

Meeting of the  
**New Zealand Fish and Game Council**  
Brentwood Hotel, Wellington  
Saturday 21 September 2012  
*Commencing at 8.30 am*

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**1. Present**

Matthew Hall (Chairman), Chris Lynch, Dan Madsen, Lindsay Lyons, Bruce Bates, Alan Flynn, Andrew Morris, Paul Dixon-Didder (Nelson/Marlborough, with no voting rights), Jean Willis, Peter Robinson, Dave Witherow and Peter Sutton.

**2. In Attendance**

Bryce Johnson (Chief Executive), 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 all, adding a special welcome to Paul Dixon-Didder standing in for Robin Blackmore and advised Paul he was welcome to contribute to the discussion but could not vote. The Chairman then called for openness during the day's proceedings before commencing with the agenda.

**4. Apologies**

Apologies were received from Robin Blackmore and Catherine Tudhope (D-G Conservation's representative).

Resolved (Peter Sutton/Jean Willis)

**That the apologies be accepted.**

**5 Agreed order of business**

It was agreed to follow the agenda as set out, except for the consideration of correspondence where it was agreed to deal with this item immediately after the lunch break.

**MEETING REVIEW**

**6 Identification of other Urgent Business**

Items raised for inclusion in the agenda:

- Use of organic-phosphate
- Mileage for F&G councillors to meetings.

**7 Annual Agenda**

Agenda noted but no action required.

**8 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.

## **9 Confirmation of minutes from the previous meeting**

The meeting considered the public session minutes of the New Zealand Council meeting held in Wellington on 20 July 2012.

Item 13.5 It was agreed to amend the minute by removing “there had not been enough time to prepare copies and”.

Resolved (Peter Sutton/Chris Lynch)

**That the minutes of the New Zealand Council meeting held on 20 July 2012 be confirmed as a true and correct record subject to the amendment of item 13.5.**

## **10 Matters arising from the July 2012 minutes**

Mileage allowance remains a concern to Eastern councillors who cannot afford to attend meetings using current Fish and Game rates. The National Policy sets a rate lower than the State Service rate. National Policy cannot be changed unless it goes through a consultation round with regional Fish and Game councils. This matter had been raised informally with regions and was not recognised as a concern for many councils. It requires a formal request from Eastern and would be quicker if Eastern were to set out its concerns and consult with councils directly, allowing the NZ Council to then consider feedback before forming its opinion.

A meeting organised by Ecan on Canada geese has taken place. High Country farmers appear to believe populations are about at a level when Fish and Game were managing the species as a game bird. Hunting Aotearoa TV programme featured goose hunting on Molesworth in early September.

## **11 Review of accumulative Action List from previous meetings**

No comments received or matters arising from actions that are not to be covered elsewhere in the agenda.

## ***NZ COUNCIL BUSINESS***

### **12. Unfinished business from last meeting**

#### **12.1 Wellington Fish and Game Council's RMA expertise**

Wellington Fish and Game has been central in achieving the outcome announced by the Environment Court on Horizon's One Plan. Its Resource Management Officer, Corina Jordan, played a major role, supported by her Manager and Council in that process.

Resolved (Matthew Hall/Jean Willis)

**The NZ Council congratulate Wellington Fish and Game Council, especially Corina Jordan, ably supported by her Manager Phil Teal**

Fish and Game has plenty of examples where staff is involved in cross boundary issues and do this from region to region with some travel to help out from time to time. Fish and Game currently has two levels of resource management capability, with about 5 regions with dedicated resource management officers and the others with general staff doing this to the best of their ability.

There is a need to build the core of expertise and NZ Council would encourage Wellington to explore how this might be achieved without centralising the function.

It was noted at the meeting that councils are already sharing expertise on a number of topics.

Resolved (Peter Robinson/Lindsay Lyons)

**To support Wellington Fish and Game Council in exploring the potential options to increase efficiency and effectiveness of resource management functions within Fish and Game while retaining regional employment of Resource Management staff.**

## **12.2 Conflicts of interest governance policy**

Legal advice has recommended NZ Council replace current conflict of interest wording in its governance policies. These revised policies number 2.8.1 to 2.8.17 and would replace the current set of policy numbered 2.8.1 to 2.8.8.

