

Meeting of the
New Zealand Fish and Game Council
Lower Hutt
Sunday 20 November 2011
Commencing at 8.30 am

1. Present

Chris Lynch, Dan Madsen, Lindsay Lyons, Aaron Wakeford (observer for Hawke's Bay)
Richard Moore, Robin Blackmore, Jean Willis, Peter Robinson, Matthew Hall (Chairman),
Dave Witherow.

2. In Attendance

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

INTRODUCTION

3. Welcome

The Chairman welcomed Aaron Wakeford sitting in as an observer for Hawke's Bay in the
absence of its appointee Bruce Bates.

Resolved Lindsay Lyons/Dave Witherow)

**That Aaron Wakeford be recognised as having speaking rights but no
voting rights at the November 2011 NZ Council meeting.**

5. Apologies

Bruce Bates, Alan Flynn, Peter Sutton

Resolved (Lindsay Lyons/Peter Robinson)

That the apologies be accepted.

MEETING REVIEW

6. Identification of other Urgent Business

Items raised for inclusion in the agenda:

- More ducks
- Mai Chen legal opinion

Resolved (Peter Robinson/Chris Lynch)

**That the additional items be accepted as part of the November meeting's
agenda**

7. Annual Agenda

No items required specific attention.

8. Conflicts of Interest Register

The conflicts of interest register was made available for recording any conflicts that might arise
at this meeting. It was noted that any conflicts also need to be declared prior to discussion of the
agenda item.

9. Confirmation of minutes from previous meeting

The meeting considered the Minutes of the New Zealand Council meeting held in Wellington 24 September 2011.

The following changes were noted and accepted:

- DOC representative ask that ss 9(2)(g)(ii) under 3.6 be deleted from the “in-committee” section and leave 9(2)(h).
- 2013 to be replaced by 2012 under the heading NZ Council Meeting Schedule for 3.10.
- Chris Lynch and Dan Madsen asked that their names be added to that of Dave Witherow’s recorded as voting against the resolution to adopt an Oath of Office.
- Councillor Witherow resolution that was unsuccessful be recorded in the minutes under 6.1 Urgent Business.

Resolved (Richard Moore/Chris Lynch)

That the minutes of the New Zealand Council meeting held on Saturday 20 September 2011 subject to the agreed four changes be confirmed as a true and correct record.

10. Public-excluded minutes from the previous meeting

Those councillors present for the public-excluded session at the last meeting considered the “in-committee” minutes.

Resolved (Chris Lynch/Robin Blackmore)

That the minutes of the New Zealand Council meeting held on Saturday 20 September 2011 in-committee be confirmed as a true and correct record.

11. Matters arising from the September minutes

A question arose as to whether the resolved decision arrived at during the public-excluded session should have been recorded in the open committee minutes.

Resolved (Robin Blackmore/Dan Madsen)

That the CE seek advice on how to handle the outcome of decisions taken in committee for recording in the minutes.

The decision proposed under 6.1 Urgent General Business and subsequent actions taken by Councillor Witherow in seeking information from Chen & Palmer was opposed from fellow councillors.

Resolved (Jean Willis/Lindsay Lyons)

A motion of censure and vote of no confidence in Councillor Witherow for failing to follow Governance policies of the New Zealand Fish and Game Council (policy 2.1.3)

Resolved (Peter Robinson/Robin Blackmore)

Due to continued breaches of Governance policies 2.1.3.1, the Otago Council be asked to replace Councillor Witherow as its appointee to the NZ Council

Resolved (Robin Blackmore/Richard Moore)

Write to Mai Chen of Chen & Palmer to explain that any further actions taken by Councillor Witherow is not supported by the New Zealand Fish and Game Council

Dan Madsen asked for it to be recorded that he voted against the resolution to write to Mai Chen.

It was recognised that in order for the New Zealand Council to continue to discuss this matter it would be necessary to suspend the standing orders (Fish & Game Rules).

Resolve (Dan Madsen/Chris Lynch)

That the Standing Orders be suspended in accordance with 1.4.1 of Standing Orders to help resolve the matter being considered involving Councillor Witherow and information from Chen & Palmer.

Motion lost.

12 Review of accumulative action list from previous meetings

Under consideration of still to be completed action from previous meetings it was agreed:

Resolve (Dan Madsen/Jean Willis)

That no further action be taken on action list item July 12.1 re declining licence sales

It was also agreed that in respect of September 2011 item 2.6 the NZ Council performance review material assembled by the CE be provided for reading and be discussed by the NZ Council at the March meeting.

NZ COUNCIL GOVERNANCE ITEMS

13.1 Review of governance policy

A review of governance policy was set down for Saturday morning (19 November). However, it was agreed to continue the discussion of the previous day on strategic planning during the Saturday session with a focus on priorities for the Council. Therefore due to time limitations it was agreed to defer the review of governance policy to the March meeting.

