



**HAWKE'S BAY  
FISH AND GAME COUNCIL**

***MEETING  
AGENDA***

**Tuesday 18 June 2019**

## **AGENDA**

### **For Meeting of the Hawke's Bay Fish and Game Council**

**Venue:** Hawke's Bay Fish & Game Office  
**22 Burness Road**  
Greenmeadows  
**NAPIER**

**Date:** **Tuesday 18 June 2019**

**Commences:** **6.00 PM**

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# HAWKE'S BAY FISH & GAME COUNCIL

## MINUTES OF A MEETING OF THE COUNCIL HELD AT THE GAME FARM ON TUESDAY 16th APRIL 2019 AT 6.00 PM

### PRESENT:

Bates, (Chair), Bowcock, Duley, Elstone, Hern, Lumsden, MacKay, and Williams.

### IN ATTENDANCE

Friedlander (F&GNZ, Manager) and Tuck (F&GNZ).

### PUBLIC IN ATTENDANCE

Brad Pinker, Fred Nichol and Andrew Robb

### INTRODUCTION

#### 1.0 WELCOME

The Chairman welcomed staff, councillors and the general public; he opened the meeting at 6.00pm advising the meeting would be recorded.

#### 2.0 APOLOGIES

Cr's. Hickmott, Niblett and Pinker. No apology received from Nimon.

#### AGREED

- 2.1 *The apologies for the meeting held on 16<sup>th</sup> April 2019 be accepted. (19/04/2.1)*  
*Williams/Elstone*

#### 3.0 FOR GENERAL BUSINESS

- Pheasant Preserves – Cr Lumsden
- Final Count of Electric Fishing from Tukituki River Tributaries Survey.- Mr Nicol

Staff informed Mr Nicol at this early stage of monitoring there is insufficient data to compare with at this stage, staff monitoring focus will be on long term trends which gives statistical foundation to the survey.

- Beach raking – Mr Nicol

#### 4.0 CONFLICT OF INTEREST REGISTER

No conflict of interests were tabled.

#### 5.0 MINUTES OF THE LAST MEETING

Cr Williams noted Graham Nankevis correct spelling is Graham Nahkies.

Cr Elstone corrected the record of matters arising- he noted had enquired three times why the special meeting held 23 May 2018 wasn't on the website, could staff please attend to this.

#### AGREED

- 5.1 *That having been previously circulated to members, the minutes of the meeting of the Hawke's Bay Fish and Game Council held on 19 February 2019 are a true and correct record. (19/4/5.1)*

*Williams/Elstone*

## **6.0 MATTERS ARISING:**

Fred Nicol enquired why at the last meeting the general business item - lack of trout before Patangata in the Tukituki River – Williams, wasn't discussed. Cr Williams thanked Mr Nicol for bringing this to his attention.

Cr Williams advised council a member of the public had approached him stating there seemed to be a lack of fish below the Patangata Bridge and requested council discuss further. Staff informed council drift diving wasn't an option due to poor visibility, council discussed other monitoring methods such as angler's diaries, spawning counts and tagging programme. It was noted the abundance of trout varied due to seasonal conditions such as filament algae, lack of infusion of spring water over the summer period.

## **7.0 DEVELOPMENT OF THE 2019 – 2020 OPERATIONAL WORK PLAN.**

Mr Friedlander informed Council as staff hadn't received enough feedback from the emails to narrow down the priorities, the priorities remained as stated at the February meeting. Staff had moved some projects around according to priorities identified and actual costs incurred over the past few years, he invited council to question allocation movement within the projects.

Council discussed the tabled draft 2019-20 Operational work plan and raised the following:

Cr Bates queried the movement of 5k allocated to a Cawthorne Report for beach raking. Staff advised council the funds had been moved to RMA gaining more flexibility. Council emphasised the importance of instigating the beach raking report for the region's fisherman. Discussions centred on using reserves to fund a beach raking report and approaching other managers including Nelson Marlborough Region to investigate their funding and survey methodology.

Jesse informed council the Gamebird trend count and waterfowl management budget allowed investigation of the use of drones to conduct monitoring, together with continuing with banding for another year, allowing staff to choose the monitoring methods in future years.

Council questioned the \$700 sponsorship income allocated in Angler & Hunter Training for the Junior Pheasant hunt and the potential of future events.

Cr Bates requested councillors consider their priorities when reviewing the Operational Work Plan and invited further comment at the June meeting allowing changes to be made before approving the final at the August meeting.

**7.1 *That council received the initial OWP for 2019 20 and noted the draft plan would be available at the June meeting. (19/4/7.1)***

***Duley/Lumsden***

**7.2 *That council approved the Contestable Fund Bid of \$4,094 for CPI increase of 1.9%. Record. (19/4/7.2)***

***Duley/Lumsden***

## **8.0 ANGLERS NOTICE REVIEW.**

Council instructed Jesse to approach NZ Council investigating the process of removing of treble hooks from schedule one. Council agreed that ideally changing this regulation nationally would simplify sports fishing regulations.

Council discussed the Mohaka River fishing regulations; currently the river was split into three varying daily bag limits and season lengths, they questioned the science behind setting these regulations. Jesse mentioned the Napier Freshwater Anglers Club noted lack of fish around the Five Minute Flat area. Council instructed Jesse to investigate options to survey and monitor this river.

Cr Lumsden requested the slotting size to be moved to the beginning of the schedule before Open season, permitted methods, daily bag limits for easy reference.

Cr Hern requested promoting the Twin lakes at Kuripapango and using this fishery in conjunction with the R3 programme.

**AGREED**

*8.1 That Council agrees to the regional manager seeking advice from NZ Council on the removal of treble hooks from schedule one of the Sports Fishing Regulations (19/4/8.1)*

*Williams/Lumsden*

*8.2 That Council agrees to include a recommendation to anglers fishing within the Hawkes Bay Region to refrain from the use of treble hooks whilst freshwater sports fishing. (19/4/8.2)*

*Lumsden/Williams*

## **9.0 GOVERNANCE INDUCTION PRESENTATION.**

Chairman Bates advised council Robert Sowman was unable to attend tonight's meeting to present the governance induction presentation.

Council expressed the importance of understanding the function of council, the Councillors' role and governance policies. Council instructed Jesse to contact Graeme Nahkies and enquire the possibility holding governance workshop.

## **10.0 GAME FARM DEVELOPMENT PROJECT.**

Jesse informed the council he had received positive response from all schools within a walking distance of the game farm, all indicated their wish to be involved with the development, he identified potential funding sources MFE community fund, DoC Community Fund, Mazda Foundation & Regional Council Leaf Fund. An extension of time request had been sent to Robert Sowman – NZ Gamebird Habitat Trust for the 4k grant.

Council agreed to incorporate the R3 programme including fishing into this programme.

**AGREED**

*10.1 That Council instructed the regional manager to provide a more detailed report for game farm development project. (19/4/10.1)*

*Duley/Bowcock*

## **11. POLICY ON AUDIO RECORDING OF COUNCIL MEETINGS**

Council thanked Jesse for the cohesive policy and requested the signed policy be circulated to councillors to include in their Councillor folder.

### **AGREED**

*11.1 That Council agreed to accept the policy on audio recording of council meetings.  
(19/4/11.1)*

*Lumsden/Williams*

## **12. LIASION OFFICERS REPORTS**

Council received Matt Brady's report from DOC noting Lake Whatuma: The Eastern side should read Western side. Council instructed staff to follow up with Iwi & Doc on keeping the existing hunting rights for the licence holder at the lake.

Cr Williams reported he had printed up notes of the last NZ Council meeting however Martin Taylor had since sent the minutes which is a comprehensive report from NZ Council, so everyone could read these over. He suggested staff include bullet points:

- Preserves
- Anglers Report
- Central South Island & Hawkes Bay Audit
- Upland Gamebird Properties with special conditions
- 1080 trout ingestion
- Firearms Legislation changes

Cr Bates enquired if HB Audit was near completion. Cr Williams advised council he had been excluded from this discussion in the public excluded meeting. Council directed the Chairman to write to the auditor enquiring what stage the audit was at and an expected completion date.

### **13.0 REPORTS**

#### **13.1 Management Report**

Cr Elstone enquired about the monitoring and control of pukeko. Jesse advised councillors advice was given to landowners when issued authority to disturb game.

Cr Williams enquired why plants had been donated to the Twyford Enhancement Society; Jesse advised plants grown in our shade house had been gifted and in turn Fish & Game benefits from signage placed along the riparian planting areas.

Jesse advised of the proposed review of shooting areas along our river margins with Hawkes Bay Regional Council and other stakeholders.

Peter Wilson's advice on the proposed grass carp farming was to oppose unless the carp can be proven to be triploids.

Jesse informed Council that NZ Fish & Game had ceased the 2019 Game Bird Harvest Festival, staff have continued partnering with local restaurants in the region as they believe it is an important initiative.

### **13.2 Health & Safety Report**

#### **AGREED**

*13.2 That the council receives and accepted the Health & Safety Report. (19/04/13.2).*

*Lumsden/Mackay*

### **13.3 Finance Report**

Cr Lumsden enquired why the maize paddock income was down this year, staff advised the lessee was invoiced quarterly.

#### **AGREED**

*14.2 That the council receives and approves the payments totalling \$73,923.55- \$40,828.24 for January 2019 and \$33,095.31 for February 2019. (19/04/14.2).*

*Duley/Bowcock*

*14.3 That the council accepts the finance report. (19/04/14.3).*

*Duley/Bowcock*

### **14.4 Licence Report**

Cr Williams noted the game bird licence sales were down. Staff updated council with the latest regional gamebird sales data stating these are now tracking at 8.4% below budget compared to the national figure of 7% below budget.

#### **AGREED**

*14.5 That the council receives the licence reports. (19/04/14.5).*

*Duley/Mackay*

## **GENERAL BUSINESS**

### **Pheasant preserves**

Cr Bates referred to the email sent to all councillors today advising pheasant preserves would be illegal as of Opening Morning due to the change in regulations not being passed in time. Mr Taylor has requested all regions not to prosecute while the regulation is pending.

## **15.0 PUBLIC EXCLUDED SESSION**

**Time: 7.55pm**

#### **AGREED**

*15.1 That the public be excluded from the following parts of the proceedings of this meeting, namely to discuss the HB Audit and governance matters.  
Williams/Elstone*

*15.4 That the open meeting of the Hawkes Bay Fish & Game Council resumes.  
Williams/Elstone*

There being no further business the meeting closed at 8.05 PM.

**CONFIRMED**

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**CHAIRMAN**

## **2.0 APOLOGIES**

*2.1 The apologies for the meeting held on 16<sup>th</sup> April 2019 be accepted. (19/04/2.1)*  
*Williams/Elstone*

## **5.0 MINUTES OF THE LAST MEETING**

*5.1 That having been previously circulated to members, the minutes of the meeting of the Hawke's Bay Fish and Game Council held on 19 February 2019 are a true and correct record. (19/4/5.1)*

*Williams/Elstone*

## **7.0 DEVELOPMENT OF THE 2019 – 2020 OPERATIONAL WORK PLAN.**

*7.1 That council received the initial OWP for 2019 20 and noted the draft plan would be available at the June meeting. (19/4/7.1)*

*Duley/Lumsden*

*7.2 That council approved the Contestable Fund Bid of \$4,094 for CPI increase of 1.9%. Record. (19/4/7.2)*

*Duley/Lumsden*

## **ANGLERS NOTICE REVIEW.**

*8.1 That Council agrees to the regional manager seeking advice from NZ Council on the removal of treble hooks from schedule one of the Sports Fishing Regulations (19/4/8.1)*

*Williams/Lumsden*

*8.2 That Council agrees to include a recommendation to anglers fishing within the Hawkes Bay Region to refrain from the use of treble hooks whilst freshwater sports fishing. (19/4/8.2)*

*Lumsden/Williams*

## **10.0 GAME FARM DEVELOPMENT PROJECT.**

*10.1 That Council instructed the regional manager to provide a more detailed report for game farm development project. (19/4/10.1)*

*Duley/Bowcock*

## **11. POLICY ON AUDIO RECORDING OF COUNCIL MEETINGS**

*11.1 That Council agreed to accept the policy on audio recording of council meetings. (19/4/11.1)*

*Lumsden/Williams*

### **13.2 Health & Safety Report**

*13.2 That the council receives and accepted the Health & Safety Report. (19/04/13.2).*

*Lumsden/Mackay*



### **13.2 Finance Report**

***13.2 That the council receives and approves the payments totalling \$73,923.55- \$40,828.24 for January 2019 and \$33,095.31 for February 2019. (19/04/13.2).***

*Duley/Bowcock*

***13.3 That the council accepts the finance report. (19/04/13.3).***

*Duley/Bowcock*

### **13.5 Licence Report**

***13.5 That the council receives the licence reports. (19/04/13.5).***

*Duley/Mackay*

## **15.0 PUBLIC EXCLUDED SESSION**

***15.2 That the public be excluded from the following parts of the proceedings of this meeting, namely to discuss the HB Audit and governance matters.  
Williams/Elstone***

***15.3 That council accepted the public excluded minutes held 19 February 2019.***

*Lumsden/Duley*

***15.4 That the open meeting of the Hawkes Bay Fish & Game Council resumes.  
Williams/Elstone***

## 7. 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 Hawke’s 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 matter<sup>1</sup> 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 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;

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<sup>1</sup> “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.

- (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.***

## **8. DEVELOPMENT OF THE 2019-2020 OWP**

**Ref: 8.02.01**

### **1. Purpose**

To review the Draft Operational Work Plan prepared for the 2019-2020 year beginning 1 September 2019.

### **2. Background**

Operational Work Plans are developed over several months from February onwards, and involve a review by Council of strategic and overall priorities in addition to core functions, project themes and allocation of resources. During the February and April Council meetings Council identified and confirmed the priority work areas that it wants to focus on for the next operational year. The Draft OWP allocates resources for projects meeting these Council priorities. No Changes to the draft OWP have been made since the April 2019 meeting other than the addition of the 1.9% CPI on salaries approved from Hawkes Bay reserves.

### **4. Direct Costs**

Overall output expenditure has decreased by \$2,100 From the 2018/19 budget. Areas that are affected are:

Species Management – Overall decrease in Budget of \$1400 – area affected

- Population Monitoring- Total Direct costs have increased by \$1,000. The 5 areas that have changed:
  - River fisheries investigations- halved budget from \$2,000 to \$1,000.
  - \$1,000 from River Fisheries has been allocated to Upland/Headwater Fisheries
  - Movement of \$1,500 from Game Bird Trend Counts to Waterfowl monitoring programme.
  - \$1,000 has been allocated to Predator control in line with Council
- Harvest Assessment – Decrease budget by \$2400. There has been a decrease in the budget for the Game Bird Hunter survey – this reflects actual costs incurred over the last few years and takes into account that the survey will be completed inhouse this year – rather than by using the Southern Institute of Technology for the survey.

All other Project areas within Species Management not changed.

Habitat Protection/Management – overall increase in Budget by \$500

- Resource Management Act- Increase \$3,000 – this is in 2 areas;
  - RMA \$8,000 increase - \$5000 moved from 1214 & \$3,000 from Salaries to RMA for the contract of Peter Wilson with RMA.
  - Reduced for a proposed Cawthron investigation for Beach raking report \$5,000- as realised we could not complete the project for this amount. Transferred to RMA.
- Works & Management – decrease budget of \$500 for Railroad wetland – only budget in this area is for rates.

- Within Assisted Habitat there has been an overall decreased of \$2,000
  - Codes 1231 & 1232 have merged
  - Decrease of \$2,000 from Lake Tutira habitat – this was a one off in 18/19 to compensate the liberations.

Participation – overall Decrease in costs of \$500

- Satisfaction Survey - Increase of \$3,000 (from Newsletters)
- Newsletters – Fish & Game magazine – reduced by \$3,000 as no longer required to pay for the inserts into the magazine.
- Information Pamphlets – Decreased by \$800 – No budget in this area. Do not propose to print any further pamphlets,
- Angler & Hunter Training – decrease by \$200 in the following areas:
  - Additional \$1,500 into the Children’s fishing programme
  - Reduced Angler/Hunter Training to \$2,000 from \$3,000. Expect to receive additional income form Sponsors this year 700.
  - Reduced the Budget for maintaining Balloted stands by \$700.
- Huts – increased budget by \$500 for both expenses and income. Nil impact on overall budget.

Public Interface Overall Decrease of \$1,500 in the following areas:

- Reduced Advocacy budget by \$1,000 as the Wetland Forum was a one off for 2018/19
- Public Promotions – being the A& P Show has had an increase in budget of \$500 – so the F & G can increase its profile at the next show.
- Visitor Education - \$500 education budget as not used in past few years.

Compliance – increase budget by \$300 for training of the Rangers.

Council Costs reduced by \$500 to reflect actual costs over last few years.

Planning and Reporting – increase by \$500 due to Audit fee increases.