Discussion arose around the interpretation of these policies. It was recognised these are a check-list or package of policy for guidance and council collectively needed to agree how to determine whether a conflict exists and the level of involvement they want from that person. It would be good practice before a person is asked to leave the meeting for conflict of interest reasons, for that person to be asked to give their opinion to assist subsequent discussion.

Resolved (Peter Sutton/Chris Lynch)

**That the NZ Council**

- a. Adopt the conflicts of interest policy proposed by Chen & Palmer in its memorandum dated 18 May 2012**
- b. Replace current conflict of interest policy contained in the NZ Council Governance Policies (adopted November 2006) with those contained in the Chen & Palmer memorandum.**

Andrew Morris and Dave Witherow asked for their dissenting vote be recorded.

Resolved (Lindsay Lyons/Chris Lynch)

**That the NZ Council agree to present this revised conflict of interest policy to other Fish and Game councils for consideration.**

## **12.3 Oath of Office**

The Oath of Office has been circulated to regions for consideration. The intent of an oath of office (which is not binding) has been accepted by Eastern Fish and Game for incorporation into its introductory material to new councillors and was seeking similar action by other councils.

Resolved (Dan Madsen/Peter Sutton)

**That this matter be deferred until the November Meeting and Eastern Fish and Game Council be invited to forward its recommendation on implementation.**

## **13.1 Operational Report**

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

### **Project 1110: Species Advocacy**

The Chairman expressed his wish to have been invited to participate in the meeting with the Minister on the Customs Import Prohibition (Trout) Order. This meeting was called with short notice and participants were in the main, Wellington based.

NZ Council would encourage key staff involved with salmon management to discuss and propose amending individual sports fish and game management plans (for those regions with wild salmon) to collectively recognise and incorporate a salmon management plan as part of those plans. This would require a submission to the Minister of Conservation for approval of the collective amendment to each plan.

**Project 1130 Fishing and Hunting Regulations**

Discussion occurred about the complexity of Fish and Game fishing regulations and the need to reduce the quantum and complexity of regulations and introduce greater shared rules. It was accepted that this complexity represents a barrier to participation and is confusing to those moving between regions to fish.

Resolved (Bruce Bates/Lindsay Lyons)

**That regions be invited to identify regulations that can be streamlined.**

This resolution should be implemented by writing to regions.

**Project 1210: Habitat Advocacy**

The CE spoke about the letter from Burns Fraser summarising the outcome of the Environment Court decision to Horizon's One Plan and commended that summary to Council.

**Project 1320 Access to the Resource**

The proposed settlement with Tuhoe means Fish and Game needs to ensure access is secure to waterways within Te Urewera National Park and Lake Waikaremoana. There are two issues: getting representation in the settlement and interpretation post settlement. Both are important and are being addressed.

**Output 1510 Ranger Coordination**

The Auckland/Waikato appointee raised concerns from this council about age discrimination and an upper limit imposed on the number of ranger appointments. It was pointed out that warrants had been issued for four rangers over the age of 70 as recommended by the regional CE. Auckland/Waikato was invited to frame its concerns with a resolution to be considered.

**Project 1860 Business Planning & Financial Management**

It was agreed NZ Council needed to prepare a draft outline of future directions and identify the priorities the Council proposes to focus on as a first phase in striving to achieve its desired outcomes. Once it has arrived at this point, it could then share this with regions, inviting comment and/or participation.

For the November meeting, the NZ Council needs to give further thought on how this might be achieved.

Resolved (Chris Lynch/Andrew Morris)

**That the Operational Report for September 2012 be received.**

**13.2 NZ Council 2011/12 Bi-Monthly Financial Report**

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

Resolved (Chris Lynch/Lindsay Lyons)

**That the Financial Report to 31 August 2012 be adopted.**

### **13.3 Specific Proposals for Capital Expenditure**

There were no specific proposals.