13.2 Strategic planning session summary and resolutions

The strategic planning session set down for Friday 18 November involved presentations from the NZ Freshwater Anglers Federation, NZ Tourism Industry Association, NZ Walking Access Commission and Guy Salmon and a facilitated councillor only session on strategic planning (conducted by Richard Thompson). The outcome of this session was:

Resolved (Lindsay Lyons/Chris Lynch)

That the CE prepares a paper on improving public awareness within F&G for consideration at the March NZ Council meeting.

Resolved (Richard Moore/Lindsay Lyons)

That in the view of improving liaison with Fish and Game the CE invite key strategic allies to the March NZ Council meeting.

It was also agreed the NZ Council would accept Councillor Lynch's offer to prepare a draft policy approach to commercial use of water as a case study for how to tackle future issues.

The Council also recognised it still had to complete the process it had undertaken and agreed it should be completed utilising the skills provided by Richard Thompson at a future meeting.

It was agreed that the priorities discussed at the Saturday session to be brought back to the Council for further discussion and action.

NZ COUNCIL BUSINESS

14.1 Operational Report

The following queries arose from the Operational Report.

Project 1110 Species Advocacy

The reply from the Minister of Conservation on why the Government supported the Federation of Farmers request for financial assistance to control Canada geese is to be circulated to NZ councillors.

Project 1120 Species Monitoring

Eastern Fish and Game Council is concerned as to why mallard populations are declining. There is some suspicion that this may be attributable to biological or bacterial matters. Eastern Fish and Game want a further update on what is being done.

Resolved (John Willis/Lindsay Lyons)

The NZ Council notes with some concern the apparent declining mallard population numbers and urges the matter is looked into as quickly as possible.

The DG's representative notes it is unclear how many Fish and Game councils are signing off on the South Island Salmon Management Plan. This matter is being pursued with the coordinator of the plan, Ross Millichamp.

Project 1220 Water Conservation Order.

It was noted that the proposal is not to go for a WCO on the Hurunui but to rely on the processes currently underway.

Project 1320 Access to the Resource

The need to discuss and move on with the Chen & Palmer opinion on conflict of interest relating to exclusive capture was discussed.

Resolved (Peter Robinson/Richard Moore)

That the NZ Council expects a reply from Councillor Bates by Tuesday 24 January 2012 before it continues to resolve the matter.

Project 1850 Bequeathing Policy

This NZ Council initiative has not been progressed as the project requires further input from Central South Island Fish and Game Council before it can be advanced. The Chairman, as the CSI appointee undertook to follow this up.

Resolved (Robin Blackmore/Lindsay Lyons)

That the Operational Report for November 2011 be adopted.

14.2 NZ Council Bi-monthly Financial Report

The Bi-monthly Financial Report was considered page by page.

Resolved (Peter Robinson/Chris Lynch)
That the Financial Report to 31st October 2011 be adopted.

14.3 Specific proposals for Capital Expenditure

There were no specific proposals to consider.

Resolved (Robin Blackmore/Richard Moore)
That the Specific Proposals for Capital Expenditure Report be received.

14.4 Legal Fund Report

The November update report was considered.

Resolved (Robin Blackmore/Jean Willis)
That the November Legal Fund Report be received.

14.5 Annual Report 2010/11

The audited financial statements for the NZ Council were considered. A copy of a draft Chairman's Report to accompany the Statements was circulated with the invitation to provide comment.

Resolved (Robin Blackmore/Chris Lynch)
That the draft Financial Statements for the year ended 31st August 2011 be received and approved for signing by the NZ Council Chairman.

Application for Legal Funding

An application received from Southland region was considered for legal costs for a Land Use Consent to construct and maintain the Around the Mountain Cycle Trail.

Resolved (Dave Witherow/Lindsay Lyons)
That NZ Council approve Southland Council's application for funding of legal costs related to the Around the Mountain Cycle Trail, to an anticipated level of approximately \$30,000 and that the NZ Council Communications Manager be offered to assist communicating Fish & Game's position.

NZ Council was impressed with the report and wanted to record the quality of the report assisted the Council's understanding of the issues and forming a decision.

15.1 National financial report 2011-12: 16%

The report on Year to Date expenditure against total budget was considered. It was recognised that this period represents just 16.6% of the year and not all sale returns have been received. Discussion also focused on compliance with National Policy in reporting by regions on financial performance.

Resolved (Jean Willis/Peter Robinson)
That the NZ Council Chair write to all Fish & Game regional chairs to have in accordance with national policy all financial reporting completed to a common format.

Resolved (Robin Blackmore/Dan Madsen)
That the National Financial Report to 31 October 2011 be adopted.