## **5. Overhead Costs**

Overall overhead costs have reduced by \$6,051. See attached a summary of the movements within each area:

Overhead	Increase/(Decrease)	Explanation
Salaries	(4,229)	Moved to RMA for Contract RMA projects
Staff Expenses	2,530	Increase in FBT (as per actual \$1,000 and increase in Staff Training \$1,500 and Staff expenses \$400
Staff Houses	(3000)	Reduction in Maintenance as a lot undertaken in last 2 years
Office Premises	(756)	Reduced cleaning \$556 and Meeting room expenses \$200
Office Equip	(60)	Purchases down \$200 and addition rental for

		photocopier \$140
Communications	(700)	Reflects Actuals from Previous years
General	(600)	Reduction in Advertising
Gen Equip	(300)	Reduction in equip purchases
Vehicles	600	Increase in Insurance
TOTAL	(6,515)	

#### **6. Other areas of Budget change**

Asset replacement has increased from \$1,500 to \$8,342. Income from Interest is slightly down and there is no budget in the 19/20 year for income from Eastern (\$2,520)

#### **7. Hawkes Bay Management Agreement**

The reciprocal agreement between Eastern and the Hawkes Bay Regions has changed for the 2019/20 year. There has been a reduction in the hours that the Eastern Region provides the region. Financial and Administrative support has reduced by 85 hours and operational support to Hawkes Bay by 60 hours to 90. Hawkes Bay will no longer contribute 45 hours of operational support to the Eastern Region (lost income of \$2,520).

#### **8. Resourcing**

##### **8.1 – Bulk Fund**

Hawkes Bay Region currently (2018-2019 OWP year) has a bulk funded operation budget of \$383,408.

A CPI increase of 1.9% was approved from Hawkes Bay reserves for the 2019/20 year amounting to an additional \$4573.

#### **5. Next Steps**

- Staff incorporate any amendments that might be required as an outcome of this meeting. The Draft 2019-20 plan is then circulated to clubs/interested parties for comment before the end of July.
- Any submissions received will be considered by Council, and final approval given to the 2019-20 OWP at Council's August meeting.

#### **6. Recommendations**

- 6.1 That Council reviews the draft 2019-20 OWP and identifies amendments or issues needing to be addressed prior to circulating the draft more widely.***
- 6.2 That Council circulates a revised draft, with any amendment required to interested parties to comment on before final consideration and approval of the plan at the August meeting.***

## **9. 2019-2020 LICENCE FEES**

**Ref: 6.01.04**

### **1. Purpose**

To consider the NZ Council recommended licence fees for the 2019-2020 year.

### **2. Background**

At the April New Zealand Council meeting, the NZ Council considered licence fee recommendations for the coming 2019/2020 fishing and hunting seasons. The NZ Council resolved to adopt, as a basis for consultation with regions, the recommendation that the sports fish licence fees be based on an adult whole season licence fee of \$133 (incl. GST), and the game licence fees be based on an adult whole season licence fee of \$98 (incl. GST and \$4 Game Bird Habitat Stamp). Due to timing of the NZ Council June meeting, an email has been circulated around Hawkes Bay Councillors for their feedback on the proposed licence fee changes for the 2019/2020 year prior to this meeting and the results sent to Robert Sowman at NZ Council. Results from Hawkes Bay Councillors were as follows:

6 Yes

1 No

1 Abstain

4 No Reply

### **3. Discussion**

All regional budgets and the NZ Council budget are assessed collectively at the April managers' meeting according to the national budget policy. The key aspect of this policy is that budgets provide a level of base funding sufficient to meet the core operations of each region and the NZ Council. Any increase to base funding for a particular region or the NZ Council must be done through a contestable bidding process.

### **4. Recommendations**

**4.1 That the proposed 2019-2020 season adult whole season sports fish licence fee of \$133 and adult whole season game licence fee of \$98 (inclusive of a \$4 fee for the Game Bird Habitat Stamp) inclusive of GST be accepted.**

**4.2 That the proposed Adult Non-resident Whole Season licence of \$180 be supported with all the other non-resident licence prices staying the same.**



12 April 2019

**TO: Regional Council Chairs and Managers**

## **2019/20 LICENCE FEE RECOMMENDATIONS**

### **1. Proposal**

The New Zealand Fish and Game Council (NZ Council) seeks consultation from Fish and Game Councils on the 2019/20 licence fee recommendations.

The NZ Council meet with regional managers on 4<sup>th</sup> April to consider the 2019/20 budgets and licence fees. Following that meeting, the NZ Council agreed to recommend an increase of \$3 increase to the sports fish adult whole season licence, a \$1 increase to the game adult whole season licence and \$1 increase to the game bird habitat stamp. In approving these fees, the NZ Council also recommended an \$11 increase to the sports fish adult non-resident whole season licence.

### **2. Background**

Legislation provides for the following:

Section 26Q of the Conservation Act 1987 sets out the functions of Fish and Game Councils.

Subsection (1)(d)(a) requires councils:

*to assess the costs attributable to the management of sports fish and game;*

Section 26Q(1)(d)(ii) requires Fish and Game councils:

*(ii) to develop and recommend to the New Zealand Fish and Game Council appropriate licence fees to recover costs and game bird habitat stamp fees*

The New Zealand Fish and Game Council (NZ Council) is required under section 26C(1)(e) of the Conservation Act 1987 *to recommend to the Minister of Conservation an appropriate fee for fishing and hunting licences, after considering the views and recommendations of Fish and Game Councils.*

Section 26C(1)(ja) of the Conservation Act 1987 also requires the NZ Council *to recommend to the Minister, after considering the views and recommendations (if any) of Fish and Game Councils and the New Zealand Game Bird Habitat Trust Board, an appropriate fee in respect of any game bird habitat stamp and the form of such stamps* (the form of the stamp to be approved as part of the 2011 Game Notice).

Operationally, national policy of the NZ Council specifies that all expenditure needs to be approved as part of the budget round, including capital expenditure and expenditure from reserves for all councils.

### **3. Reserves**

National policy sets reserve levels equal to between 30–50% of licence income for those councils which generate licence sales income above their budget, or of total budget for those councils which



receive a grant. This level of general reserve is considered adequate to provide security against fluctuations in income and to ensure adequate operational cash flow.

The budget policy specifies that all expenditure from general reserves needs to be approved as part of the budget round, or by making an application for Exceptional Funding. There are consequences across all sectors of the organisation where any council's reserves are reduced outside of policy.

#### 4. Budget process

The method of increasing funding levels for individual councils is through a contestable funding bid at the budget setting meeting. Bids can be for either a one-off funding allocation for a specific project, or for ongoing additional funding. The latter in effect raises the total baseline funding level for that council.

The funding required to cover base funds and approved contestable funding is assessed against the expected licence sales for the year ahead (established from the last two years of actual sales), to determine the new licence fees.

This process is summarised in the following budget cycle:

March	All council budgets reviewed against audited actual expenditure.
	Budgets over or under 10% variance are reported against, reviewed and discussed at a meeting of regional managers
	Preparation of business and operational work plans for new financial year (NFY)
	Priorities for NFY are discussed at Regional Manager & NZC meetings
April	Draft budgets developed by NZ and regional F&G councils
April	Councils apply for 'new' contestable funding with applications circulated beforehand, reviewed against criteria, considered and prioritised at the meeting of regional managers, which recommends the allocation of contestable funds, research and legal fund allocations and new licence fees for NFY
April	NZC make own recommendation on fees including basic funding levels and contested allocations and send to regional councils for consideration.
June	Regional councils consider NZC licence fee recommendation.
June	NZC consider regional response and agree on licence fees for approval by the Minister of Conservation.

The recommended licence fee is effectively set by dividing the sum of the proposed budgets of the 13 Councils by the number of the adult whole season licence equivalents<sup>2</sup> that F&G NZ expects to sell during the year (LEQ targets).

<sup>2</sup> A licence equivalent (LEQ) sets the adult whole season licence as the standard unit of measure with a value of one (1) and other categories of licence are amalgamated as adult whole season equivalents in accordance with their proportionate value of the adult whole season licence. For example, the value of a junior whole season licence is 20% of an adult whole season licence. Therefore 5 junior whole season licences equal 1 LEQ.

## 5. 2019/20 LEQ targets

	2016-2017		2017-2018		2019-2020	
	LEQ'S (Actual)		LEQ'S (Actual)		LEQ'S (Extrapolated)	
	Fish	Game	Fish	Game	Fish	Game
<b>Northland</b>	316	1,812	297	1,791	<b>288</b>	<b>1,781</b>
<b>Auckland-</b>						
<b>Waikato</b>	3,742	6,781	3,743	6,848	<b>3,743</b>	<b>6,848</b>
<b>Eastern</b>	10,397	3,209	10,043	3,250	<b>9,866</b>	<b>3,250</b>
<b>Hawkes Bay</b>	2,525	1,913	2,492	1,916	<b>2,476</b>	<b>1,916</b>
<b>Taranaki</b>	810	1,130	866	1,141	<b>866</b>	<b>1,141</b>
<b>Wellington</b>	3,014	3,567	3,000	3,476	<b>2,993</b>	<b>3,431</b>
<b>Nelson-</b>						
<b>Marlborough</b>	3,650	895	3,848	923	<b>3,848</b>	<b>923</b>
<b>North</b>						
<b>Canterbury</b>	13,060	2,545	12,526	2,635	<b>12,259</b>	<b>2,635</b>
<b>West Coast</b>	1,944	391	2,030	387	<b>2,030</b>	<b>385</b>
<b>Central South</b>						
<b>Island</b>	12,623	2,297	12,753	2,354	<b>12,753</b>	<b>2,354</b>
<b>Otago</b>	15,452	4,255	15,446	4,137	<b>15,443</b>	<b>4,078</b>
<b>Southland</b>	8,830	5,171	9,020	4,983	<b>9,020</b>	<b>4,889</b>
<b>Total</b>	<b>76,363</b>	<b>33,966</b>	<b>76,064</b>	<b>33,841</b>	<b>75,584</b>	<b>33,630</b>

The following components featured in the 2019 budget discussions:

### 6. Contestable funding applications

A total of 43 (last year 43) contestable funding applications were received, seeking additional funding of \$1,434,406 (last year \$1,253,405).

Budgets for all councils making application for increased funding, (with comparisons of the current year's budget and the latest audited actual) were received, checked and circulated for review prior to the April managers meeting.

### 7. Contestable funding recommendations

Managers considered all contestable funding applications and assigned each a priority rating. This was then explained at a joint meeting with NZ Council. The outcome recommended that applications totalling \$962,749 (\$260,109 from reserves) be funded, including provision for national RM/legal funding (see 10. Below).

Of this, \$668,109 (\$195,109 from reserves) was recommended for funding on a one-off basis, meaning this funding would be freed-up and become available in next year's budget round.

### 8. Research fund allocation

To avoid inflating the budget in any one year an allocation is annually made to the Research Fund. In past years this allocation has been \$134,000. For the 2019/20 financial year it was agreed to set this same amount aside for research but a final decision on actual research will follow once full proposals have been developed and submitted to the November 2019 NZ Council meeting.

1. Note the amount of \$134,000 is allocated for research in the 2019/20 financial year.
2. Agree that final proposals and costing will be provided and agreed on at the November 2019 meeting.

## 9. Staff Development Fund

A staff scholarship of \$10,000 is available annually for Fish and Game staff to apply for support from the organisation for national and international study, work experience or participation in events or conferences. Four applications were considered in the 2019 April meeting, one to access the sum remaining from the 2018 fund and three for the 2019 fund. One of these was considered better addressed under a contestable fund bid and approved accordingly.

**That Adam Daniels be funded \$3,200 from the 2018/19 Staff Development Grant to attend the 6<sup>th</sup> East Coast Trout Management and Culture Workshop.**

**That the \$10,000 for staff development grants in 2019/20 be shared between two applicants:**

- 1. Erin Garrick for \$5,000 to attend the North America Duck Symposium in Canada and**
- 2. Helen Trotter for \$4,870 to attend the 9<sup>th</sup> World Recreational Fishing Conference in the Netherlands.**

## 10. RMA/Legal fund allocation

The legal fund receives budget allocations on a reimbursement basis. It covers payment of costs through a national fund rather than separate funding allocations in individual council budgets where approved legal projects occur.

It was agreed that contestable funding of \$350,000 be allocated to the national legal pool fund for this 2019/20 year including any allocation required for a WCO. This is considered the amount we are likely to spend in the 2019/20 year.

## 11. 2019/20 Budgets

The proposed budget for the 13 Fish and Game councils for 2019/20 is \$11,778,671. Individual budgets are shown in the table below alongside the previous financial year (both shown as GST exclusive).

	<b>Approved 2018/19</b>	<b>Proposed 2019/20</b>
Northland	528,885	534,950
Auckland/Waikato	784,508	826,188
Eastern	1,110,924	1,127,970
Hawke's Bay	383,408	387,502
Taranaki	369,908	408,974
Wellington	776,115	804,633
Nelson/Marlborough	462,158	463,520
North Canterbury	861,760	787,760
West Coast	358,893	373,893
Central South Island	684,636	771,386
Otago	1,001,526	1,012,215
Southland	668,131	759,578
NZ Council	1,144,937	1,134,937
National Issues <sup>3</sup>	1,910,108	1,734,100
Research <sup>4</sup>	134,000	134,000
<b>Subtotal</b>	<b>11,245,898</b>	<b>11,261,606</b>

<sup>3</sup> National issues include the cost of shared services benefiting the organisation nationwide, such as the special editions of the F&G magazine, the F&G NZ website, licence administration system, administration of elections, ranger health & safety training, etc.

<sup>4</sup> To avoid inflating the budget in any one year, an allocation is made annually to the Research Fund. This has been \$134,000 p.a. in recent years.

Commission/bank fees <sup>5</sup>	505,341	517,065
<b>TOTAL</b>	<b>11,751,239</b>	<b>11,778,671</b>

### **12. NZ Game Bird Habitat Stamp**

Since the 2016 season, the fee has been a \$3.00 hunter contribution on every game licence. The NZ Game Bird Habitat Trust Board in its August 2018 meeting recommended a fee increase to the NZ Council of \$1 on the Habitat stamp hunter contribution for the 2020 game season. This was approved by the NZ Council.

**That the NZ Game Bird Habitat Trust Board recommendation for the 2020 habitat stamp hunter contribution be increased by \$1.00 to \$4.00 be approved.**

### **13. Licence fee recommendation**

Based on the estimated LEQs (extrapolated from the last two completed actual years – 2015/16 & 2016/17) providing 2019/20 budget targets of generated revenue, established base funds, approved contestable funding, plus research and legal fund allocations, the NZ Council recommends:

**The 2019/20 licence fees be based on a sports fish adult whole season fee of \$133 and the game adult whole season licence to be based on \$94 plus \$4 for the Game Bird Habitat Stamp (GST inclusive).**

### **14. Modification to licence categories and ratios with whole season fees**

The NZ Council discussed the differential pricing for non-resident licences and agreed that the sports fish adult whole season category be raised by \$11.00 but that all other non-resident category fees be retained at 2018 levels.

**That the Adult Non-resident Whole Season licence become \$180 with all the other non-resident licence prices staying the same.**

The full list of licence categories and 2019 fees are set-out in the attached table with an indication of increases over the 2018/19 licence fees:

### **15. Conclusion**

The NZ Council seeks consultation from Fish and Game Councils on the following resolutions:

**That for consultation with regional Fish and Game Councils, a 2019/20 recommended adult whole season sports fish licence fee of \$133 and an adult whole season game licence fee of \$98 (inclusive of a \$4 fee for the Game Bird Habitat Stamp) inclusive of GST be accepted.**

**That the Adult Non-resident Whole Season licence become \$180 with all the other non-resident licence prices staying the same.**

<sup>5</sup> Commission is paid to licence sale agents (mostly retailers). Current policy sets commission at 4.5% per licence sold. Commission funding is aligned to both the licence sales estimate taken into the budget system and the subsequently adopted licence fee.

To enable the New Zealand Council to consider feedback and make recommendations to the Minister of Conservation at its June 7-8, 2019 meeting, responses to these changes are requested by **29 May 2019**.

A handwritten signature in blue ink that reads "Martin Taylor". The signature is written in a cursive style with a large initial 'M'.

Martin Taylor  
Chief Executive

**Schedule of F&G NZ's proposed licences & fees for 2019/20  
(inclusive of GST)**

<b>Sports Fish Licence</b>		2018/19	2019/20	
<b>Category of licence</b>	<b>Class of applicant</b>	<b>Current fee</b>	<b>Proposed fee</b>	<b>Fee difference</b>
Whole season (1 Oct – 30 Sep)	Adult	130	133	\$3.00
	Junior	26	27	\$1.00
	Child	free	free	nil
Family		169	173	\$4.00
Non-resident Whole season	Adult	169	180	\$11.00
	Junior	34	34	nil
	Day	34	34	nil
Winter (1 Apr – 30 Sep)	Adult	78	80	\$2.00
Loyal senior	Adult	111	113	\$2.00
Local area	Adult	104	106	\$2.00
Short-break	Adult	47	48	\$1.00
Long-break	Adult	91	93	\$2.00
Day	Adult	21	21	nil
	Junior	5	5	nil
Non-resident Day	Adult	34	34	nil
	Junior	20	20	nil
	Child	20	20	nil
Back country		free	free	nil
Controlled-period		free	free	nil

<b>Game Bird Licence*</b>		2019	2020	
<b>Category of licence</b>	<b>Class of applicant</b>	<b>Current fee</b>	<b>Proposed fee</b>	<b>Fee difference</b>
Whole season (primarily 1 <sup>st</sup> Sat in May to 31 Aug)	Adult	\$96.00	98*	\$2.00
	Junior	\$22.00	23*	\$1.00
	Child	\$3.00	4*	\$1.00
Day (available from 2 <sup>nd</sup> Monday of season)	Adult	\$22.00	23*	\$1.00
	Junior	\$7.00	8*	\$1.00

❖ All other licence category fees are set as a percentage of the fish or game adult whole season fee and rounded to the nearest \$, hence in some instances the fee difference remains nil.

\* Game bird hunting licence fee includes the \$4.00 NZ Game Bird Habitat Stamp.