Resolved (Peter Robinson/Peter Sutton)

**That the Specific Proposals for Capital Expenditure be received.**

### **13.4 Update report of approved legal cases**

The Council was told hearings for the Hurunui Waiau Regional Plan is about to commence. The One Plan, if it does get appealed, would require Fish and Game to defend its position. The Environment Court decision on the One Plan is to become an important precedent for many future resource management outcomes.

Resolved (Bruce Bates/Andrew Morris)

**That the Legal Update Report be received.**

### **13.5 Legal Funding applications**

The following three applications for legal funding were considered and agreed with a single resolution. The details of the recommendations have been retained for the record with the resolution repeated for each below.

#### **13.5.1 Otago: Otago RC Water Plan**

Resolved (Dave Witherow/Dan Madsen)

**That the application by Otago for funding from the National Legal Fund of legal costs, of approximately \$25,000, related to the Otago Regional Council's proposed plan change to the Regional Water Plan, be approved.**

#### **13.5.2 North Canterbury: Land & Water Regional Plan**

The full legal costs may not reach this amount if Fish and Game's interests can be accommodated by Ecan Commissioners.

Resolved (Dave Witherow/Dan Madsen)

**That the application by North Canterbury for funding from the National Legal Fund of legal costs, of approximately \$110,000, to submit and present evidence on the Land and Water Regional Plan, be approved.**

11.33 am Doug Stevens arrived at the meeting as a member of the public

#### **13.5.3 North Canterbury: Montrose Hatchery**

Resolved (Dave Witherow/Dan Madsen)

**That the application by North Canterbury for funding from the National Legal Fund of legal costs, of approximately \$20,000, for legal costs connected to the**

**consent application by Mt Hutt Station to take water from Avalanche Stream, be approved.**

### **13.6 Reporting of results of the 2011/12 NZ Business Plan**

The general consensus of the Council is that it should continue to maintain its engagement with at least one Water Conservation Order at all time so that the law does not become redundant and Fish and Game protects those Orders that have been approved.

The research programme incurs expenditure of \$100,000 a year and the Council would like more information on these outcomes. An update on research will be provided to Council in future, similar to the legal update report.

Resolved (Andrew Morris/Peter Robinson)

**That the NZ Council agree that the Reporting of Results on the New Zealand Council 2011/12 Business Plan records an acceptable level of performance.**

### **13.7 2012/13 NZ Business Plan**

This sets the activity for the current year. Once approved it is a delegation to the CE. It was agreed that in output class 7, Councils there should be provision for annual or other cyclical review of performance.

Governance Policy (3.5.2) includes performance management requirements, setting out the Council's performance agreement with the CE. This includes the points identified as missing from the business plan - the CE review, risk management and policy review. An annual evaluation should record the results of these requirements. The task should be for the Remunerations Committee to agree on these requirements.

Resolved (Chris Lynch/Bruce Bates)

**That the NZ Council adopt the 2012/13 Business Plan and Budget subject to reference in Output Class 7 to governance policy adherence to requirements 3.5.2.**

Resolved (Matthew Hall/Chris Lynch)

**That the NZ Council apply Governance Policies 3.5.1 and 3.5.2 and that a report on progress is prepared by the Remunerations Committee for the November meeting.**

The meeting broke for lunch at this point in the agenda  
Recommenced 12.55 pm.

Council agreed to consider correspondence immediately after the lunch break so that full consideration could be given to the matters raised, rather than run the risk of not having sufficient time at the end of the meeting.

## **14 Correspondence to the Chairman**

1. **Progress on Captured Access Issue** (correspondence carried over from last meeting)
  - a. Eastern Chairman – Letter dated 5 July

The Chairman of the NZ Council has written to the Minister of Tourism about access through Kaingaroa Forest. The Walking Access Commission can assist with the

concern raised by Eastern. However, the matter requires a wider group than merely relying on the Commission to address the issues.

Resolved (Jean Willis/Dave Witherow)

**That the NZ Council establish a working group to prepare a comprehensive national strategy for resolving both fishing and hunting access issues.**

Dan Madsen abstained from voting.