NATIONAL FISH AND GAME ITEMS

15.2 National licence YTD sales

No decisions taken. However, it was recognised by the NZ Council that all regions should encourage greater uptake of online licence sales in order to reduce costs, risks and delays associated with licence (paper) book sales and data capture.

15.3 Planning process for a new licencing agreement

The Nz Council agreed to confirm its support for a process to ensure the continuation of an appropriate licencing system through August 2013 when the current agreement with Eyede Ltd expires.

Resolved (Lindsay Lyons/Richard Moore)

That the NZ Council affirm the approach to reviewing the licence management system.

15.4 Analysis of submissions on the Fish and Game Guide Licence

The Council discussed the analysis of submissions on the guide licence. Jean Willis explained he had made a submission. Lindsay Lyons acknowledged he was a practicing fishing guide. Both possible conflicts of interest were accepted by the Council who agreed they could participate in the discussion and forming of resolutions. It was agreed that by show of hands the following be recorded:

That the NZ Council agrees

- (i) the NZ Council continues to promote a least-intrusive guide licence option without undue restrictions, available on an annual basis, subject to payment of the appropriate fees and provision of basic information**
- (ii) to ensure voting rights in the management of guide licencing by guides, it is proposed to make voting eligibility in Fish and Game Council elections a prerequisite for holding a guide licence.**
- (iii) non-resident anglers be required to use a guide in certain areas.**
- (iv) no cap on the number of guide licences be required.**
- (v) guides be restricted from certain areas through a guide licence requirement.**
- (vi) guides be prevented from exclusive access arrangements as a condition of holding a guide licence.**
- (vii) upland game preserves be excluded from requirement to hold a guide licence.**
- (viii) once revised, this paper should then seek final comments from regional Fish and Game Councils before being presented to the Minister of Conservation.**

15.5 Licence category research – phase 2

A paper prepared by Ian Hadland as project coordinator and commented on by Robert Sowman and consultant Christine Palmer provided an update on research proposed for both the testing of several new licence categories and estimating their potential effect on Fish and Game revenue.

Resolved (Chris Lynch/Richard Moore)

That the Licence Category Research report be received and provided to regional Fish and Game Councils for their information.

15.6 Fish and Game liaison with South Island high-country farmers

An Otago Fish and Game Councillor had approached the NZ Council Chairman for the inclusion of a paper on South Island Fish and Game liaison with the South Island High Country Farmers. The paper identified two issues of importance to Fish and Game – continued access of the South Island high country by licence holders and maintaining a relationship with the high country farmers. The NZ Council discussed these and the situation with regard to Canada goose controls.

Resolved (by the Chairman)

- 1. That NZ Council endorses the initiative by South Island Councils to build good relationships with high-country farmers and to discuss joint approaches to managing high-country issues.**
- 2. That NZ Council works closely in support of South Island Councils in this initiative.**

Additional requirements of the NZ Council would be setting clear objectives, seek involvement of the NZ Council and that there be some reporting back to the NZ Council. It was also agreed, the NZ Council would be opposed to expenditure of licence holder fees on Canada goose control.

15.7 Briefing paper to the incoming Minister

It is standard practice to provide an outline of functions, responsibilities, structure and key issues of an agency with its new Minister of the Crown.

Resolved (Lindsay Lyons/Jean Willis)

That the NZ Council provide input into the draft briefing paper to the incoming Minister of Conservation.

GENERAL

16 NZ Council Correspondence

No NZ Council correspondence was considered at that meeting.

17 Urgent General Business

There remained one outstanding item for consideration under Urgent General Business.

Communication with Chief Executive

It was explained to the Council that a recent issue of unresolved differences that occur in exchanges between Chairman and CE should allow for the involvement of the NZ Council. This was not clearly provided for under the Governance policies but should be permitted.

In his final comments, the chair acknowledged the contribution of the following:

Brad Parkes

Resolved (Dan Madsen/Robin Blackmore)

To acknowledge Brad Parkes' past involvement with the NZ Council as a staff member and his long term support and promotion of Fish & Game New Zealand. The NZ Council extends its sympathies and best wishes to his wife and family.

Jenny Norris

The NZ Council expressed its thanks and appreciation to Jenny on what she has done on the NZ Council's behalf in putting together meeting events.

Martin Gembitsky

The NZ Council thanked Martin for his contribution and support to Fish and Game over an extended period and for his valued participation at NZ Council meetings. It recognises that a huge institutional knowledge goes from the Department with Martin's departure. The Council conveyed to Martin its best wishes for his future. Martin responded on his enjoyment in working in this environment and being able to continue his association with trout related issues in particular.

There being no further business, the Chairman declared the meeting closed at 3.48 pm Sunday 20 November 2011.

Confirmed: _____

Date: ____/____/11