Notes:

- A **junior** means a person aged 12 years or over, but under 18 years at the start of the season
- A **child** means a person aged under 12 years at the start of the season.
- **Back country** and **controlled-period** licence mean an endorsement on an adult or junior whole season or family fish licence with special conditions for fishing specified waters.
- **Whole Season** for sports fish extends from 1 October through to 30 September the following year.
- **Whole Season** for game birds can extend from the first Saturday in May to beyond the traditional closing dates for upland game hunting at the end of August due to special season conditions between February to April the following year for some species, e.g. Paradise shelduck and Pukeko.

- A **Game Bird Habitat Stamp** fee of \$4.00 (incl GST) is payable on all categories of game hunting licence and is included in the fees shown in the game hunting licence table above.

## 10. 2019-2020 ANGLERS NOTICE

Ref: 1.07.01

### 1. Purpose

To consider the Anglers Notice regulations for the 2019-2020 angling season.

### 2. Background

The Anglers Notice review provides an opportunity to amend regional sport fishing regulations. Licence holders and the public can submit on issues they may have identified with the current regulations for consideration by Council. At the June meeting, Council will receive any additional correspondence arising from the undertakings to date and will finalise the content of the 2019-2020 Anglers Notice.

### 3. Submissions Received

No further submissions or correspondence have been received to date.

### 4. Recommendations

**4.1 That Council considers and approves the Anglers Notice for the 2019-2020 year.**

## HAWKE'S BAY FISH AND GAME REGION

Reference to description: *New Zealand Gazette, No. 83, 24 May 1990, page 1861*

### 1. DEFINITIONS

See First Schedule

### 2. OPEN SEASON, PERMITTED METHODS, DAILY BAG LIMITS

<i>Lakes / Rivers</i>	<i>Open Season</i>	<i>Permitted Methods</i>	<i>Daily Bag Limits</i>
<b>All other waters not listed below</b> <i>Refer to clause 6 for this region (no minimum size limit)</i>	1 Oct – 30 Jun	Artificial fly/spinner	2
Larger of Twin Lakes, Kuripapango	All year	Artificial fly/spinner	No limit
Lake Hawkston	1 Nov – 31 Mar	Artificial fly/spinner	2
All other lakes of the region (except the larger of Twin Lakes & Lake Hawkston above)	All year	Artificial fly/spinner	4
<i>Refer to clause 6 for this region (350mm minimum)</i> <i>Refer to clause 7 (hours of fishing)</i>			



Aropaoanui River downstream of the landmark opposite Wareham Road	All year	Artificial fly/spinner	2
Esk River upstream of Waipunga Road Bridge and all tributaries <i>Refer to clause 6 for this region (550 maximum)</i>	1 Oct – 30 Jun	Artificial fly/spinner	1
Esk River downstream of Waipunga Road Bridge	All year	Artificial fly/spinner	1
Karamu Stream, excluding tributaries	All year	Artificial fly/spinner/bait	2
Maraetotara Stream <i>Refer to clause 6 for this region (350 maximum)</i>	All year	Artificial fly/spinner	1
Mohaka River downstream of confluence with the Mangatainoka River to State Highway 5, excluding tributaries	All year	Artificial fly/spinner	2
Mohaka River downstream of State Highway 5 Bridge	All year	Artificial fly/spinner	4
Mohaka River tributaries	1 Oct – 30 Jun	Artificial fly/spinner	1
Ngaruroro River and tributaries upstream of Kiwi Creek confluence	1 Oct – 30 Jun	Artificial fly/spinner	1
Ngaruroro River from Kiwi Creek to Whanawhana cable, excluding tributaries	All year	Artificial fly/spinner	1
Ngaruroro River tributaries upstream of Whanawhana cable <i>Refer to clause 6 for this region (550mm maximum)</i>	1 Oct – 30 Jun	Artificial fly/spinner	1
Ngaruroro River downstream of Whanawhana cable, excluding tributaries	All year	Artificial fly/spinner	2
Ngaruroro River tributaries downstream of Whanawhana cable	1 Oct – 30 Jun	Artificial fly/spinner	2
Porangahau River downstream of confluence with the Mangawhero Stream, excluding tributaries	All year	Artificial fly/spinner	2
Tuki Tuki River upstream of State Highway 50 road bridge, excluding tributaries	1 Oct – 30 Jun	Artificial fly/spinner	4
Tuki Tuki River downstream of State Highway 50 road bridge, excluding tributaries	All year	Artificial fly/spinner	4
Tutaekuri River downstream of confluence with the Mangaone Stream, excluding tributaries	All year	Artificial fly/spinner	2
Waipawa River downstream of State Highway 50 road bridge, excluding tributaries	All year	Artificial fly/spinner	4
Waipawa River upstream of State Highway 50 road bridge, excluding tributaries	1 Oct – 30 Jun	Artificial fly/spinner	4

Waipunga River downstream of the falls,  
excluding tributaries

All year

Artificial fly/spinner

2

### 3. CLOSED WATERS

No restrictions.

### 4. COARSE FISHING WATERS

There are no defined coarse fishing waters in the Hawke's Bay Region.

### 5. USE OF BOATS

No motorised craft permitted on Lake Waikopiro.

Similarly, except with the prior written authority of the Director-General of Conservation and subject to compliance with any conditions that the Director-General may impose, no person shall use any boat in Lake Tutira that is propelled by any means other than sails, oars, or paddles.

### 6. FISH LENGTH

Esk River above the Waipunga Road Bridge, including tributaries	550mm maximum
Maraetotara Stream	350mm maximum
Ngaruroro River upstream of Whanawhana cable, including tributaries	550mm maximum
Lakes Tutira and Waikopiro	350mm minimum
All other waters	No minimum or maximum size limit

### 7. HOURS OF FISHING

Fishing is permitted only in daylight hours at Lake Hawkston. Walk in access only.  
Please phone Dave McPhee 0275 422 665 prior to access of lake.

## 10. Conservation Infringement Policy

### 1. Purpose

To provide feedback to NZ Council on the draft Conservation Infringement Systems Policy

### 2. Background

The New Zealand Fish and Game Council has requested feedback from regional councils on this draft policy prior to their August meeting.

### 3. Recommendations

**3.1 That Council reviews this draft policy and provides any feedback it may have for NZ Council.**

## **CONSERVATION INFRINGEMENT SYSTEMS POLICY**

**Fish and Game Councils, April 2019**

**Prepared by:** Robert Sowman, NZ Council Policy & Planning Manager

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The Conservation Infringement Systems Bill was passed into law and the Conservation Act amended accordingly. The next step for Fish and Game in this process is to establish national compliance and law enforcement policy to enable it to issue infringement fines. The new provisions state:

#### **1 26HA National fish and game compliance and law enforcement policy**

*(1) The New Zealand Fish and Game Council may, in accordance with section 26C(1)(a), develop a national policy that relates to—*

*(a) the authorisation of fish and game rangers to issue infringement notices under section 51W(2); and*

*(b) the issuing of infringement notices by those fish and game rangers; and*

*(c) the exercise of other powers of fish and game rangers used to enforce, or ensure compliance with, this Act or the Wildlife Act 1953 (including any regulations made under those Acts).*

*(2) The Minister may, by notice in the Gazette, approve a policy developed under subsection (1).*

*(3) If the Minister has not approved a policy under subsection (2),—*

*(a) the Director of the New Zealand Fish and Game Council may not authorise a fish and game ranger to issue infringement notices under this Act (see section 51W(4)(b)); and*

*(b) sections 26I(1A), 26R(2A), and 26X(1A) do not apply.*

Anthony van Dorp (Eastern), with input from Jacob Smyth (Southland) and Robert Sowman, has prepared the separately attached draft policy document for Fish & Game Council consideration. To

arrive at national policy, it requires consultation with Fish and Game Councils and final ratification by the NZ Council.

Independent of this process, it is suggested that it also be peer reviewed by an agency that already uses infringement notices, e.g. Customs or NZ Police. It is reasoned Fish and Game's application to the Minister would be more authoritative and acceptable if the policy is supported by an independent peer review.

**Recommendation:**

- 1. That the draft national policy developed under 26HA(1) of the Conservation Act be considered by each Fish and Game Council in consultation with the NZ Fish and Game Council before finalising and ratifying as national policy and submitting to the Minister of Conservation for approval and gazettal.**
- 2. That feedback be provided to Robert Sowman for inclusion in a report to New Zealand Council at its August 9 – 10<sup>th</sup>, 2019 meeting.**



# **Infringement Notice Compliance and Enforcement Policy**

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# Purpose

This policy is in accordance with the requirements of Section 26HA of the Conservation Act 1987, which relates to:

- The authorisation of specified Fish & Game rangers to issue infringement notices under Section 51W(2) of the Conservation Act 1987;
- The procedure to be followed by authorised Fish & Game Ranger to issue infringement notices under Section 51W(2) of the Conservation Act 1987; and
- The exercise of other powers of Fish & Game rangers used to enforce, or ensure compliance with, the Conservation Act 1987 and / or the Wildlife Act 1953, including any regulations made under those Acts.

In order for Fish & Game NZ regions to issue infringement notices this policy must be approved by the Minister of Conservation by notice in the Gazette. On approval of this policy by the Minister the Director of the New Zealand Fish & Game Council may authorise trained and approved Fish & Game rangers to issue infringement notices under the Conservation Act.

This policy includes:

- Training of specific Fish & Game rangers to issue infringement notices;
- Matters around exercise of other Conservation and Wildlife Act powers; and
- Annual reporting requirements.

The policy sets out the principles and guidelines which Fish & Game Regions will follow when assessing offences for resolution action and specifically around resolution of offences by issuing of infringement notices. The policy is to ensure that action taken by regions is:

- a. Consistent;
- b. Transparent;
- c. Fair; and
- d. Complies with best practice.



# About this document

## Amendments

Amendment date	Amendment details	Version	Amended by
27/02/2018 Feb. 2019 Mar 2019	Draft -guidelines Draft-I.N CLE policy Format & edits	(2)	AVD A van Dorp &J Smyth R Sowman

## Terminology and definitions

**CDG** Compliance Decision Group

Made up of the Regional Manager, Region Compliance Coordinator, and National Compliance Coordinator, as required, and any other technical or legal expert as required. The NZ Council Director (CEO) has a role as an arbiter in cases where a decision is unable to be reached by the CDG.

**I.N** Infringement Notice

Note: An infringement notice may only be issued by a Fish & Game employee (ranger) who is warranted specifically to do this - this is a separate warrant from those held by a Fish & Game officer or ranger.

**Director**

Means the Chief Executive of the New Zealand Fish and Game Council

**Fish & Game NZ**

The collective name given to the NZ Fish and Game Council and 12 regional Fish & Game Councils.

**Fish & Game Council**

Means a Fish & Game Council established under Section 26 P of the Conservation Act 1987.

# Process

- 3.1 Offence detected.
- 3.2 Offence extremely minor or trivial – no action or a warning and education may be appropriate.
- 3.3 Offence suitable for formal process and further action, Fish & Game offence notice issued in field. This is the notification to the offender of the alleged offence(s) and a receipt for any seized gear.
- 3.4 In some rare circumstances an I.N may be issued directly in the field by authorised Fish & Game employees - this is discussed further in this policy.
- 3.5 Rangers/offence report and offence notice copy provided to Region Compliance Coordinator by Fish & Game ranger.
- 3.6 National database checked, offence and offender entered in database.
- 3.7 Compliance coordinator recommends appropriate course to follow to Regional Manager, options include: warning and education, I.N, or consider prosecution.
- 3.8 Regional Manager authorises I.N in straightforward matters, as determined by the CDG offence checklist (attachment 1).
- 3.9 Other matters go to a Compliance Decision Group (CDG) for decision/peer review to determine whether the matter should be dealt with by issuing an I.N or whether a prosecution is the appropriate action to take.
- 3.10 When a CDG is implemented, the purpose of which is to ensure consistency across regions in how offences are dealt with.

## Infringement System Guidelines

### Infringement offences

- a. I.N's are intended as a means of dealing with offending which is not serious enough to warrant a full summary prosecution which may result in a criminal conviction.
- b. I.N's sit between warnings / education and prosecutions, so are considered to be an intermediate resolution in the enforcement toolkit.
- c. The use of I.N's and set infringement fees allows Fish & Game Regions (F&G) to quickly and simply resolve minor breaches of the law, while the seriousness of breaching the law is still conveyed to the offender, ensuring future compliance in many cases.
- d. The Conservation Act 1987 following amendment by the Conservation (Infringement System) Act 2018 provides for an infringement system to apply to the primary Acts the

Department of Conservation (DOC) administers; and to the regulations, bylaws, and notices made under those Acts. This includes the Conservation Act 1987, the Wildlife Act 1953, Freshwater Fisheries Regulations 1983, Wildlife Regulations 1955, and the associated Angler and Hunting Gazette notices relevant to Fish and Game Councils.

## Background on infringement offences

### What is an infringement offence?

- a. Infringement offences are offences in respect of which an I.N can be issued.
- b. Current infringement offences are listed in a 'schedule' which will also prescribe the infringement fee set for each offence.
- c. When an offence is detected, a I.N is a potential response to the offence. No action may be taken, a warning may be issued, a I.N may be issued, or the offence may be proceeded with summarily through the Court where court prosecution is warranted, either where the offence is of a type where an I.N does not apply as an option or where an I.N could apply to the offence type but in the circumstances an I.N is not the most appropriate outcome.
- d. Fish & Game New Zealand policy is that I.N's are not to be issued to anyone under the age of 18 years old. (from 1 July 2019 the youth justice age – definition of Young Person- is changed so that persons aged under 18 years old will be dealt with in Youth Court as Youth Offenders pursuant to the Oranga Tamariki Act 1989).
- e. Youth Offenders (those aged under 18 years from 1 July 2019) are to be warned unless due to the seriousness of the offence and the nature and number of previous offences a warning is clearly inappropriate (Section 209 of the Oranga Tamariki Act 1989). Where a warning is clearly inappropriate, advice is to be taken as to appropriate resolution action.

### Infringement fees

- a. Infringement fees for particular offences are set at an amount determined and pursuant to the Conservation Act under which the infringement regulations are made.
- b. The fees cannot be altered or changed from that set for each offence.

- c. If a defendant wishes to dispute the amount of the fee payable, a hearing must be held at a Court, and any money payable becomes a normal Court fine. A defendant who disputes the standard infringement fee payable is also likely to incur Court costs in addition to any fine imposed by the Court.
- d. Any financial penalty imposed by the Court (for example if the infringement offence is proceeded with summarily or an I.N is disputed) is called a fine rather than a fee.
- e. Infringement fees resulting from notices issued by warranted employees of Fish and Game Councils that have enforcement functions under the Acts DOC administers are payable into the Crown consolidated fund bank account.

## Compliance/enforcement consistency

- a. The response to the level of offending must always be reasonable, transparent and proportionate and Fish & Game regions must act consistently and generally treat like cases alike.
- b. Where punitive action is deemed necessary in regard to an infringement offence, the issuing of an I.N is the first level of response and is to be the action taken unless there is reason not to, and instead pursue a court prosecution.
- c. Reasons not to issue an I.N, but to consider filing charge(s) and pursue court prosecution include considerations such as:
  - Seriousness of the offence;
  - That the offending involved actual or threatened violence against a Fish & Game ranger acting in the course of his or her duty;
  - The extent of any loss, harm or damage resulting from the offence;
  - Premeditation on the part of the offender and, if so, the level of premeditation involved;
  - The number, seriousness, date, relevance and nature of any previous relevant offending, including matters for which the offender is being sentenced or otherwise dealt with; and

- Where it is necessary in the circumstances to seek a court order for forfeiture of the gear used in the commission of the offence.
- d. If a matter proceeds to court prosecution that in itself does not prevent the possibility of offering the offender diversion in appropriate cases. Refer to the National Prosecution policy – diversion.
  - e. Prosecution even with the option of diversion is not to be used in preference to issuing an I.N unless the intervention of the court is necessary **and** it is deemed that the I.N penalty in the circumstances is too low, and / or an order of forfeiture is required.
  - f. Where an offence is not deemed an infringement offence, the response and possible outcomes will be education / warning, or prosecution (with diversion consideration as appropriate).
  - g. While every effort will be made to treat like cases alike, there will be situations where different responses may be appropriate. There will be occasions where the circumstances of a situation warrant no action being taken (e.g. the incident is reasonable or excusable in the circumstances and doesn't warrant compliance action). Decisions should be based on sound policy, and defensible judgments, and be in accordance with the Solicitor General's Prosecution Guidelines and the Fish & Game NZ National Prosecution policy. All matters considered for prosecution (including issuing an infringement notice) must meet the test for both evidential sufficiency **and** public interest in a prosecution.

## Deciding the level of compliance/enforcement response

Fish & Game New Zealand has a range of options available to resolve situations where offences have been committed.

### Advocacy, Education and Warnings

- a. **Advocacy & Education**
  - This type of response is appropriate for incidents of very minor non-compliance. The purpose of this response is to advise the alleged offender that non-compliance has been detected and promote the need for compliance to be observed in future and inform them of legal requirements. Resources such as leaflets or brochures may play a significant role in ensuring future compliance.