Resolved (Matthew Hall/Peter Robinson)

**The CE to be asked for draft terms of reference and suggested membership.**

## 2. Membership on the NZ Council

- a. Lindsay Lyons - letter dated 5 September 2012 plus attachments

The question before Council is how to respond to Councillor Lyons' letter given he is a member of the NZ Council. The Chairman proposed that Councillor Lyons be free to use all information that is in the public domain.

Resolved (Dave Witherow/Dan Madsen)

**The NZ Council agrees not to respond to Lindsay Lyons on the matter raised.**

Motion put and lost.

Resolved (Peter Sutton/Matthew Hall)

**That the letter dated 5 September 2012 from Lindsay Lyons lie on the table.**

## RESOLUTION TO EXCLUDE THE PUBLIC

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

Time 1.40 pm

Resolved (Chris Lynch/Peter Robinson)

**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 that included consideration of some correspondence items.**

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	GROUND(S) UNDER SECTION 48(1) FOR THE PASSING OF
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	TO EACH MATTER	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: 2.00 pm

Resolved (Peter Sutton/Peter Robinson)

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

That for the purposes of transparency the decisions taken in public excluded be recorded in this open minute.

Resolved (Chris Lynch/Lindsay Lyons)

**That the public-excluded session of the NZ Council on 20 July 2012 is a true and correct record.**

Resolved (Peter Sutton/Peter Robinson)



**That the public-excluded minutes of 20 July and 25 May 2012 become a record on the Council's open minutes.**

## **Public Excluded Session of New Zealand Fish & Game Council 25 May 2012**

### **South Island High Country Federated Farmers and Canada Geese**

Discussion focused on F&G's engagement with the South Island High Country Federated Farmers on a range of issues, including access and Canada geese. It was acknowledged that for farmers the more pressing issue were geese, not access. However, with the Canada goose no longer a game bird Fish and Game had no mandate to continue to be part of goose management.

Resolved (Matthew Hall/Dave Witherow)

**That Fish and Game liaise with the Federation of High Country Farmers on issues of mutual interest, including access and Canada geese.**

Peter Sutton asked that it be recorded he voted against the motion.

### **Chief Executive's Remuneration Committee**

The Chairman expressed concern that the Committee had not met for some time and was required to do so under the Council's governance policies. The CE advised that he had some relevant matters to raise with the Committee. The Chairman advised the Council that he may need to seek professional advice to ensure the Council was meeting its "good employer" obligations, which was acknowledged.

Resolved (Dave Witherow/Chris Lynch)

**That with some urgency professional advice be sought on a review of the structure of the National Office.**

Jean Willis and Peter Sutton asked that the minutes record they voted against the motion.

### **Confirmation of public-excluded minutes from the previous meeting**

The public-excluded minutes of the New Zealand Council meeting held at Lake Okataina, Rotorua on 16 & 18 March 2012 were considered.

Resolved (Chris Lynch/Peter Sutton)

**That the in-committee minutes of the New Zealand Council meeting held on 16 & 18 March 2012 be confirmed as a true and correct record.**

Bruce Bates and Barry Roderick left the meeting. However, before Councillor Bates left, he made the request that he is given a copy of the papers that had been provided by the National Office to Mai Chen for her information when preparing the opinion on conflict of interest and Councillor Bates, as his lawyer wished to see them.

Peter Sutton left the meeting soon after at 4.45 pm.

### **Legal advice on conflicts of interest**

Discussion occurred around the OIA requests for this information from five different sources. It was considered by some that the Council had previously resolved to release the opinion

subject to Mai Chen's further advice, while others thought this information should remain in public-excluded and not be released. However, in considering this matter the Council recognised it will need to revisit this matter in the immediate future.

Resolved (Dave Witherow/Alan Flynn)

**That the Mai Chen legal advice on conflicts of interest not be released, ever.**

Resolved (Chris Lynch/Dave Witherow)

**That the NZ Council meet Bruce Bate's request by releasing to him NZ Council's instructions about the conflict of interest opinion, and seek his response in writing.**

## **Public Excluded Session of New Zealand Fish & Game Council 20 July 2012**

### **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.

### **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.

### **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 Bates/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.

### **Continuation of the September 2012 meeting:**

NZ Council then agreed to revisit its resolution concerning Lindsay Lyons letter dated 5 September 2012 plus attachments.

