils were unable to provide this information in a timely manner.

Resolved (Aaron Wakeford/Colin Sherrard)

That the national financial report to 30 June 2013 be adopted.

7.2 Penalty interest policy

Policy background on penalty interest had been requested and was provided for information.

7.3 National licencing administration & YTD sales

This information was provided as an update. Time did not permit an in-depth discussion.

Resolved (Lindsay Lyons/Paul Stenning)

That the NZ Council:

- 1. Note that licence data system renewal is on-going and proceeding to schedule.**
- 2. Note licence sales YTD figures provided in the three sets of sale information**
- 3. Note that despite poorer performing game sales, overall budget figures remain positive.**
- 4. Note the need to phase out paper licence book sales**
- 5. Agree the sales information be received for councillor information.**

7.4 NZ Game Bird Habitat Trust Board membership

The NZ Council had invited regions to submit names of suitable candidates for the Game Bird Habitat Trust Board. Current Board appointments expire at the end of September and a new Board is to be appointed for the next three years by the Minister of Conservation effective from 1 October 2013. The NZ Council is able to nominate three candidates for appointment. Eight names were submitted for the Council to consider. It was agreed to move into a public excluded session to discuss

RESOLUTION TO EXCLUDE THE PUBLIC

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

Time 9.56 am

Resolved (Paul Stenning/Andrew Morris)

That the public be excluded from the following parts of the proceedings of this meeting, namely the Game Bird Habitat Trust Board nominations.

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Time: 10.25 am

Resolved (Paul Stenning/Colin Sherrard)

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

The Council was impressed with the level of experience and number of Game Bird Trust Board nominees and the difficulty this made in selecting three individuals to recommend to the Minister of Conservation. IT was agreed a letter be sent to all nominees thanking them for putting their names forward, to thank the contribution made by sitting Board members that

had been nominated by Fish and Game and commend its support for the three nominees it was recommending to the Minister of Conservation.

Resolved (Paul Stenning/Lindsay Lyons)

That the New Zealand Council

- 1. Note eight nominees have been proposed**
- 2. Agree to Ian Hogarth, Mark Sutton & Andy Tannock as the NZ Council's nominations for the Game Bird Trust Board to the Minister of Conservation.**

It was agreed to alter the agenda order to deal with remaining items while leaving the legal update report for final discussion in the time remaining for the meeting.

CORRESPONDENCE

8 Correspondence to the Chairman

Letters were received from a number of correspondents. Following general discussion it was agreed that the letters be received and that a reply be prepared as follows:

NZ Federation of Freshwater Anglers

Resolved (Jean Willis/Paul Stenning)

That the letter from the Federation of Freshwater Anglers be received and invite David Haynes to attend the September NZ Council to speak to these and any other item of interest to the Federation.

Neil Hayes

NZ Council agreed that the letter from Neil Hayes be received. The NZ Council Chairman to reply with NZ Council's current policy.

Auckland/Waikato F&G Council (use of temporary paper licence)

NZ Council agreed the letter from Auckland/Waikato Council be received and F&G Managers be asked to consider the issue raised.

Auckland/Waikato F&G Council (NZ Agricultural Field Days)

NZ Council agreed the letter from Auckland/Waikato Council be received and F&G Managers be asked to consider the issue raised.

8.2 Otago Water Plan legal fund application

The Otago Fish and Game Council Chief Executive had consulted with all regional managers and gained their support for this application. The NZ Council recognised it represents a significant addition to current financial commitments. It was also noted, the Otago report identified a probability "most if not all issues" could be settled at the mediation stage at a lesser cost to the organisation.

Resolved (Andrew Morris/Aaron Morris)

That NZ Council approve Otago Fish & Game Council's application for funding for \$156,000 for Otago Water Plan Change 6A.

URGENT BUSINESS

9 Urgent Business

Councillor Sherrard questioned why the Auckland/Waikato Fish and Game Council had not had referred to it the two recent complaints that had been referred to the Minister, who had on-referred them to the Office of the Auditor General. The CE explained that the nature of the

complaints were such that the NZ Council chairman considered they should be referred directly to the Minister for his consideration and were not for the NZ Council to handle.

10.1 Legal update report

Councillors had wanted to spend some time discussing the scale of commitment to resource management and litigation that is current and identified as pending. It was acknowledged that habitat protection litigation is expensive but currently very necessary, and is a difficult area for which to budget owing to the unpredictability of both costs and timetables. It was accepted that this needs to be a major item for discussion at the proposed meeting of NZ Council with regional Fish and Game Chairs and managers later in the year.

Resolved (Paul Stenning/Jean Willis)

That the Legal Update report of July 2013 be received.

There being no further business, the Chairman declared the meeting closed at 12.23 pm Sunday 21 July 2013.

Confirmed: _____

Date: ____/____/2013