- Education is a valid and useful tool for use in minor matters where non-compliance was unintentional and / or trivial and educating the offender will achieve a desired outcome without the need for other compliance action. Education may extend to advising of the rules relating to the activity, providing alleged offenders with some understanding of the potential effects resulting from their actions.
- b. Warnings
- There may be occasions when non-compliance has been detected but it is not appropriate to issue an I.N. This may occur where there has been a single instance of non-compliance, which was accidental, unforeseen or of a minor nature, but where there is a possibility of future non-compliance if some action is not taken by Fish & Game. An 'informal' verbal warning may result in such a case.
  - A written formal warning advises the offender that s/he is in breach of the Act, regulation, or notice. It states what section of the Act, regulation, or notice has been breached and advises that no further enforcement action will be taken at this stage, but that the warning will be taken into account should they be involved in further offending against legislation enforced by Fish & Game New Zealand. For the avoidance of doubt, warnings should not be provided either orally and / or 'informally', i.e. all warnings should be formally issued in writing and a record made of it in the national compliance database.
  - A written formal warning is a document recording the non-compliance that can be taken into account by a Court should future non-compliance that results in court action occur.

Note that when the infringement system is newly in force, and its application is not widely understood by the public, these approaches may be appropriate for the first few months.

### Formal Options of Infringement Notice and Prosecution

The following options will be appropriate when an alleged offence has occurred, and there is a need to take action to avoid, remedy or mitigate adverse effects, ensure compliance, or provide deterrence and/or accountability. These options should also be accompanied by education and advocacy measures where practicable.

**a. Infringement Notice**

- An I.N is written notice that an offence is believed on reasonable grounds to have been committed. The I.N requires payment of an infringement fee within 28 days.
- A person subject to an I.N may; elect to pay the fee, write in to Fish & Game with an explanation, or dispute the alleged offence or the amount of the fee and seek to have the matter dealt with by a Court hearing.
- The use of I.N's and set infringement fees allows Fish & Game to quickly and simply resolve minor offending. The consequences of such offending are conveyed to the offender in a proportionate and efficient manner, and this will encourage future compliance in many cases. If the person pays the fee s/he avoids the necessity to appear in Court and the potential consequence of having a criminal conviction entered.
- The infringement process is described in more detail in Appendix 1.

**b. Prosecution**

- Prosecution may be appropriate for more serious offending, or for some repeat offenders.
- Any potential prosecutions must meet the Crown Prosecution guidelines test in that there must be a reasonable prospect of a conviction, and the prosecution is in the public interest.

## Deciding what option to take?

Covering every contingency is difficult but the following factors will typically be taken into account in deciding on the response to offending:

- a. Seriousness of offending, including premeditation on behalf of the offender and if so, the level of premeditation involved;
- b. Purpose of offending – commercial, domestic, customary etc;
- c. The extent of any loss, damage or harm resulting from the offence;
- d. Explanation by the alleged offender;
- e. Degree of co-operation, remorse, contrition etc by the offender;

- f. Importance of forfeiture of seized property as a deterrent and penalty. (Forfeiture of seized property would not be a consequence of infringement if the infringement fee is paid within the specified time limit);
- g. Prevalence of the offending;
- h. Public interest factors in sending a deterrent message to the offender and like-minded individuals;
- i. Fish & Game's previous dealings with the offender, e.g. prior warning letters, prior infringement notices, and / or the offender's previous convictions.

## Should an infringement notice be issued?

### Warning/infringement notice/prosecution?

When making the decision whether to file a charging document, issue an I.N, or issue a formal warning the following issues will be considered:

- a. Is there credible, sufficient and admissible evidence that an offence has been committed by an identifiable individual?
- b. The degree of seriousness of this offending?
- c. The extent of any loss, damage or harm resulting from the offence?
- d. Has the person previously come to the notice of Fish & Game or other agencies for offences against the Conservation Act 1987 and / or Wildlife Act 1953, including any regulations made under those Acts?
- e. The nature of any explanation of why s/he offended.
- f. Was the person co-operative and/or remorseful for his / her offending?
- g. Is forfeiture of seized property warranted for the offence?
- h. Is a prosecution or issuing an Infringement notice in the public interest?
- i. Is the level of infringement fee for the circumstances appropriate?
- j. Is there anything else that may be relevant?



## Infringement notice or prosecution?

When making the decision to issue an infringement notice rather than bringing a summary prosecution the same questions will be asked:

- a. Within the range of offending is the offence at the less serious end?
- b. Is the person a first offender or a recidivist offender?
- c. Has the person given an explanation of why s/he offended?
- d. Is the person co-operative and contrite?
- e. Would forfeiture enhance the deterrent effect?
- f. Is there anything else that may be relevant?

It may still be appropriate and preferable to issue an I.N in many cases, even if it is not a first offence that is being dealt with.

## Scoring Processes

A numerical scoring system (appendix 2) has been devised that will give an indication of the severity of the offending, and assist decision making. If the score is low consideration may be given to either warning or issuing an infringement notice. If the score is mid-way, it may be appropriate to issue an infringement notice. If the score is high, it may be appropriate to take a prosecution.

## Who makes the decision?

### Decision making roles

- a. Designated warranted Fish & Game employees who have received training in the infringement notice system and have qualified may receive a further warrant to issue infringement notices for offences. This warrant will be issued by the Director of the New Zealand Fish & Game Council. In most cases this will include the Region Compliance Coordinator, the Regional Manager, and may also include some senior experienced compliance staff as required to ensure the region has adequate capacity to issue infringement notices when required.  
*NB: only a limited number of trained Fish & Game staff will be able to issue infringement notices.*

- b. In general, the procedure for dealing with offences in the field will not change; whether offences are dealt with by honorary rangers or by Fish & Game staff rangers. Suspected offending will be reported in the usual manner to their Regional Compliance Coordinator following issuing of an offence notice.
- c. Honorary Fish & Game rangers cannot be warranted to issue infringement notices; that is specifically excluded by section 51W(3) of the Conservation Act 1987.
- d. In general, I.N's will not be issued in the field and if they are, they will be issued only in exceptional circumstances, where e.g. an offender is transient, has no permanent address, or the only other option would be considering field service of a summons to appear in Court.
- e. The decision as to how to proceed; whether to take no action, issue a written warning, issue an I.N or commence a prosecution, will be made by the Regional Manager in consultation with the Region Compliance Coordinator, with input from the Compliance Decision Group, as appropriate, particularly in more complex or technical matters. When deciding how to process offences the CDG checklist should be referred to ensure consistency.

### The Compliance Decision Group ("CDG")

- a. The CDG is made up of:
  - The Fish & Game Compliance coordinator of that Fish & Game region;
  - The Regional Manager of that Fish & Game region;
  - The National Compliance coordinator; and
  - If the offence involves technical or legal issues, an appropriate expert who can address these. This may be a Fish & Game staff member with legal or compliance expertise, or a person external to Fish & Game.

The Director of the NZ Fish and Game Council has a role as an arbiter if the CDG is unable to reach a decision as to appropriate resolution action.

- b. A CDG guideline is attached in Appendix 3. It sets out what needs to be done and the procedures. Note: CDG meetings may be held by phone or other networking systems,

such as Skype / Zoom. CDG meetings are also useful to peer review decisions made at a Regional Manager level.

- c. When a decision has been reached by the CDG, the Regional Manager shall be responsible for signing it off and the Region Compliance officer shall be responsible for implementing it. A written record of the decision shall be kept on the offence file.

## Seizure of property

- a. If a Fish & Game ranger has reasonable cause to suspect that an offence has been committed, s/he may seize and impound property in some circumstances (e.g. fishing or hunting gear used to commit the offence). Property which has been seized under the Conservation Act 1987 and / or Wildlife Act 1953 must be securely stored by Fish & Game and held until the matter is resolved.
- b. Upon full payment of the infringement fee the seized and impounded property must be returned to the offender, subject to compliance with any statutory requirements, including the Arms Act 1983.
- c. Items seized which have been taken illegally, e.g. unlawfully taken sports fish or game birds, are not returned to the offender on payment of the infringement fee.

## Training and authorisation to issue Infringement notices

Employee rangers who are warranted to issue infringement notices must be trained to ensure:

- That they are familiar with this policy.
- That all offences are assessed in accordance with the Fish & Game NZ national policy on prosecutions.
- That all offences are assessed in accordance with the Solicitor General's Prosecution guidelines, i.e. offences meet the requirements of evidential sufficiency **and** that prosecution or issuing an I.N is found to be in the public interest.

## National Compliance Database

All Fish & Game regions have access to the Fish & Game New Zealand National Compliance Database. This database records details of all offenders and offences dealt with by Fish & Game Councils including resolution action and outcomes.

The Privacy Act 1993 controls how agencies collect, use, disclose, store and give access to personal information. Information is collected for lawful purposes of compliance, law enforcement, and prosecution functions of Fish & Game NZ, and the collection and holding or storing of the information is necessary for those purposes.

Information held will not be accessed or used for any purposes or in any manner that is incompatible with those purposes with which the information was collected and is held.

When dealing with offenders and considering resolution options the database shall be checked to determine if the offender in question has previously had a history of offending for Fish & Game matters.

To enable accurate information to be obtained from the database all Fish & Game regions shall enter offender and offence information into the database as soon as is practical after dealing with an offender. Once the matter is resolved the database is to be updated to show the outcome.

Updates should be done as soon as possible when offences are resolved and no later than monthly.

## Exercise of other Conservation Act and Wildlife Act Powers and reporting

- All Fish & Game rangers shall be fully trained in the exercise of rangers' powers under the Conservation Act 1987, the Wildlife Act 1953 and regulations made under those Acts.
- All Fish & Game rangers shall receive regular training on powers and procedures, with refresher training at least annually.
- Use of such powers must be proportionate, reasonable and necessary to enable Fish & Game rangers to carry out compliance and law enforcement functions, in particular powers of search, seizure, and of entry to property.
- The exercise of powers by Fish & Game rangers must be necessary to investigate suspected offences, apprehend offenders, and to ensure angler and hunter compliance with the Conservation Act and Wildlife Act.
- Where Fish & Game rangers exercise powers of search, seizure of property, and entry onto private property they must advise their regional compliance coordinator of the exercise of those powers as soon as possible in a report summarising their actions, the circumstances, and the necessity to exercise those powers.

## Annual Reporting

In accordance with Section 26I of the Conservation Act 1987, the NZ Fish & Game council shall report annually to the Minister including:

- A summary of powers exercised during the year by Fish & Game rangers to enforce or ensure compliance with the Conservation Act or the Wildlife Act (including any regulations made under those Acts);
- Identify any complaints received in relation to exercise of those powers;
- A summary of action taken in response to any complaints; and
- Specify whether any powers were exercised in a manner inconsistent with this policy.

To enable the above Regional Fish & Game Councils will provide a summary of the information detailed above in annual reports.

# Appendix 1 - Infringement system

## Issuing of notices

- a. I.N's may be issued up to 12 months from the date of the offence. However, to avoid 'undue delay' creating a defence for offenders in any possible subsequent court action, I.N's should be issued to the offender as soon as is practical.
- b. I.N's shall be posted to the offenders last known postal address / place or residence or usual address. In exceptional circumstances I.N's may be issued to the offender 'on the spot' when this is possible (staff member who is specifically warranted to issue a notice). Unless circumstances dictate, I.N's should not generally be issued at the time of dealing with the matter.
- c. A circumstance where it may be warranted considering issuing an I.N to the offender 'on the spot' include:
  - When the offender is transitory;
  - The offender does not have a permanent NZ address; or
  - There may be difficulty in serving the infringement notice at a later time, e.g. this could include international visitors found to have committed an I.N offence.
- d. All I.N's that are issued on the field shall have the offence circumstances fully considered after issuing the notice. In the event that any deficiency is found, the I.N should be cancelled, and the offender written to advising of that decision.
- e. If an honorary Fish & Game ranger detects an infringement offence the honorary ranger must report the offence to the Fish & Game Compliance Co-ordinator of that Fish & Game region.

- f. I.N's may be issued to international visitors by posting it to their last known postal address / place of residence or usual address in their country of residence.

## Reminder notices

If the offender has not paid the fee or requested a hearing within 28 days after service of the I.N a reminder notice shall be issued.

## Payment

Infringement fees shall be paid to a Crown Bank account (consolidated fund); the information relating to that will be on the I.N. Infringement fees cannot be paid directly to Fish & Game regions, i.e. Fish & Game regions **should not** receive any payments for I.N's from offenders.

When an Infringement fee is paid, offenders shall produce evidence of payment in full to the relevant Fish & Game region to seek return of any seized and impounded gear.

When the Infringement fee is paid the file in relation to the matter shall be finalised and closed.

## Other options and defended hearings

### Adjudication letters

- a. Offenders who receive an I.N have the right to submit to the relevant Fish & Game region an explanation in defence of the alleged offence.
- b. Offenders may send an adjudication letter to the relevant Fish & Game region, outlining why they should be excused from paying the fee.
- c. When an adjudication letter is received, it shall be considered by the relevant Regional Fish & Game Manager. Before making a decision, the Regional Fish & Game Manager may consult with the Fish & Game officer who issued the I.N and with any other relevant technical/legal experts that may be required to properly assess the offender's explanation, including the CDG to ensure consistency across regions in how adjudications are dealt with.
- d. The Regional Fish & Game Manager shall:

- Decide whether to accept the explanation and waive/withdraw the I.N or, reject the explanation and proceed with the I.N process; and
- Advise the offender in writing of his / her decision in relation to the above.

To avoid 'undue delay', adjudication letters should be considered and adjudicated on as soon as reasonably practical.

### Defended hearing requests

- a. Offenders may dispute the I.N and request a defended hearing in Court. The offender must do this by writing to Fish & Game within 28 days of a reminder notice being served.
- b. The request is passed to the relevant Regional Fish & Game Manager, who shall review the file and decide whether to proceed with the defended hearing or withdraw the I.N. If it is decided to proceed with the hearing, the relevant forms shall be prepared and filed in Court.
- c. When it is decided to proceed with a defended hearing the file is assigned to the relevant Fish & Game region's prosecuting lawyer and/or compliance officer responsible for prosecutions, who shall prepare the case for Court.
- d. The Court will notify both the offender and the relevant Fish & Game region of the hearing date.
- e. Full disclosure under the Criminal Disclosure Act 2008 is required as soon as reasonably practicable after an offender has requested a defended hearing.



## Hearing as to penalty requests

- a. Offenders may also request a hearing on penalty only. The offender may write to Fish & Game accepting liability for the offence and request a hearing as to penalty. Again, the relevant Fish & Game Regional Manager shall review the file and decide whether to proceed with the hearing or waive the I.N. If the I.N. is not waived, forms for submission to Court must be prepared. Requests for hearings on penalty only in respect of an I.N. are dealt with by way of written submission to the Court only.<sup>6</sup>
- b. When it is decided to proceed with a hearing as to penalty the file is assigned to the relevant Fish & Game region's prosecuting solicitor and/or compliance officer.
- c. Disclosure under the Criminal Disclosure Act, unless specifically requested, is not required for a non-defended hearing.

## Non-payment – collection referrals

If the offender has not paid the infringement fee or submitted a hearing request within 28 days of service of the reminder notice; Fish & Game shall file a copy of the reminder notice, which may be an electronic copy, with the District Court together with proof of service details. Referral to the Court must be within 6 months of the offence being committed.

## Withdrawal

I.N's can only be withdrawn with approval from the appropriate Regional Manager. I.N's can be withdrawn at any time, even after a notice has been referred to the Court for collections (in which case an Application to Withdraw will need to be completed and filed in Court).

It is important that any decision to withdraw an infringement notice is recorded on the file, including the reason for withdrawal, for transparency of the process and to ensure the decision was justified and nationally consistent.

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<sup>6</sup> See *Adam v Wellington City Council* (2 April 1998) HC Wellington AP 18/98 unreported.

## Invalid notices

Occasionally I.N/s may be invalid. This can occur in situations where they have been issued to underage offenders, or if evidence subsequently comes to light that the I.N should not have been issued at all – for example, evidence showing the offence did not actually occur or that the I.N was issued to the wrong person. The I.N shall be invalidated on the instruction of the relevant Regional Fish & Game Manager.

In cases where there is a significant error in the I.N, but it remains appropriate to issue an I.N, the notice shall be invalidated and reissued under a different infringement number. The new I.N shall be sent to the offender with a letter explaining the previous error and supplying the new notice. Any such errors must be rectified promptly for the benefit of the offender, and in recognition of the tight timeframes for processing I.N's in the Court.

# Appendix 2 - CDG Scoring

	0	1	2	3	4	5	6	7	8	9	10
<b>Deliberate action or lack of due care</b>		Unintentional		Lack of due care		Negligence		Deliberate		Deliberate to make \$\$\$	
<b>Failure to act on prior instruction; advice; notice</b>	No										
<b>Fish or game taken/ impact or effect on resource</b>	Nil taken	Low take				Moderate take		Moderate to high- limit or exceeds limit		Multiples of limit	
<b>Cooperation</b>	Proactively cooperative	Fully cooperate		Somewhat cooperative		Reluctant		Non-cooperative		Aggressively Non-cooperative	
<b>Degree of deterrence needed</b>	No deterrence required									Full deterrence required	

## Number Guide for assessing whether an Infringement is needed.

Fish/Game take issues	Low number = nil to low end of bag limit.	Moderate = mid bag limit	High = bag limit and above
<15 consider I.N.			
15 to 20 Consider I.N possible prosecution			
>20			prosecution

Consider

## Appendix 3 - Compliance Decision Group

# Compliance Decision Group Meetings

## Role of the CDG

- a. The purpose of the CDG is to decide, in an objective and consistent manner, what action should be taken regarding a non-compliance with legislation, regulations, and notices that a Fish and Game Council operates under. Most decisions in relation to straight forward matters will be made by the relevant Regional Fish & Game Manager, e.g. simple fish without licence, or hunt without licence matters. However, more complex matters involving multiple offences, and recidivist offenders will be decided by CDG process, which shall peer review the decision and process.
- b. At the meeting, the non-compliance shall be discussed in terms of the various factors set out in more detail below. The action to be taken is then agreed upon.