Resolved (Chris Lynch/Andrew Morris)

**That the Chairman write to Lindsay Lyons as per resolutions to date of the NZ Council.**

#### **Consideration of further correspondence.**

3. **Official Information Act Request** – Exclusive Capture/Conflict of Interest Legal Opinion.
  - a. Stewart Jewell NZFFA – emailed letter dated 11 September 2012  
The Council has decided not to release the advice of legal counsel. It can provide a copy of the revised conflicts of interest policy that it resolved to adopt at the September 2012 meeting.
  - b. Wellington Chairman – letter dated 10 September  
Prepare a similar response to that for NZFFA.
  - c. Doug Stevens – email to Bryce dated 7 September  
NZ Council needs protection. The NZ Council voted not to release the legal advice. It was Councils decision to do so to protect it against legal claims.
  - d. Tom O’Conner – letter dated 30 August  
Prepare a similar response to Doug Stevens & NZFFA.
4. **Conflict of Interest and time in Public Excluded sessions**
  - a. Eastern Chairman – letter dated 21 August  
Prepare a similar response to that for NZFFA.  
Plus explain NZ Council will endeavour to limit the need for it to deal with issues in public-excluded sessions.
5. **NZ Council use of Public Excluded sessions**
  - a. Wellington Chairman – letter dated 10 September 2012  
Explain that NZ Council will endeavour to limit the need for it to deal with issues in public-excluded sessions. The use of public excluded sessions is not a function of being dysfunctional but the need to protect it against legal claims.
  - b. Southland Acting Chairman – letter to all regional F&G Chairs dated 17 August 2012  
Southland wrote to all regional councils but not to the NZ Council. Not obliged to respond but the information conveyed to others to be sent to Southland Fish and Game.
  - c. Nelson/Marlborough Chairman – letter dated 11 September 2012  
Agreed that the Chairman reply along similar lines as above.
6. **NZ Council Functions**
  - a. Northland Regional Manager – letter dated 22 August 2012  
It was agreed that the letter be received.

## 7. Declaration of Interests

- a. Northland Regional Manager – letter dated 22 August 2012  
Comments about amending the Election Regulations in time for the 2015 Fish and Game Elections will be incorporated as part of wider review of necessary changes to related legislation.

NZ Council raised the need to adopt a form letter acknowledging receipt of letters and to inform the recipient of the likely pending action.

Doug Stevens, as a member of the public present at the meeting, asked permission to speak to the Council. He spoke about the need to make issues available on subjects of wider public interest. The Chairman assured Mr Stevens he would be replying to him as agreed above. Mr Stevens then left the meeting

## 15 2013 NZ Council meeting schedule

A decision about a two day meeting in May is to be resolved at the March meeting. The schedule was agreed in principle.

Resolved (Peter Sutton/Dan Madsen)

<b>That the NZ Council meeting schedule for the 2013 calendar year be:</b>		
<b>Saturday 23 – Sunday 24 March</b>	<b>Wellington</b>	<b>NZC/Governance</b>
<b>Friday 24 May (and Saturday 25?)</b>	<b>Wellington</b>	<b>NZC/Budget</b>
<b>Wednesday 19 June</b>	<b>Tel Conf</b>	<b>NZC/Fee</b>
<b>Friday 19 – Sunday 21 July</b>	<b>Taranaki</b>	<b>NZC/Field trip</b>
<b>Friday 20 September</b>	<b>Wellington</b>	<b>NZC</b>
<b>Friday 22 – Sunday 24 November</b>	<b>away?</b>	<b>NZC/Strategy</b>

## NATIONAL FISH & GAME ITEMS

### 16.1 National Finance Report

No particular matters were raised with this item.

