



Agenda

HAWKE'S BAY REGION

14 November 2019

AGENDA

Special Meeting of Fish & Game New Zealand, Hawke's Bay Region

Venue: The Game Farm
22 Burness Road
NAPIER 4112

Tuesday 14 November 2019

Meeting Commences: 6.00 PM

- 1 Welcome
- 2 Apologies
- 3 Conflict of interest register
- 4 Election of New Zealand Council member and Chairman of the Hawke's Bay Fish and Game Council
- 5 Public Excluded Session

3. CONFLICT OF INTEREST REGISTER

Ref: 7.02.01

1. Purpose

A standing agenda item to disclose any Councillor (“Member”) Conflict of Interest or potential Conflict of Interest, and record this in the Councillor Conflict of Interest Register.

2. Background

The Hawkes Bay Fish and Game Council has developed a policy to deal with Conflicts of Interest and must provide a standing agenda item to allow Councillors to disclose any Conflict or highlight any potential conflict. The “Interest Register” ring binder will be circulated in the first part of each meeting for Councillors to record any interests. The Council should then discuss how it wants to deal with any interest or perceived interest identified.

Conflict of Interest (refer s2.7 Governance Policies) means when the member can be shown to have actual bias or apparent bias in respect of a matter¹ i.e.:

- (i) A member can be shown to have actual bias when a member’s decision or act in relation to a matter could give rise to an expectation of financial gain or loss (that is more than trivial) to the member (and/or to the member’s parent(s), child(ren), spouse, civil union partner, de facto partner, business partner(s)/associate(s), debtor(s) or creditor(s)).
- (ii) A member can be shown to have apparent bias when a member’s official duties or responsibilities to the Council in relation to a matter could reasonably be said to be affected by some other interest or duty that the member has.
- (iii) A member’s “interest or duty” includes the interests of that member’s parent(s), child(ren), spouse, civil union partner or de facto partner that may be affected by the matter at issue. It also includes the interests of a person with whom the member has a close, personal relationship where there is a real danger of personal favouritism.
- (iv) There is no Conflict of Interest where the member’s other interest or duty is so remote or insignificant that it cannot reasonably be

¹ “Matter” means:

(i) The Council’s performance of its functions or exercise of its powers as set out in Part 5A of the Conservation Act 1987, subject to the Council’s statutory purpose set out in section 26P(1) of the Conservation Act; or

(ii) An arrangement, agreement, or contract made or entered into, or proposed to be entered into, by the Council.

regarded as likely to influence him or her in carrying out his or her responsibility.

A potential conflict of interest (refer s2.8 Governance Policies) arises when:

- (i) There is a realistic connection between the member's private interest(s) and the interest(s) of the Council;
- (ii) The member's other interest could specifically affect, or be affected by, the actions of the Council in relation to a matter;
- (iii) A fair-minded lay observer might reasonably consider that the member's private interest or duty may influence or motivate the actions of the member in relation to a matter; and
- (iv) There is a risk that the situation could undermine public trust and confidence in the member or the Council.

Conflicts of Interest should be dealt with as follows (refer s1.13 Standing Orders):

1.13.1 Every member present at a meeting must declare any direct or indirect conflict of interest that they hold in any matter being discussed at the meeting, other than an interest that they hold in common with the public.

1.13.2 When a conflict of interest arises in respect of a matter, the affected member will:

- (i) not vote on issues related to the matter;
- (ii) not discuss the matter with other members;
- (iii) conform to the majority view of other members present as to whether to be excluded from discussions regarding the matter and/or leave the room when the matter is discussed;
- (iv) not, subject to the discretion of the Chairperson, receive further papers or other information related to the matter.

1.13.3 Where a member can be shown to have a potential conflict of interest, the Council (excluding the affected member) will determine an appropriate course of action, which may include the following:

- (i) applying some or all of the actions applied to a member with a conflict of interest (set out in 1.13.2 i) – iv) above);
- (ii) provide a written explanation outlining why there is no legal conflict of interest that can be made available to all Fish and Game Councils, licence holders and other interested parties.

1.13.4 The conflicted member will be given the opportunity to be heard by the Council on the points raised and the member's submissions will be taken into consideration by the Council.

1.13.5 The minutes must record the declaration and member's subsequent abstention from discussion and voting.

Councillors should take this opportunity to disclose any Conflict of Interest they are aware of now and record it in the circulated Conflict of Interest Register. If during the course of the meeting a conflict or perceived conflict is recognised, then this should be disclosed at that point in time.

3. Recommendation

- 3.1 That Councillors disclose any Conflict or potential Conflict of Interest, record it in the Interest Register, and Council agrees on how to deal with any Conflict of Interest raised. The register is to be signed at each meeting by all Councillors regardless of whether Councillors have a conflict of interest or not.***

4. ELECTION OF NEW ZEALAND FISH AND GAME COUNCIL APPOINTEE AND REGIONAL CHAIRPERSON

Ref: 7.02.01

1. Purpose

To meet the statutory requirements relating to the appointment of a Hawke's Bay Council member to the New Zealand Fish and Game Council, and to appoint a Regional Chairperson to maintain continuity.

2. Background

At its November 2018 meeting, Council voted to elect a member of the New Zealand Fish and Game Council. It was decided that this position was to be held until the audit of the Hawke's Bay Fish and Game Council was finalised at which point a new election would take place. The audit process is now complete.

At its November 2018 meeting Council also elected a Chairman for the period of one year. Another vote is therefore required at this meeting to elect a Chairman of the Hawke's Bay Fish and Game Council.

26 Appointment of members of New Zealand Fish and Game Council

- (1) The first meeting of each newly elected Fish and Game Council shall be held not later than 3 weeks after the date the members came into office.*
- (2) At the first meeting of the Council members shall appoint one of their numbers to be a member of the New Zealand Fish and Game Council.*
- (3) The appointment shall be by majority vote of the Council.*
- (4) Members of the New Zealand Fish and Game Council shall remain in office as long as they remain members of the appointing Fish and Game Council, except that where a majority of the members of the appointing Fish and Game Council pass a resolution that a vote be taken on a new appointment prior to expiry of the term, then a vote shall be taken and the successor shall serve out the remaining period of the term.*

3. Recommendation

- 3.1 *That Council elects a New Zealand Council appointee and a Regional Chairperson***

4. PUBLIC EXCLUDED SESSION

Ref 9.01.04

1. Purpose

To discuss the HB Audit and ongoing issues and letter received from Michael Webb – Barrister as appointed Auditor.

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
6.3.1.1 Discussion on governance matters and HB Audit.	Good reason to withhold exists under section 7 of the Local Government Official Information and Meetings Act 1987	Section 48(1)(a)

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 6 or Section 7 of that Act 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 ACT	SECTION	PLAIN ENGLISH REASON
16 3.1.1	Protect the privacy of natural persons including that of deceased natural persons.	Sec. 7(2)(a)	To allow Council to have frank discussion about issues relating to the ongoing audit, communications with NZ Council and discuss 'where to from here' with regard to the audit.

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.”

4. Recommendations

4.1 *That Councillors confirm the requests from Councillors Bates, Lumsden and Hern for an extraordinary meeting to be held, that the public be excluded from the following parts of the proceedings of this meeting, namely a discussion on governance matters and HB Audit.*