## When to have a CDG meeting?

A CDG meeting could be held when there is a reliable and admissible evidence of a breach of the Conservation Act 1987 and / or Wildlife Act 1953, including any regulations made under those Acts, by an identifiable offender **and** there is any of the following:

- a. Previous offending, incidents or non-compliance;
- b. A potential and /or significant effect on the fish or game resource;
- c. Multiple offences; or
- d. Offences of technical or serious nature.

Also consider the degree of cooperation of offender, remorsefulness, and if forfeiture of gear is desired.

## Pre-CDG checklist

- a. To assist in ascertaining whether a CDG process is needed, complete the Pre - CDG checklist (attachment 1).
- b. Before organising a CDG, check whether any Fish & Game Region is currently taking enforcement action against the offender, or has previously been dealt the offender with for an offence. To do this check the National Compliance Database.

If the offending does not meet the criteria for a CDG decision, the Regional Fish & Game Manager may authorise proceeding with issue of an I.N.

If the offending meets the criteria for a CDG, that course of action shall be proceeded with.

## Preparation - What to do?

- a. Complete the CDG form (attachment 2), which includes:
  - Offenders details;
  - A brief outlined summary of the offence(s);
  - Previous enforcement action - check national data base);
  - The relevant Act and section/s breached;
  - Previous non-compliance by the offender and any enforcement action taken;
  - The outcome desired; and
  - The recommended action to reach that outcome.
- b. Provide the CDG form to the group with sufficient time for the matter to be considered prior to discussion.

## The meeting

Using the CDG checklist, the CDG form, and the file, the group works through the sections of the CDG form (attachment 2) and makes a decision on the action to be taken. This may be one or more of the following:

- a. Formal written warning;
- b. Infringement notice (I.N); and / or
- c. Prosecution.

## What is considered during the meeting?

Factors taken into account will include:

- a. What is the desired outcome?
- b. Whether Fish & Game or any other agency has previously dealt with the offender for offending against the Conservation Act 1987 and / or Wildlife Act 1953, including any regulations made under those Act;
- c. The seriousness of the offending and actual / potential effect on sports fisheries / game bird resources / habitat;
- d. The attitude of the offender; and
- e. The degree of deterrence required.

The offending can be scored using the CDG scoring system to ensure consistency between decisions.

## The outcome

- a. All warning letters and I. N's should be issued within 14 days of the CDG decision.
- b. I.Ns shall be sent by domestic post to the offenders last known postal address / place or residence or usual address, and relevant copies shall be placed on the file, and for processing as an I.N.

## Records

Ensure all records are kept on file and the Regional Fish & Game office.

## Attachment 1 - CDG Checklist

**Offence(s):**

**Subject Name:**

**Is there:**

1. A clear breach of the Act, regulations, bylaws or notice? Y/N

with sufficient evidence of the breach?

**and**

2. any of the following:

- Previous incidents/offending/non-compliance by the person Y/N
- A potential and/or significant effect on the fish or game resource Y/N
- Multiple offences Y/N
- Offences of technical or serious nature Y/N

**If yes to 1 only, no CDG is needed and Regional Manager can authorise I.N.**

**If yes to 1, & 2, CDG consultation is implemented.**

Also consider the degree of cooperation of offender, remorsefulness, and if forfeiture of gear is desired.

**Before completing CDG form:**

- Check all previous enforcement action,
- Peruse the file,

- If offender is a company (rare for Fish & Game matters), check details on [www.companies.govt.nz](http://www.companies.govt.nz). If you can't find it there look it up in the yellow pages, and print it off,
- Google the person or business to see what is found,
- If there is any current enforcement action against the person? Check National database.

**Complete the CDG form including:**

- Responsible party/parties identified and verified, addresses and contact persons,
- Summary of offence,
- Previous enforcement action,
- Act/Sections breached,
- The outcome you want,
- Recommended action to reach the desired outcome,

Email all people involved in the CDG a copy of the CDG form, preferably at least one day before CDG.

Notes:



## Attachment 2 - CDG Form

### CDG meeting/consultation

Location of incident/offence(s).

Subject name:

Date of birth:

Address:

Offence(s).

Summary of incident.

Act and section(s) breached.

Previous enforcement history.

Outcome desired.

Evidential test is met.

Prosecution or issue of I.N is in the public interest.

Result of CDG consultation/meeting.

Recommended action.

Outcome.

## 11. National Prosecution Policy

### 1. Purpose

To provide feedback to NZ Council on the draft National Prosecutions Policy

### 2. Background

The New Zealand Fish and Game Council has requested feedback from regional councils on this draft policy prior to their August meeting.

### 3. Recommendations

***3.1 That Council reviews this draft policy and provides any feedback it may have for NZ Council.***

## **NATIONAL POLICY ON PROSECUTIONS**

**Fish and Game Councils, April 2019**

**Prepared by:** Robert Sowman, NZ Council Planning & Policy Manager

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The purpose of this Prosecutions paper is to consider it as a revised version of National Policy approved in July 2014. The reason for a revision is to make the policy consistent with, and referenced to, the Conservation Infringement Policy.

A national policy on prosecutions sets out principles and guidelines which Fish & Game councils will follow in making the decision to initiate criminal proceedings, and when considering appeals against Court decisions arising from Fish & Game's prosecutions.

The intention of the policy is not to restrict the discretion of individual regions to decide whether to commence a prosecution or not, but rather to provide a structure to ensure that decisions are made in an informed and considered case by case manner.

This revised policy removes reference to reparation, introduces diversion and cross-references with the compliance and law enforcement policy required to issue infringement notices.

### **Recommendation**

- 1. Note that the Prosecutions policy was approved as national policy in July 2014 but that it no longer reflects today's practices.**
- 2. That the revised national policy on Prosecutions be considered by each Fish and Game Council in consultation with the NZ Fish and Game Council before finalising and ratifying as national policy.**
- 3. That feedback be provided to Robert Sowman for inclusion in a report to New Zealand Council at its August 9 – 10<sup>th</sup>, 2019 meeting.**



## **National Policy on Prosecutions**

# National Policy on Prosecutions

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## Purpose

1. The purpose of this Policy is to set out principles and guidelines that Fish and Game Councils will follow in making the decision to initiate criminal proceedings, including infringement notice processes, and when considering appeals against Court decisions arising from prosecutions.

## Accountability

2. This Policy must be adhered to by Fish & Game New Zealand staff involved in the preparation and conduct of all prosecutions, including infringement notice processes. It applies in conjunction with the Fish & Game New Zealand Infringement Notice Compliance and Enforcement Policy.

## Scope

3. This Policy applies to all prosecutions and potential prosecutions arising from enforcement action and investigations by Fish and Game Councils under legislation, including regulations, anglers' notices and game bird season notices applicable to Fish & Game New Zealand, and / or that Fish and Game Councils may deal with breaches of, or consider taking action in relation to.

## Conflicts of Interest

4. Fish and Game Councils and staff with duties or accountability under this Policy must act fairly, promptly, without any actual or potential conflict of interest and in accordance with the law.
5. Any person involved in the investigation, preparation or conduct of a prosecution who may have any actual or potential conflict of interest whatsoever must disclose the matter of concern immediately to their Regional Manager or Chief Executive.

## Prosecution Decisions

6. The decision to prosecute – or not to prosecute- will be based on the following factors:
  - a. The Solicitor - General's Prosecution Guidelines. This Policy adopts the Solicitor – General's Guidelines and it must be read in conjunction with those guidelines;<sup>1</sup>
  - b. The purpose of the legislation which Fish and Game Councils are seeking to enforce by a proposed prosecution;
  - c. The resources available to Fish and Game Councils relative to the public interest in a prosecution proceeding; and
  - d. Whether another prosecuting agency has or will bring criminal proceedings in relation to the same subject matter and the potential Fish & Game New Zealand prosecution.

## Test for Prosecution

7. Prosecutions, including infringement notice processes, will be initiated only if both of the requirements set out in the Solicitor - General's Prosecution Guidelines can be met, these are:
  - a. The evidence which can be adduced in court is sufficient to provide a reasonable prospect of conviction – the Evidential Test; and

- b. Prosecution is required in the public interest - the Public Interest Test.<sup>7</sup>
- 8. Staff with accountabilities under this Policy must separately consider and be satisfied that each aspect of the above test is met before a decision to prosecute or if applicable, to issue an infringement notice, is made. The evidential sufficiency of a proposed prosecution must first be satisfied before the public interest is considered. All of the evidence and information available must be analysed and evaluated in a thorough and critical manner. The evidence available must be capable of reaching the standard of proof required, i.e. beyond reasonable doubt.
- 9. If the conclusion is reached that there is insufficient evidence or that it is not in the public interest to prosecute (which includes issue an infringement notice), a decision of “no prosecution” will be taken. A decision of “no prosecution” does not preclude any further consideration of a case, if new and additional evidence becomes available, or a review of the original decision is required.

### Decision Making Procedures

- 10. Decisions to prosecute must be made in accordance with the Solicitor - General’s Prosecution Guidelines. The ability to commence prosecutions comes from the Criminal Procedure Act 2011, which applies to all charges and provides that:
  - a. “Any person may commence a proceeding”;<sup>8</sup> and
  - b. A criminal proceeding in respect of an offence is commenced by filing a charging document in the District Court.<sup>9</sup>
- 11. Section 26S(7) of the Conservation Act 1987 provides an authority for Fish & Game Councils to appear before courts in relation to matters affecting the Councils functions.
- 12. A recommendation by a region’s Compliance Coordinator or other person dealing with a matter, to commence a prosecution, or take an alternative course of action, must be approved by the Regional Manager or Chief Executive. To achieve this, the following procedures must be followed:

### Recommendation to prosecute/not prosecute

- 13. When rangers / Fish and Game Officers investigate a suspected breach of any Act, including the Conservation and Wildlife Acts, Regulation, Angler Notice, or Game Bird hunting Notice, a file must be produced containing:
  - a. All relevant evidence; and
  - b. A covering report, including a recommendation as to what action, if any, maybe appropriate.
- 14. The person within each region responsible for prosecutions must forward the file to the Regional Manager or Chief Executive for review and for consideration as to how the matter is progressed and / or resolved.
- 15. Resolution for any alleged offences may include the following:
  - a. No action;
  - b. Warning letter;
  - c. Youth warning with parental follow up;

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<sup>7</sup> See Appendix 1 – The ‘Public Interest’ test

<sup>8</sup> Section 15 of the Criminal Procedure Act 2011.

<sup>9</sup> Section 14(1) of the Criminal Procedure Act 2011.

- d. Issuing and Infringement Notice; or
  - e. Prosecution (with or without diversion as appropriate).
16. The Regional Manager or Chief Executive receiving the file, report, and accompanying recommendation must promptly assess and consider the matter in accordance with this policy **and** in accordance with the processes outlined within the Fish & Game New Zealand Infringement Notice Compliance and Enforcement Policy.
  17. The decision as to how to proceed; whether to take no action, issue a written warning, issue an infringement notice or commence a prosecution, will be made by the Regional Manager in consultation with the Region Compliance Coordinator, with input from the Compliance Decision Group, as appropriate, particularly in more complex or technical matters. The processes involved are outlined in the Infringement Notice Compliance and Enforcement Policy.
  18. The Regional Manager or Chief Executive may consider seeking legal advice and/ or refer the matter back to the Compliance Coordinator and / or investigating officer for further enquiries or to ensure the file is to a satisfactory standard.
  19. The Regional Manager or Chief Executive reviewing the file must in accordance with this policy assess the appropriate level of action to be taken in relation to the file.
  20. The following must be reviewed in relation to each file:
    - a. Thoroughly assess any proposed prosecution or infringement notice action in accordance with this policy, the Infringement Notice Compliance and Enforcement Policy, and the Solicitor - General's Prosecution guidelines.
    - b. Request any necessary further enquires or investigations, if further information is required, or the file is not to a satisfactory standard.
    - c. Check the offender's previous conviction history and any previous history of Fish & Game offending.
    - d. Authorise if prosecution is to proceed and note the file with reasons for this.
    - e. If authorising prosecution determine the number and nature of charges to be filed in Court.
    - f. In complex or technical matters refer the file to the Compliance Decision Group for assessment and decision.
    - g. If prosecution is authorised assess if diversion of charge(s) is appropriate as a resolution option. In making this assessment the factors outlined in the section titled 'Diversion' must be considered.

### **When Prosecution is authorised**

21. Refer the file to a prosecuting staff member of Fish and Game, or if an external solicitor is to be engaged with conducting the prosecution, forward the file to that solicitor with a request to conduct prosecution, and reasons for this.

### **When Prosecution with diversion is authorised**

- 22: Ensure that the processes in the section titled 'Diversion' are followed.
23. If the Regional Manager or Chief Executive or Fish and Game prosecutor or solicitor engaged to conduct a prosecution does not endorse the proposed prosecution, the following procedure is to apply :

- a. The matter shall be referred to the Compliance Decision Group (CDG) for further consideration.
- b. The Compliance Decision Group shall take all steps to resolve the matter, which may include seeking legal and / or other expert advice.
- c. A decision must be in accordance with the Solicitor - General's Prosecution Guidelines.

## Responsibility of Prosecutors

24. Once a decision to prosecute is made, accountability for the legal issues in connection with the prosecution passes to the Fish and Game staff member responsible to act as prosecutor, or to the external solicitor engaged to conduct the prosecution for Fish and Game. This includes:
  - a. Determining correct charges and wordings;
  - b. Ensuring the prosecution file is prepared to an appropriate standard;
  - c. Preparing a summary of facts;
  - d. Compliance with the Criminal Procedure Act 2011 and the Criminal Disclosure Act 2008;
  - e. The Prosecutor representing Fish & Game New Zealand with competency and to the ethical standards expected of prosecutors and by the Solicitor – General;
  - f. Consulting with the regional manager or chief executive and staff about any developments that may affect the conduct of the prosecution; and
  - g. Advising the Regional Manager or Chief Executive about any media interest in a prosecution.

## Diversion

25. Diversion is a prosecution process where an offender charged with offence(s), is summonsed and appears in Court, but the prosecution makes available to the defendant a means to remedy the wrong by an alternative resolution, and when that is completed the charge(s) are dismissed by the Court. Therefore, the defendant does not receive a conviction and is not subject to a Court imposed penalty.
26. Diversion can involve the offender paying a donation to Fish & Game along with a contribution to the prosecutions costs or could be another outcome, such as volunteer work.
27. If the defendant does not complete – or rejects- the diversion offer or conditions, the Court process continues, and the Court will deal with the matter as any other Court prosecution.
28. Diversion is a process recognised by the Criminal Procedure Act 2011<sup>10</sup> and is used routinely by most prosecuting agencies.
29. If a decision is made to prosecute an offender rather than issue an infringement notice, that does not mean that the offender cannot be considered for diversion.
30. If a decision is made to prosecute and offer diversion instead of issuing an infringement notice, then diversion shall not be offered to the defendant until at least the first court appearance. The reason for this is that prosecution instead of issuing an infringement notice must be for reasons around the seriousness and circumstances of the offence, **and** the need for judicial intervention. Having an offender appear in Court reinforces the seriousness of the offending and the unsuitability of resolving it by an out of Court action by way of infringement notice.

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<sup>10</sup> See sections 147 and 148 of the Criminal Procedure Act 2011.



## **Diversion eligibility**

31. To be eligible for consideration to be offered diversion an offender:
  - a. Should have no previous convictions or history of Fish & Game offences, including written warnings for offences against the Conservation and Wildlife Acts and / or any notices / regulations made under those Acts; and
  - b. If the offender has previous convictions or history of Fish & Game offences that those matters are either not recent, or the convictions or previous offence history is not relevant to the current offending and charge(s).

## **Diversion processes**

32. The processes involved in operating diversion are set out in the attached appendix 2 titled 'Diversion Guidelines'. This sets out the processes to follow in running a diversion process and in then notifying the court when diversion is complete and having the charge(s) dismissed.

## **Diversion conditions: donations**

33. When a condition of diversion is a donation to Fish & Game the level of donation should be set at a level consistent with an infringement fee for the same or similar offence. If the offence being diverted is not an infringement offence, a decision to fee level should be made considering infringement offences fee levels, and the overall circumstances of the offending.

## **Diversion conditions: contribution to costs of prosecutions**

34. When a condition of diversion is a contribution to the prosecution's costs, this should be set at a level which is fair, reasonable, transparent and consistent with other similar matters and in consideration of the circumstances of the matter and the actual costs incurred by Fish & Game.

## **Appeals**

35. Any Fish and Game prosecution, which results in consideration for an appeal will be:
  - a. Discussed by the Regional Manager or Chief Executive with the prosecutor involved, and any other relevant staff; and
  - b. Discussed with the NZ Fish and Game Council CEO.
36. Any appeal to be lodged will require:
  - a. A legal opinion assessing the matter and suitability for appeal; and
  - b. The Solicitor - General's approval must be obtained in accordance with the Criminal Procedure Act 2011.

## Document Status

File Reference.	Version	Date prepared	Author	Date Submitted to NZC:
H\NZC1520 Compliance and Enforcement\Compliance Policy\ National Policy on Prosecutions	v.1.1	July 2013	Anthony van Dorp with input from Jacob Smyth & Robert Sowman	July 2014 adopted as National Policy
	v.2.1	14 March 2019		April 2019
<b>Summary</b>				<b>Date approved</b>

## Appendix 1 - The 'Public interest' test<sup>11</sup>

1. Once a prosecutor is satisfied that there is sufficient evidence to provide a reasonable prospect of conviction, the next consideration is whether the public interest requires a prosecution. The Solicitor - General's Guidelines in relation to the public interest test should be referred to in conjunction with this appendix.
2. The following section lists some public interest considerations for prosecution which may be relevant and require consideration by staff when determining where the public interest lies in any particular case. The following list is illustrative only.