Resolved (Andrew Morris/Dan Madsen)

**That the National Financial Report to 31 August 2012 be received.**

### 16.2 National Licence Sales Report

A table of licence sales was provided at the meeting as information only, with no decision required. However, concern was raised by Council about the need to promote licence sales to maintain increasing sales trends. It was agreed if councils need more incentives, this should be raised by them with the NZ Council.

### 16.3 Energy Policy

Council accepted the paper as submitted as a good starting document. It was accepted that with regional feedback, the NZ Council can continue to refine its position.

The New Zealand Energy Quarterly provides a good overview of energy statistics and trend data for those who want further information.

Resolved (Peter Robinson/Lindsay Lyons)

### **That the New Zealand Council**

- a. **agree to adapt its proposed energy policy towards a general policy position against any threat to the management, enhancement, and maintenance of sports fish and game and in particular the habitat of sports fish and game, namely that**
- b. **Fish and Game is opposed to any development that threatens significant sports fishery and game bird values because of:**
  1. **the finite nature of New Zealand's river resources and river fisheries,**
  2. **the very significant sacrifice of rivers that has already occurred through hydro development,**
  3. **the consequent high recreational and amenity value that needs to be placed on those rivers that remain as features of the New Zealand landscape and identity.**
  4. **the maintenance of sufficient water in water bodies for the survival of sports fish and waterfowl. This includes setting minimum flows and flow regimes of water and levels above the minimum and a cap on abstraction to protect both minima and variability.**
- c. **that associated advocacy not oppose benign options from a Fish and Game perspective and openly challenge energy developers to contemplate the consequences of their actions on the finite stock of free flowing rivers and confront the two fundamental questions:**
  - i. **Where to after the last river?**
  - ii. **Why not go there now, and retain in their natural state the wild and natural free flowing rivers that still remain?**
- d. **that regional Fish and Game councils be consulted on this this general policy stance before it is adopted as national policy.**

### **17 Tasks left over from the July 2012 NZ Council meeting**

The Chairman expressed his wish to discuss Tasks left over from the last meeting before this meeting closed.

These items included:

#### **17.1 Dealings with CSI**

The advice from the Institute of Directors was that it was not equipped to assist with a review of actions taken between two Fish and Game councils but that NZ Council get a QC advice.

#### **17.2 Review of the NZ Council office**

Price Waterhouse was approached about a possible review of the NZ Council office. The review of governance policy is overdue. The Chairman believes the two reviews are related. The CE asked to see comments received from councillors to the Chairman about the need for a review. He also asked for a terms of reference for such a review. Of concern to him was a Council with one meeting left before the Election of a new term of councillors imposing this commitment on a new council.

Resolved (Dave Witherow/Bruce Bates)

**That the NZ Council engage Price Waterhouse in the review of the NZ Council office structure.**

Those opposed to the motion were Peter Sutton, Peter Robinson, Lindsay Lyons and Jean Willis

**17.3 Dave Witherow complaint**

Professional advice is to set up a committee of council to consider the complaint, alternatively to seek an independent reviewer. It was agreed an internal committee would have too many opposing conflicts.

Resolved (Matthew Hall/Lindsay Lyons)

**That the Chairman engage Buddle Findlay as legal counsel to look at the requirement of NZ Council acting as a good employer.**

Resolved (Bruce Bates/)

**That the Chairman engage an independent reviewer regarding the complaint from Dave Witherow.**

Peter Sutton, Lindsay Lyons and Jean Willis asked that their names be recorded as opposing the resolution.

Items remaining on this agenda will be carried over to the November meeting

- New Tier of Volunteers
- Ownership of water
- Use of organic-phosphate

**18 Urgent General Business**

There being no urgent general business, the Chairman declared the meeting closed at 4.20 pm Saturday 22 September 2012.

Confirmed: \_\_\_\_\_

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_12



*Notes from the public-excluded meeting:*

**1. Confirmation of the public excluded minutes 20 July 2012**

Resolved (Chris Lynch/Lindsay Lyons)

**That the public-excluded session of the NZ Council on 20 July 2012 is a true and correct record.**

Resolved (Peter Sutton/Peter Robinson)

**That the public-excluded minutes of 20 July and 25 May 2012 become a record on the Council's open minutes.**