### Public interest considerations for prosecution:

- a. The predominant consideration is the seriousness of the offence. The gravity of the maximum sentence and the anticipated penalty is likely to be a strong factor in determining the seriousness of the offence;
  - b. Whether the offence involved violence;
  - c. Where there are grounds for believing that the offence is likely to be continued or repeated, for example, where there is a history of recurring conduct;
  - d. Whether the defendant has relevant previous offending. Check for previous convictions, diversions or cautions / warnings;
  - e. Where the offence is prevalent;
  - f. Where the offender was a ringleader or an organiser of the offence;
  - g. Where the offence was premeditated;
  - h. Where the offence was carried out by a group;
  - i. Where the offender has created a serious risk of harm;
  - j. Where the offence has resulted in financial loss to Fish and Game;
  - k. Where the offence was committed against a person carrying out a statutory function, for example a Fish and Game ranger;
  - l. Where there is an element of false or misleading behaviour / conduct.
3. For example, a decision was made by regional Fish and Game Councils to initiate prosecutions in the following cases:
    - a. An honorary Fish and Game ranger approached and spoke to two lake shore anglers, who were both found to be spin fishing without current fishing licences. As the ranger spoke to the two unlicensed anglers a licenced companion of theirs approached the ranger and acted in an obstructive manner, threatened to physically injure the ranger, refused to provide the ranger with his name and details, displayed his bare buttocks at the ranger and threw stones at the ranger's boat as he retreated following. In response

<sup>11</sup> Solicitor – General's Prosecution Guidelines: [http://www.crownlaw.govt.nz/uploads/prosecution\\_guidelines\\_2013.pdf](http://www.crownlaw.govt.nz/uploads/prosecution_guidelines_2013.pdf)

to the principal offender's behaviour, one of the unlicensed anglers refused to provide the ranger with his name and address or surrender his fishing equipment for seizure and displayed his bare buttocks at the ranger as he retreated. As a result of the incident the ranger seriously considered surrendering his warrant as an honorary Fish and Game ranger; and

- b. An angler was found by a Fish and Game ranger fishing on a lake trolling for trout without a current fishing licence. The angler had been convicted in the District Court approximately 3 months earlier for fishing without a licence during the same season.
4. The following section lists some public interest considerations against prosecution which may be relevant and require consideration when determining where the public interest lies in any particular case. The following list is illustrative only. Again, the Solicitor-General's Guidelines should be referred to.

**Public interest considerations against prosecution:**

- a. Where the Court is likely to impose a very small or nominal penalty;
  - b. Where the loss or harm can be described as minor and was the result of a single incident, particularly if it was caused by an error of judgement or genuine mistake;
  - c. Where the offence is not of any test of a serious nature, and is unlikely to be repeated;
  - d. Where there has been a long passage of time between an offence taking place and the likely date of hearing such as to give rise to undue delay or an abuse of process unless:
    - i. the offence is serious; or
    - ii. delay has been caused in part by the offender; or
    - iii. the offence has only recently come to light; or
    - iv. the complexity of the offence has resulted in a lengthy investigation.
  - e. Where a prosecution is likely to have a detrimental effect on the physical or mental health of a victim or witness;
  - f. Where the offender is elderly;
  - g. Where the offender is a youth;
  - h. Where the offender has no previous convictions;
  - i. Where the offender was at the time of the offence or hearing suffering from significant mental or physical ill-health;
  - j. Where the offender has rectified the loss or harm that was caused (although defendants should not be allowed to avoid prosecution simply because they pay reparation / compensation);
  - k. Where any proper alternatives to prosecution are available
5. For example, a decision was made by regional Fish and Game Councils to not initiate a prosecution in the following cases:
- a. An honorary Fish and Game ranger found a middle-aged male spin fishing for trout on a local river. The angler claimed to be employed and have recently brought a fishing licence from a local licence agent, which he couldn't find in his fishing bag. The ranger issued the angler with a failure to produce notification requiring him to produce his fishing licence, none was forthcoming. Initial enquiries by Fish and Game revealed that the angler did not have a current fishing licence as claimed. Prima facie evidence was available of the offender fishing without a licence (a strict liability offence, which meant

that there was no need to prove the offender intended to commit the offence) and providing the ranger with false / misleading information.

6. Subsequent enquiries by Fish and Game revealed that:
  - i. The offender had a diagnosed intellectual disability, which meant that he could not read or write, had limited insight into his actions and was inclined to make things up; and
  - ii. The offender received on-going assistance from community support services and worked in a local workshop for people with intellectual disabilities. Evidence was provided to Fish and Game by the offender's support worker with respect to the nature and severity of the offender's intellectual disability.
7. In addition, after speaking with the ranger the offender's support worker assisted the offender with purchasing a fishing licence for the remainder of the season. Accordingly, a decision was made to explain to the offender the relevant rules and regulations and need for a fishing licence rather than prosecute.
8. In another case a regional Fish and Game Council decided not to prosecute two middle aged males who were found by a ranger fishing without licences. The facts of the case were that the two were residents of a drug and alcohol rehabilitation facility and had been sent off trout fishing for the day in an effort to occupy them. It was evident that neither knew they had to have a trout fishing licence and were new to fishing, having borrowed spin rods. Enquiries found one of the two had suicidal tendencies when stressed, and their care giver had overlooked the fact that licences were required. Accordingly, a decision was made to explain to the offenders, and their carers the relevant rules and regulations and need for fishing licences for any future excursions.
9. Another (hypothetical) situation also illustrates this point. A person is found walking in a trout spawning stream and in so doing disturbing the spawning grounds of freshwater fish, during the spawning season. The person claims to be there to gather watercress and is found in possession of freshly picked water cress and there is no evidence whatsoever that they are there to take trout. There is prima facie evidence of an offence against Section 26ZJ of the Conservation Act 1987, in that the ingredients or elements of the offence can be made out, and the offence is strict liability in that the prosecution does not need to prove that the defendant intended to commit the offence.
10. In considering the first part of the Solicitor - General's Prosecution Guidelines requirements – the Evidential Test, the evidential test may well be fulfilled, in that all elements of a charge are met. However, in considering the second part, the Public Interest Test, an examination of the matter may well result in the public interest test not being met. Particularly if any harm was minor, caused by an error of judgement or genuine mistake, and unlikely to be repeated. In such a case a decision can correctly be made of 'no prosecution'. Conversely in the same scenario, if the person can be shown to be reckless, caused much damage, and had no remorse, i.e. is likely to repeat the offence, than public interest may well dictate a prosecution is justified.
  - A. These considerations are not comprehensive or exhaustive. The public interest considerations which may properly be taken into account when deciding whether the public interest requires prosecution will vary from case to case. In Fish and Game prosecutions, which are often of a regulatory nature, relevant considerations will include:
    - i. Fish and Game's statutory objectives and enforcement priorities;

- ii. The effect of a decision not to prosecute on public opinion;
  - iii. The obsolescence or obscurity of the law; and
  - iv. The prevalence of the alleged offence and the need for deterrence.
- B. Cost is also a relevant factor when making an overall assessment of the public interest.
- C. None of the above factors are necessarily determinative in themselves; all relevant and applicable public interest factors must be weighed.
- D. A decision whether or not to prosecute must not be influenced by:
  - i. The race, ethnic or national origins, sex, marital status, religious, ethical or political beliefs of the offender; or
  - ii. The prosecutor's personal views regarding the victim or the offender; or
  - iii. Possible political advantage or disadvantage to Fish and Game; or
  - iv. The possible effect on the personal or professional reputation or prospects of those responsible for the prosecution decision.

## Appendix 2 - Diversion

### How to use diversion as a process.

1. Offence meets the criteria for prosecution, i.e. meets prosecution guidelines tests for evidential sufficiency **and** prosecution is in the public interest.
2. Obtain an up to date criminal history for the defendant.
3. Check defendant is eligible for diversion – no previous relevant convictions (note that the point of diversion is generally to prevent a person getting a first conviction, although if previous convictions are old, or unrelated to the current offence, diversion may still be considered).
4. File charging document(s) in Court as per usual commencement of a prosecution in accordance with the Criminal Procedure Act 2011. Summons in accordance with Criminal Procedure Rules 2012 and initial disclosure package in accordance with Criminal Disclosure Act 2008 is served on the defendant.
5. The diversion offer can only be offered once the defendant has appeared in Court at first appearance which is usually in Registrars List in the District Court. This can have the advantage of the process being seen to have more judicial oversight. Having an offender appear in Court reinforces the seriousness of the offending and the unsuitability of resolving it by an out of court action, including by way of an infringement notice(s).
6. When diversion is offered at first court appearance the matter would be remanded off to another date to allow the defendant and prosecution to arrange diversion conditions and to allow time for the defendant to complete them.
7. Diversion conditions should include:
  - a. A contribution to summons service and prosecution costs. This should be set at a level which is fair, reasonable, transparent and consistent with other similar matters and in consideration of the circumstances of the matter and the actual costs incurred by Fish & Game.
  - b. The diversion agreement conditions do not have to be negotiable; the offer and conditions can be put to the defendant, although overall circumstances of the offending and the offender should be taken into account.
  - c. A donation to an identifiable cause. For example, junior angler and hunter programmes, angler / hunter access, wetland development programmes. The level of donation should be set at a level consistent with an infringement fee for the same or similar offence. If the offence being diverted is not an infringement offence, a decision to fee level should be made considering infringement offences fee levels, and the overall circumstances of the offending.
  - d. Diversion can include surrender of gear for disposal, e.g. ammunition / fishing gear where there is good reason for this to happen.
  - e. A written apology may be required to demonstrate the defendant's acceptance of responsibility and remorse.
  - f. In some cases, diversion can include a donation to another external charity.
8. When the diversion conditions are met, the prosecution must ensure that the court is advised in writing that diversion is completed, and request the Court dismisses the charge(s). This is a requirement of Section 148 of the Criminal Procedure Act 2011. This can be done by the prosecutor at the next court date, or administratively by written application to the

Court. For sake of transparency the court can be advised in this application what the diversion conditions were, although this is not a requirement. When advising the Court that diversion is complete an application should be also made for the charge(s) to be dismissed pursuant to Section 147 of the Criminal Procedure Act 2011.

9. If diversion is not completed by the agreed date the prosecution will proceed as per any other non-diversion prosecution, or an extension of time could be granted by the Court to complete diversion if the prosecution seeks an extension.
10. When diversion is completed the defendant can be advised that they do not need to appear in Court at the next Court date, as the matter is being dismissed. If represented by a lawyer the Criminal Procedure Act does not require the defendant to appear in court, if they have already been excused.

**Prosecutions only to be initiated or continued if the test for prosecution is met**

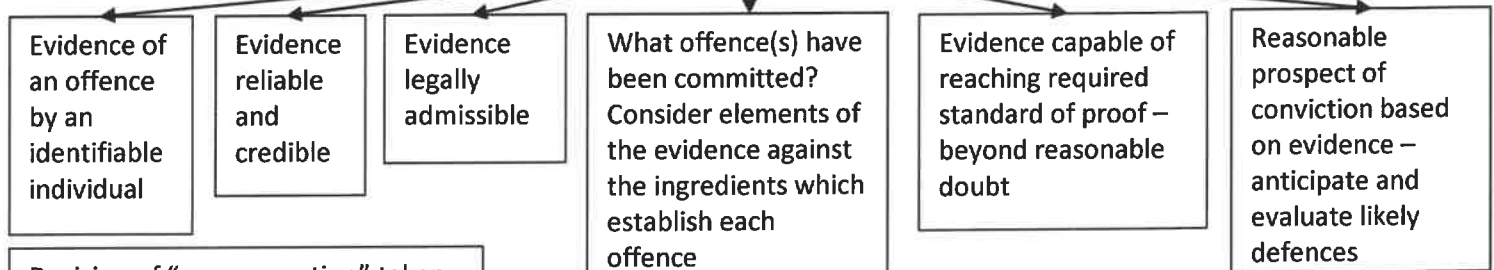
**Test for prosecution met if:**

1. Evidence which can be adduced in Court is sufficient to provide a reasonable prospect of conviction – the Evidential Test; and
2. Prosecution is required in the public interest – the Public Interest Test.

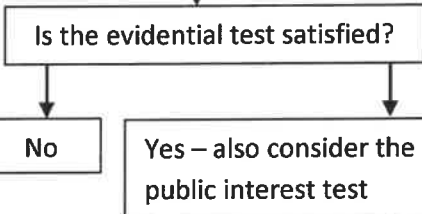
Each aspect of test must be considered separately and satisfied before a decision to prosecute is made. Evidential test must be satisfied before public interest test is considered.

**The Evidential test – Step 1**

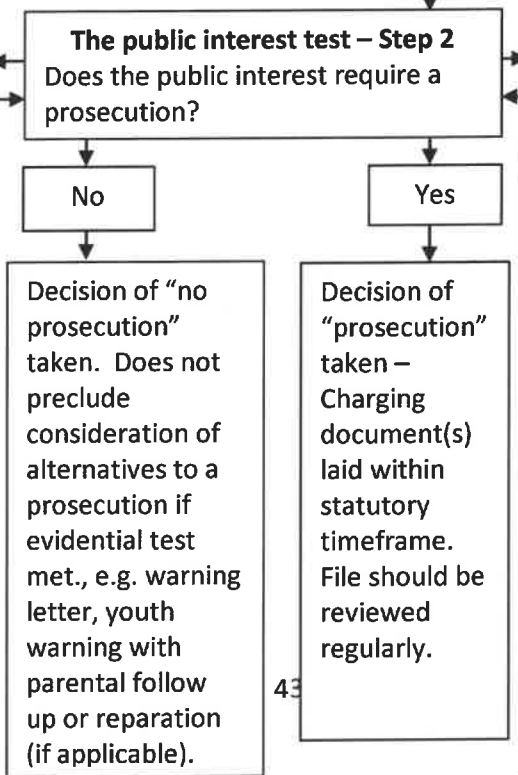
Reasonable prospect of conviction exists if there is reliable and admissible evidence which prosecution can adduce before a Court and an impartial Judge or jury could reasonably be expected to be satisfied beyond reasonable doubt that individual prosecuted has committed an offence – Consider each of the following elements:



Decision of “no prosecution” taken if evidential test not met. Does not preclude further consideration of case if new and additional evidence becomes available, or a review of original decision is required (rare step)



- Public interest considerations for prosecution (list is illustrative only):**
- Seriousness of the offence – predominant consideration;
  - Violence / threats involved;
  - Prevalence of offence and need for deterrence;
  - Defendant has relevant previous convictions and / or reparation / warnings for similar offences;
  - Offence premeditated or carried out by a group;
  - Defendant ringleader or organiser of offence;
  - Offence resulted in financial loss / risk of harm;
  - Offence committed against a Ranger serving the public;
  - Offence involved false or misleading behaviour;
  - Effect decision not to prosecute.



- Public interest considerations against prosecution (list is illustrative only):**
- Court likely to impose small / nominal penalty;
  - Offence minor and unlikely to be repeated
  - Loss or harm minor and result of a single incident, esp if judgment error or genuine mistake;
  - Obscurity of the law;
  - Age – youth / elderly;
  - Physical / mental health of offender;
  - No previous convictions;
  - Offender rectified loss / harm caused – but shouldn't be able to buy way out of prosecution;
  - Proper alternatives to prosecution available;
  - Cost of prosecution.



**13. LIAISON OFFICERS REPORTS**

**13.1 EAST COAST/HAWKE'S BAY CONSERVATION BOARD**

**13.2 REPORTS FROM OTHER AGENCIES**

**13.3 REPORTS FROM NEW ZEALAND COUNCIL**

## **14. OPERATIONAL REPORTS**

### **14.1 MANAGEMENT REPORT**

#### **SPECIES MANAGEMENT**

##### **1111 River Fisheries Investigations**

The latest didymo survey sampling was undertaken for the Ngaruroro and Tutaekuri rivers on Thursday 16th May.

Staff issued a press release to promote the Didymo check clean dry message which was picked up by the Hawkes Bay Today.

Staff have scheduled time to complete spawning counts on the Esk and Waipawa River tributaries over June/July and August.

Staff have begun taking trout samples from the Ngaruroro River for use in a nation-wide study being conducted by Adam Canning (Wellington Fish and Game). The study aims to estimate the long-term consumption of whitebait by trout using stable isotopes at a range of sites throughout NZ. Adam has so far collected samples from Wellington, Nelson-Marlborough and West Coast.

##### **1112 Data watch**

Tutira – there have been 8 tags returned so far this season compared to 1 to at the same point last year.

Lake Hawkston – three tagged fish reported compared to none at the same point last year.

Maraetotara – none compared with the same amount (0) at the same point last year.

##### **1122 Game Bird Hunter Surveys**

We contracted the Southern Institute of Technology again this year to conduct the Hunter survey; staff supply a hunter list each fortnight for these surveys to be conducted. This is ongoing and will continue until the end of the game bird season.

##### **1151 Game Farm Operations**

We continue to develop the shade house. Staff have collected seeds from cabbage trees and flax for future planting. All fish have been transferred from the tanks to the pond for future fishing events. The tank has been cleaned out and is ready for our next delivery of fish from Eastern Fish and Game. All predator traps are checked regularly and re-set.

##### **1152 Game Farm Maintenance**

The Lawn mowing contractors continue to keep the grounds tidy and weed spray when necessary. In future, some maintenance work will be completed by Department of Corrections community workers.

##### **1154 Investigate Game Farm Development**

Staff have requested two further quotes for earthworks of the proposed wetland area and have organised to meet with HBRC staff to discuss consent requirements.

## **1180 Game Bird Control**

Over the past two months, we have issued one permit to disturb for pukeko.

## **1211 RMA Planning**

### **1. Tukituki Taskforce**

This has now been cancelled by the Hawkes Bay Regional Council. No reasons for the cancellation were given, however, it will be related to the package of initiatives recently announced by the regional council to improve water security in the region.

### **2. Changes to minimum flows**

Following a loss of support amongst regional councillors, the Hawkes Bay Regional Council has dropped plans to delay the introduction of minimum flows on the Tukituki River. The underlying issue has not gone away, and may reemerge with another dry spring leading into summer.

### **3. Water security initiatives**

The HBRC is promoting a range of water initiatives in the region, some funded by the provincial growth fund. They include:

- a) 3D mapping of the Tukituki and Heretaunga aquifer to enable it to be understood and managed in real time.
- b) An investigation into managed aquifer recharge, whereby the aquifer is used as a water storage reservoir. There are benefits and risks from this. The benefits can include a higher water table and reduced stream depletion, but the risks are a change of the reduction-oxidation "redox" state in groundwater, through mixing new water with old water. This can cause the loss of attenuation capacity for nutrients within the area.
- c) Some support for small scale storage dams. This poses some risk to Fish and Game if the dams proposed are of catchment or sub-catchment scale, but less risk if the proposals are smaller.

### **4. TANK plan change**

The proposed TANK plan change has been shared with the community, albeit in a poor way which has reduced input. Staff have declined a request from the Hawkes Bay Regional Council to have a further meeting of the TANK collaborative group, as staff believe it is important to now proceed to the formal stage of the process. Ngati Kahungunu have significant concerns that the plan change does not reflect environmental or cultural interests and will be meeting with staff this month.

There will be a challenge to maintain environmental protections and minimum flows in some rivers. Staff recommend that existing unspent legal funds in the region (previously earmarked towards the Ruataniwha project) are reallocated to the TANK project, in case.

Internal resources across Fish and Game will sufficient for the regional hearings stage of the process, it is after that that further resources will be needed.

### **1212 Consent Applications**

Hawke's Bay Regional Council continues to email us weekly with a list of consent applications. We read through the list and determine if we need to request more information on certain consents.

### **1230 Assisted Habitat**

We continue to offer advice to landowners on game bird habitat management. Staff are working with two landowners to submit applications for Gamebird Habitat Trust Grants and are supplying plants and advice to those who do not require earthworks to enhance their ponds.

Staff have also met with representatives of the Department of Corrections who will be providing voluntary labour every Thursday in our shade house. Staff approached Oderings Garden Centre who will be providing their used pots and root trainers free of charge. The plants produced through this initiative will be used on our own habitat projects, community projects and given to Gamebird Habitat Trust grant recipients.

### **1312 Maintain and Enhance Access**

Staff have completed an inventory of signage of the Tutaekuri River and tributaries and have approached the Walking Access Commission to request funding for replacement signage. An inventory of signage has been completed on the Ngaruroro and Esk rivers and signage has been replaced as needed with the leftover signs we have from previous upgrades.

### **1313 Hunter Ballots**

Logan Rodgers was the winner of the Peka Peka (Junior - stand 6) ballot. Logan pegged his stand before Opening Morning, and this was promoted on Facebook.

Staff are continuing to liaise with Pan Pac to secure forestry ballots for upland game hunting.

### **1331 Electronic Newsletters**

Staff continue to produce Reel Life and Both Barrels newsletters for anglers and hunters.

### **1333 Fish & Game Web Site**

16 posts have been put on our Facebook page over the last two months covering the following topics:

- Promoting winter fishing licence
- Junior Ballot winner
- Reel life/Both Barrels
- Compliance
- Encouraging return of duck bands
- Gamebird food festival
- Encouraging hunters to take a mate out

- Notifying hunters that we are holding satisfaction surveys
- Habitat stamp photo competition

We now have 603 people following our Facebook page.

### **1352 Angler/Hunter Training**

Hastings Anglers Club ran junior and novice 'Learn to fly fish' courses at the Game Farm over 5 weeks during April/May. The courses had good attendance and received positive feedback from all. The tutors have indicated that they would like to run further courses over winter including a women's course.

Staff ran a steel shot patterning event at the Hawkes Bay Sporting Shooters' shoot on the 14<sup>th</sup> April at Ben Lomond Station.

### **1352 Angler/Hunter Enquiries**

Staff continues to field enquiries from anglers and hunters on a regular basis.

Introduction to trout fishing/game bird hunting and wetland packs are distributed to interested parties.

### **1361 Fish & Game Club Communications**

Hawkes Bay Fish & Game donated a Game Bird Habitat Print to the Kennels Gun Club's Annual Duck Shoot along with Fish and Game promotional material.

### **1371 Fish & Game Huts**

Smoke alarm batteries were replaced at Glenfalls Hut on the 14<sup>th</sup> May.

### **1411 Statutory and Political Awareness**

Staff have attended two meetings at Hawkes Bay Regional Council to put together a standard operating procedure to manage sediment and weed removal in drains and modified streams in the Hawkes Bay region.

### **1421 Public Communications**

Staff issued a press release to promote the Gamebird Food Festival which was picked up by the Hawkes Bay Today.

### **1441 Public Promotions**

Staff have been in contact with A&P show organisers to organise a Fish and Game display. Christine attended the South Island Fish and Game public awareness conference held on the 23<sup>rd</sup> May.

### **1511 Ranging**

We had three teams out ranging throughout the region on Saturday 4<sup>th</sup> and two teams operating on the Sunday. Each team was comprised of two staff/Honorary Rangers and a Police Officer. Team One covered Maraetotara, Te Awanga, Waimarama and the Tukituki Valley. Team Two covered Bridge Pa, Maraekakaho and Lake Poukawa, while Team Three covered Tikokino, Argyll East/West and Waipawa. In total, 46 hunters were checked with five hunters found to be in breach of regulations giving an 89% compliance rate. The weather

was calm with blue skies and some low fog remaining until late morning both days. Bags were relatively low with no hunters checked having reached their limit on any species and the average bag sitting around four mallards.

Three hunters were found not to have a game licence. One unlicensed hunter also had a magazine capacity greater than the 2+1 limit and was found to be using lead shot. Two further hunters were found with unpinned guns with a magazine capacity greater than 2+1. Both hunters appeared aware of the rules around magazine capacity. One firearm was also found abandoned along with lead and steel shot in a maimai. Police confiscated the gun and ammunition at the time, and we will be following up with the owner.

While most hunters were friendly and happy to see us out, the team operating in the Tikokino/Argyll area encountered a group, some of whom acted aggressively. The hunters took exception to how visible our rangers were (as they were wearing Hi-Viz jackets) and the length of time the rangers and police spent in the area disturbing the hunting. This was primarily due to the rangers/police entering on the wrong track as it was difficult to tell which entrance would lead directly to the pond. When assistance was requested from the hunters to provide directions, none was given. The situation was calmed down by Honorary Ranger Colin Rose and members of the Police however, Bruce Bates received a complaint from one of the hunters about the incident.

Rangers and Police were happy with how things went, and no issues were encountered with new firearm laws. Staff would like to thank the Police Officers and Honorary Rangers who helped out during the weekend.

#### **1531 Prosecutions**

Five prosecution files have been completed and sent to the lawyers' offices prior to laying charges. Two of these cases are fishermen and the other three are hunters who were not abiding by regulations.

#### **1621 Licence Agent Support**

Christine has supplied agents with promotional material focussing on the Gamebird Food Festival, returning of duck bands and has provided regulation booklets.

#### **1811 Sports Fish & Game Management Plan**

Staff have requested an update from DOC planners in Hamilton on the status of the sports management plan.

#### **1930 Staff House**

Underfloor insulation has been installed and roof insulation has been topped up to meet 2019 housing standards. A quote has been requested for the installation of a ventilation system in the kitchen (also necessary for new rental standards). The driveway is scheduled to be re-gravelled in early June. A quote has been requested to fix a hole in the floor in the laundry as well as replace broken internal bricks in the fireplace.

#### **1990 Vehicles**

The Toyota Hilux was sold on the 27<sup>th</sup> April.

**1991 Vehicle Maintenance**

The two Ford Ranger vehicles have had their 5,000km and 15,000km services respectively.

## 14.2 HEALTH AND SAFETY REPORT

Ref: 9.01.07

### 1. Background

As part of its commitment to Health and Safety and providing a safe workplace, the Hawkes Bay Fish and Game Council require a report at each meeting describing:

1. Implementation and adherence to the Health and Safety policy/manual – including H&S as an agenda item for staff and Ranger meetings;
2. Monitoring and Reporting – in accordance with the Health and Safety plan;
3. Risk Management (identification and treatment) – any new issues or hazards that have arisen and how these have been addressed;
4. Training programme – information sharing and training of staff and volunteers;
5. H&S incidents – near misses or injuries sustained, plus updates on past events;
6. Recommendations.

### 2. April/May 2019 update

Staff meetings have Health and Safety on the agenda as a standard item. Staff are given the opportunity to raise any issues, and as a team we develop a procedure to minimise the risks.

Health and Safety information and documents have been added to the staff white board. Staff continue to use the field intention forms when working in the field and ranging work.

Staff held an evening on Thursday 2<sup>nd</sup> May with the rangers and NZ Police involved in compliance work over Opening Weekend. Hazards were identified and discussed in detail. A tailgate form was signed off on opening morning and kept on file.

Smoke alarm batteries were replaced at Glenfalls Hut on the 14<sup>th</sup> May 2019.

A fire extinguisher was installed in the new Ford Ranger on the 14<sup>th</sup> May 2019.

### 3. Monitoring and Reporting

Work Place Accident Register

As at 31 May 2019

Number of workplace injuries in 2018-2019 year	0
Number of workplace injuries in 2017-2018 year	1
Number of workplace injuries in 2016-2017 year	0
Number of workplace injuries in 2015-2016 year	0

### 4. Training programme

- Christine Tuck completed a refresher first aid course on the 4<sup>th</sup> of June 2019.
- Nick Page (Field Officer) completed a first aid refresher course on the 13<sup>th</sup> May 2019.

### 5. H&S incidents

No incidents to report.

**14.2. Recommendations: That Council accepts the health and safety report**



## **14.3 FINANCE REPORT**

### **1.0 Purpose**

To inform the Council of the current financial position and approve payments for the month of January and February 2019.

#### **Find Attached:**

- 1. Table 1- Other Income**
- 2. Table 2 – Profit & Loss to 30 April 2019**
- 3. Table 3 – Balance Sheet as at 30 April 2019**
- 4. Table 4- Hawke’s Bay Variance Report as at 30 April 2019**
- 5. Table 5- Bank Transactions for the month ended 31 March 2019**
- 6. Table 6 -Bank Transactions for the month ended 30 April 2019**

### **2.0 YTD Profit and Loss**

The profit and loss summary for the 2-month period ended 30 April 2019 is attached (Table 2).

#### **Income**

##### ***Licence Income***

Total Licence Sales to April 2019 are \$390,813 (\$281,967 fish, \$96,590 game and Non-resident levy \$12,256) compared to a total budget of \$444,436 (\$277,182 for Fish and 152,480 for Game and \$14,774 for the Non-Resident Levy). Fish sales have exceeded budget sales by \$4,785 Game sales are at 63% of target – refer to licence sales report as many sales took place in the first week of May.

##### ***Other Income***

YTD Other Income totals \$20,952 against the budget of \$30,910.

<b>Table 1: Other Income</b>	<b>Budget \$</b>	<b>Actual \$</b>	<b>Variance</b>
Sundry	-	737	(737)
Rent - Maize	5,000	2,261	2,739
Liberations - Contract	-		0
Game Bird Hire Equipment	-	296	(296)
Legal Funding	-	731	(731)
Reparations	-		0
Wetland Landowner Advice	-		0
Walking Access Grant	-		0
DVD Sales	-	9	(9)
Advertising - Newsletter	500	250	250
Junior Hunt Sponsorship	-	696	(696)
Take a Child Fishing	-		0
Glenfalls Hut	1,000	1,313	(313)
Fines	500		500
Salaries Contract	2,520		2,520
Rent - Staff houses	9,000	6,200	2,800
Meeting Room Hire	2,000	722	1,278
Interest received	10,390	5,485	4,905
Gain on Sale of Asset	-	2,223	(2,223)
Donations	-	30	(30)
<b>Total Other Income</b>	<b>30,910</b>	<b>20,953</b>	<b>9,957</b>

### Expenditure

#### **Depreciation**

Depreciation has been calculated each month. YTD Depreciation is \$15,071 (in line with budget) Total Budget Depreciation for the year is 21,564. Loss on sale \$1,349 on the sale of the Navara ST - GYB904. Note in the Income there was a gain on sale of Toyota Hilux ute of \$2,223.

#### **Species Management**

*Population Monitoring – YTD \$10,099 Spent -Total Budget \$13,800.*

Spending in the period related to the hire of the helicopter for the Drift dive of the Mohaka River in April. (\$1,528)

*Harvest Assessment – No Spending YTD – Total Budget \$5,900*

*Game Farm – YTD \$2,838 Spent -Total Budget \$16,300*

Costs incurred in March and April 2019 relate to Ace lawn services plus Fish food purchased in March. There is a credit in April for \$405. This relates to the over accrual of the installation of the bores from August 2019. The final cost of the project was less than originally quoted.

*Releases – YTD \$11,791 – Total Budget \$11,624*

No Spending in period under review.

*Control – No Spending YTD – Total Budget \$600*

Habitat

*RMA – YTD \$731– Total Budget \$7,000 - Offsetting Income \$731*

No Spending in period under review.

*Works and Management – YTD No Spending – Total Budget \$2,000*

Assisted Habitat – YTD \$2,243 - Total Budget \$10,000

Expenditure within March 2019 for Assisted Habitat has been the water testing of Phosphorus and Nitrogen levels at various sites to investigate suitability to receive funding from Fonterra and Hawkes Bay Regional Council's pilot scheme – “stripping nutrition levels” (\$1,088)

### ***Participation***

*Access – YTD \$560– Total Budget \$2,500*

Signs for access along the Mohaka and Fish regs at the hut were produced – total cost \$560.

*Newsletters – \$3,741 YTD – Total Budget \$9,250*

Costs relate to the Gamebird newsletter – printing and Postage.

*Angler & Hunter Training – \$757 YTD – Total Budget \$4,700*

Costs in March \$187 relate to the Fish out day and in April the costs incurred relate to the Ben Lomond Shoot. \$393

*Fish & Game Huts – \$600 YTD – Total Budget \$1,000*

In the period under foam mattresses were purchased for the Hut – these have DoC approved covers on them.

*YTD \$5,715 vs Budget of \$18,850. This budget should be underbudget for the year by \$3,000 as there is no longer a charge for the regional pages in the Fish and Game Magazine.*

### ***Public Interface***

*Public Interface – YTD \$464 Spent -Total Budget \$2,500*

Costs incurred in the period were flights and accommodation for staff attendance at the Public awareness meeting held in Christchurch in April.

### ***Compliance***

*Total Compliance \$ 1,684 YTD vs Budget of \$2,700.*

Costs in this period relate to offence stationery and Ranger Cards as well as prepaid lunches for the opening weekend.

### ***Licensing***

*Agent Servicing – YTD \$103 Spent– Total Budget \$500*

Morning tea to agents for start of Gamebird season were cost for Match and April.

*Commission – YTD \$15,885 Spent – Total Budget \$19,334*

Commission as a percentage to Sales is 4.06%. The budget for commission is 4.5%. (last year it was 5% - which is the commission we pay the Agents) A reduction in the Commission amount highlights the move by licence holders move towards online purchasing.

### ***Council***

*Council Meetings– YTD \$913 Spent– Total Budget \$2,500*

*Other Council Expense – YTD \$6,807. No Budget (for legal assistance for Hawke’s Bay Audit)*

\$3,195 reported in March relates to the legal assistance provided to the Council for the Hawke’s Bay Audit.

### ***Planning & Reporting***

*Audit – YTD \$4,008 Spent– Total Budget \$6,400*

*National Liaison – YTD \$20 Spent– Total Budget \$300*

#### **Administration**

- Salaries. YTD \$141,554 Spent – which represents 58% of the budget (67% of year is completed) Accruals for Annual leave and TIL have been accrued as at 30/4/19.
- Within Staff Expenses – YTD \$6,187 Spent – Total Budget \$10,670. Cost incurred during the period include Performance review, Staff training for Jesse and Christine and Health & Safety costs – including a first aid course in March.
- Staff Houses – YTD \$769 Spent– Total Budget \$11,000. Current period costs are for rates.
- Office Premises– YTD \$4,278 Spent – Total Budget \$7,200. In the current period costs related to the rates, cleaning cost and power.
- Office Equipment – YTD \$1,397 Spent– Total Budget \$2,960. \$120 per month for the photocopy lease plus the purchase of a Huawei 3I Smartphone.
- Communication – YTD \$8,307 Spent– Total Budget \$13,500. These costs represent the monthly accounting fee- XERO, photocopy expenses, postage, stationery, and telephone costs. In March there was a large purchase of post paid envelopes \$400.
- General – YTD \$772 Spent – Total Budget \$7,300. YTD the General Expense are monthly Bank Charges. Insurance costs have yet to be invoiced.
- General Equipment – YTD \$222 Spent – Total Budget \$3,800.
- Vehicles – YTD \$9,061 – Total Budget \$12,200. This represents petrol, Registrations, & RUC’s (Road User Charges). Insurance for the new Ford Ranger is included in the March accounts (\$488)

Levy to NZC YTD \$20,190. Per Budget 3 of 4 levies paid.

YTD a surplus of \$139,307.

## Table 2 Profit and Loss

### Hawke's Bay Fish and Game Council For the 2 months ended 30 April 2019

	MAR 2019	APR 2019	YTD ACTUAL	TOTAL BUDGET	VAR TO BUDGET	% OF BUDGET
<b>Income</b>						
<b>Licence Income</b>						
Fish Licence Income	13,273	9,980	281,967	277,182	4,785	102%
Game Licence Income	13,890	82,682	96,590	152,480	(55,890)	63%
Non Resident Licence Revenue	1,371	503	12,256	14,774	(2,518)	83%
<b>Total Licence Income</b>	<b>28,534</b>	<b>93,165</b>	<b>390,813</b>	<b>444,436</b>	<b>(53,623)</b>	<b>88%</b>
Other Income	4,301	4,382	20,952	30,910	(9,958)	68%
<b>Total Income</b>	<b>32,835</b>	<b>97,548</b>	<b>411,765</b>	<b>475,346</b>	<b>(63,581)</b>	<b>87%</b>
<b>Operating Expenses</b>						
Depreciation	2,108	2,108	15,071	21,564	(6,493)	70%
Loss on Disposal	-	-	1,349	1,189	160	113%
<b>1100 SPECIES MANAGEMENT</b>						
1110 Population Monitoring	132	1,528	10,099	13,800	(3,701)	73%
1120 Harvest Assessment	-	-	-	5,900	(5,900)	-
1150 Game Farm	1,080	(405)	2,838	16,300	(13,462)	17%
1160 Releases	-	-	11,791	11,624	167	101%
1180 Control	-	-	-	600	(600)	-
<b>Total 1100 SPECIES MANAGEMENT</b>	<b>1,212</b>	<b>1,123</b>	<b>24,728</b>	<b>48,224</b>	<b>(23,496)</b>	<b>51%</b>
<b>1200 HABITAT PROTECTION MANAGEMENT</b>						
1210 Resource Management Act	-	-	731	7,000	(6,269)	10%
1220 Works & Management	-	-	-	2,000	(2,000)	-
1230 Assisted Habitat	1,181	-	2,243	10,000	(7,757)	22%
<b>Total 1200 HABITAT PROTECTION MANAGEMENT</b>	<b>1,181</b>	<b>-</b>	<b>2,974</b>	<b>19,000</b>	<b>(16,026)</b>	<b>16%</b>
<b>1300 PARTICIPATION</b>						
1310 Access	560	-	560	2,500	(1,940)	22%
1320 Satisfaction Survey	-	-	-	500	(500)	-
1330 Newsletters	2,586	1,155	3,741	9,250	(5,509)	40%
1340 Informational Publications	-	-	-	800	(800)	-
1350 Angler & Hunter Training	187	393	757	4,700	(3,943)	16%
1360 Club Relations	57	-	57	100	(43)	57%
1370 Fish & Game Huts	388	213	600	1,000	(400)	60%
<b>Total 1300 PARTICIPATION</b>	<b>3,777</b>	<b>1,761</b>	<b>5,715</b>	<b>18,850</b>	<b>(13,135)</b>	<b>30%</b>
<b>1400 PUBLIC INTERFACE</b>						
1430 Advocacy	-	-	-	1,000	(1,000)	-
1440 Public Promotions	-	414	464	1,000	(536)	46%
1450 Visitor Facility/Education	-	-	-	500	(500)	-
<b>Total 1400 PUBLIC INTERFACE</b>	<b>-</b>	<b>414</b>	<b>464</b>	<b>2,500</b>	<b>(2,036)</b>	<b>19%</b>

Table 2 Profit and Loss

	MAR 2019	APR 2019	YTD ACTUAL	TOTAL BUDGET	VAR TO BUDGET	% OF BUDGET
<b>1500 COMPLIANCE</b>						
1510 Ranging	432	149	1,380	1,500	(120)	92%
1520 Ranger Training	-	-	304	700	(396)	43%
1530 Compliance/Prosecutions	-	-	-	500	(500)	-
<b>Total 1500 COMPLIANCE</b>	<b>432</b>	<b>149</b>	<b>1,684</b>	<b>2,700</b>	<b>(1,016)</b>	<b>62%</b>
<b>1600 LICENSING</b>						
1620 Agent Servicing	64	12	103	500	(397)	21%
1630 Commission	1,088	4,236	15,885	19,334	(3,449)	82%
<b>Total 1600 LICENSING</b>	<b>1,153</b>	<b>4,248</b>	<b>15,987</b>	<b>19,834</b>	<b>(3,847)</b>	<b>81%</b>
<b>1700 COUNCILS</b>						
1720 Council Meetings	9	48	913	2,500	(1,587)	37%
Other Council Expenses	3,195	-	6,807	-	6,807	-
<b>Total 1700 COUNCILS</b>	<b>3,204</b>	<b>48</b>	<b>7,720</b>	<b>2,500</b>	<b>5,220</b>	<b>309%</b>
<b>1800 PLANNING/REPORTING</b>						
1830 Reporting/Audit	-	-	4,008	6,400	(2,393)	63%
1840 National Liaison	-	20	20	300	(280)	7%
<b>Total 1800 PLANNING/REPORTING</b>	<b>-</b>	<b>20</b>	<b>4,027</b>	<b>6,700</b>	<b>(2,673)</b>	<b>60%</b>
<b>1900 ADMINISTRATION</b>						
1910 Salaries	16,423	26,615	141,555	243,214	(101,659)	58%
1920 Staff Expenses	280	66	6,187	10,670	(4,483)	58%
1930 Staff Houses	-	635	769	11,000	(10,231)	7%
1940 Office Premises	560	167	4,278	7,200	(2,922)	59%
1950 Office Equipment	504	120	1,397	2,960	(1,563)	47%
1960 Communications/Consumables	1,452	576	8,307	13,500	(5,193)	62%
1970 General (inc Insurance)	73	88	772	7,300	(6,528)	11%
1980 General Equipment	-	-	222	3,800	(3,578)	6%
1990 Vehicles	1,669	217	9,061	12,200	(3,139)	74%
<b>Total 1900 ADMINISTRATION</b>	<b>20,962</b>	<b>28,484</b>	<b>172,549</b>	<b>311,844</b>	<b>(139,295)</b>	<b>55%</b>
NZ F&G Levy	-	6,730	20,190	26,920	(6,730)	75%
<b>Total Operating Expenses</b>	<b>34,028</b>	<b>45,083</b>	<b>272,457</b>	<b>481,825</b>	<b>(209,368)</b>	<b>57%</b>
<b>Net Profit</b>	<b>(1,193)</b>	<b>52,464</b>	<b>139,307</b>	<b>(6,479)</b>	<b>145,786</b>	<b>-2,150%</b>

### **3.0 Balance Sheet**

Table 3 outlines the Balance Sheet as at 30 April 2019 compared to year end as at 31 August 2018.

This report has been prepared in the same format as the Annual Accounts.

**Bank Accounts-** there has been an increase in Bank from \$126k at 31/8/18 to \$168k as at 30 April 2019

**Debtors and prepayments \$126,339** - made up of Accounts receivable (\$126,339). The majority of the Accounts receivable as at 30 April 2019 was amounts owing by Eyede Solutions \$125,838 (34k paid 3/3/19, \$21 paid 8/5/19 – balance of \$88k due 5/6/19).

**Accounts Payable** - \$18,509 – largest being to NZFGC for levies and a payment owing to Irrigation services.

Income in Advance \$21,996 relates to year end licence sales that are reported in advance.

**Employee costs payable** \$11,708 – this is the accrual for annual leave owing as at 30 April 2019.

**Equity** has been presented as per the Annual Accounts.

**Dedicated Reserves** have moved by \$14,774 – For the Back-Country Fisheries Reserve which represents the amount received YTD for the Non-Resident Licence levy received YTD \$14,774.

## Table 3: Balance Sheet

### Hawke's Bay Fish and Game Council As at 30 April 2019

	30 APR 2019	31 AUG 2018
<b>Assets</b>		
<b>Bank</b>		
Westpac Call Account	100,251	62,000
Westpac Current Account	5,983	4,090
Petty Cash & Licence Float	230	230
Donation Account	61,215	60,195
<b>Total Bank</b>	<b>167,679</b>	<b>126,515</b>
<b>Current Assets</b>		
<b>Debtors &amp; prepayments</b>		
Accounts Receivable	126,340	12,910
Interest Accrued & Prepayments	-	4,781
GST	-	13,697
<b>Total Debtors &amp; prepayments</b>	<b>126,340</b>	<b>31,388</b>
Investments	307,294	313,895
Farmlands Shares	1,835	1,835
<b>Total Current Assets</b>	<b>435,468</b>	<b>347,118</b>
Fixed Assets	460,551	475,000
<b>Total Assets</b>	<b>1,063,698</b>	<b>948,634</b>
<b>Liabilities</b>		
<b>Current Liabilities</b>		
<b>Creditors and accrued expenses</b>		
Accounts Payable	18,509	39,700
Accrued Expenses	4,264	7,574
Income in Advance	21,996	28,741
GST	17,564	-
Westpac Credit cards	968	741
<b>Total Creditors and accrued expenses</b>	<b>63,302</b>	<b>76,756</b>
Employee costs payable	11,709	22,498
Rounding	-	-
<b>Total Current Liabilities</b>	<b>75,011</b>	<b>99,254</b>
<b>Total Liabilities</b>	<b>75,011</b>	<b>99,254</b>
<b>Net Assets</b>	<b>988,687</b>	<b>849,380</b>
<b>Equity</b>		
<b>Accumulated Funds</b>		
Accumulated Funds	658,502	643,950
Current Year Earnings	139,307	24,828



Table 3: Balance Sheet

	30 APR 2019	31 AUG 2018
Transfer To/From Reserves	(14,774)	(10,276)
<b>Total Accumulated Funds</b>	<b>783,035</b>	<b>658,502</b>
<b>Dedicated Reserves</b>		
Asset Replacement Reserve	80,253	80,253
Back Country Fisheries Reserve	43,134	28,360
Hawke's Bay Pheasants Unlimited	1,602	1,602
River/Water Quality Donations	57,694	57,694
<b>Total Dedicated Reserves</b>	<b>182,683</b>	<b>167,909</b>
<b>Restricted Reserves</b>		
Hawke's Bay Wildlife Fund	22,969	22,969
<b>Total Restricted Reserves</b>	<b>22,969</b>	<b>22,969</b>
<b>Total Equity</b>	<b>988,687</b>	<b>849,380</b>

Table 4 : Region: Hawkes' Bay to 30 April 2019

2018/19 YTD REPORT OF VARIANCES BETWEEN BUDGET AND ACTUAL EXPENDITURE AND INCOME

Code	Project	EXTERNAL COSTS				HOURS				INTERNAL COST				NETTABLE INCOME				NET COST			
		Budget		Actual		Budget		Actual		Budget		Actual		Budget		Actual		Budget		Actual	
1110	Population Monitoring	\$ 13,800	\$ 10,089	543	599	\$ 34,039	\$ 31,720	\$ -	\$ -	\$ -	\$ -	\$ 47,839	\$ 41,819	\$ 6,019	\$ 87.4						
1120	Harvest Assessment	\$ 5,900	\$ -	150	15	\$ 9,403	\$ 794	\$ -	\$ -	\$ -	\$ -	\$ 15,303	\$ 794	\$ 14,509	\$ 5.2						
1130	Fish Salvage	\$ -	\$ -	0	0	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 0.0						
1140	Hatchery Operations	\$ -	\$ -	0	0	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 0.0						
1150	Game Farm	\$ 16,300	\$ 2,839	195	124	\$ 12,224	\$ 6,566	\$ -	\$ -	\$ -	\$ -	\$ 28,524	\$ 9,405	\$ 19,118	\$ 33.0						
1160	Liberations	\$ 11,624	\$ 11,791	10	11	\$ 627	\$ 583	\$ -	\$ -	\$ -	\$ -	\$ 12,251	\$ 12,374	\$ (123)	\$ 101.0						
1170	Regulations	\$ -	\$ -	54	10	\$ 3,385	\$ 530	\$ -	\$ -	\$ -	\$ -	\$ 3,385	\$ 530	\$ 2,856	\$ 15.6						
1180	Control	\$ 600	\$ -	17	35	\$ 1,066	\$ 1,853	\$ -	\$ 296	\$ -	\$ -	\$ 1,666	\$ 1,557	\$ 108	\$ 93.5						
	<b>TOTAL - SPECIES MANAGEMENT</b>	\$ 48,224	\$ 24,729	969	794	\$ 60,743	\$ 42,047	\$ -	\$ 296	\$ -	\$ -	\$ 108,967	\$ 66,480	\$ 42,487	\$ 61.0						
1210	RMA	\$ 7,000	\$ 731	330	201	\$ 20,686	\$ 10,644	\$ -	\$ 731	\$ -	\$ -	\$ 27,686	\$ 10,644	\$ 17,042	\$ 38.4						
1220	Works & Management	\$ 2,000	\$ -	120	23	\$ 7,522	\$ 1,218	\$ 5,000	\$ -	\$ 2,261	\$ -	\$ 4,522	\$ (1,043)	\$ 5,565	\$ -23.1						
1230	Assisted Habitat	\$ 10,000	\$ 2,243	206	113	\$ 12,913	\$ 5,984	\$ -	\$ -	\$ -	\$ -	\$ 22,913	\$ 8,227	\$ 14,686	\$ 35.9						
1240	Assessment	\$ -	\$ -	0	0	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 0.0						
1250	Legal Expenses Reimbursed	\$ -	\$ -	0	0	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 0.0						
	<b>TOTAL - HABITAT PROTECTION &amp; MAN</b>	\$ 19,000	\$ 2,974	656	337	\$ 41,122	\$ 17,846	\$ 5,000	\$ 2,992	\$ -	\$ -	\$ 55,122	\$ 17,828	\$ 37,294	\$ 32.3						
1310	Access	\$ 2,500	\$ 560	145	108	\$ 9,090	\$ 5,719	\$ -	\$ -	\$ -	\$ -	\$ 11,590	\$ 6,279	\$ 5,310	\$ 54.2						
1320	Satisfaction Survey	\$ 500	\$ -	147	0	\$ 9,215	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 9,715	\$ -	\$ 9,715	\$ 0.0						
1330	Newsletters	\$ 9,250	\$ 3,741	229	89	\$ 14,355	\$ 4,713	\$ 500	\$ -	\$ 250	\$ -	\$ 23,105	\$ 8,204	\$ 14,901	\$ 35.5						
1340	Other Publications	\$ 800	\$ -	148	13	\$ 9,278	\$ 688	\$ -	\$ -	\$ -	\$ -	\$ 10,078	\$ 688	\$ 9,389	\$ 6.8						
1350	Training	\$ 4,700	\$ 757	336	239	\$ 21,063	\$ 12,656	\$ -	\$ -	\$ 696	\$ -	\$ 25,763	\$ 12,717	\$ 13,045	\$ 49.4						
1360	Club Relations	\$ 100	\$ 57	43	54	\$ 2,696	\$ 2,860	\$ -	\$ -	\$ -	\$ -	\$ 2,796	\$ 2,917	\$ (121)	\$ 104.3						
1370	Huts	\$ 1,000	\$ 600	31	31	\$ 1,943	\$ 1,642	\$ 1,000	\$ -	\$ 1,313	\$ -	\$ 1,943	\$ 929	\$ 1,015	\$ 47.8						
	<b>TOTAL - ANGLER &amp; HUNTER PARTICIP</b>	\$ 18,850	\$ 5,715	1,079	534	\$ 67,638	\$ 28,278	\$ 1,500	\$ 2,259	\$ -	\$ -	\$ 84,988	\$ 31,734	\$ 53,254	\$ 37.3						
1410	Liaison	\$ -	\$ -	55	51	\$ 3,448	\$ 2,701	\$ -	\$ -	\$ -	\$ -	\$ 3,448	\$ 2,701	\$ 747	\$ 78.3						
1420	Communication	\$ -	\$ -	60	37	\$ 3,761	\$ 1,959	\$ -	\$ -	\$ -	\$ -	\$ 3,761	\$ 1,959	\$ 1,802	\$ 52.1						
1430	Advocacy	\$ 1,000	\$ -	128	77	\$ 8,024	\$ 4,078	\$ -	\$ -	\$ -	\$ -	\$ 9,024	\$ 4,078	\$ 4,946	\$ 45.2						
1440	Public Promotions	\$ 1,000	\$ 464	71	30	\$ 4,451	\$ 1,589	\$ -	\$ -	\$ -	\$ -	\$ 5,451	\$ 2,053	\$ 3,398	\$ 37.7						
1450	Visitors/Education	\$ 500	\$ -	140	102	\$ 8,776	\$ 5,401	\$ -	\$ -	\$ -	\$ -	\$ 9,276	\$ 5,401	\$ 3,875	\$ 58.2						
	<b>TOTAL - PUBLIC INTERFACE</b>	\$ 2,500	\$ 464	454	297	\$ 28,460	\$ 15,728	\$ -	\$ -	\$ -	\$ -	\$ 30,960	\$ 16,192	\$ 14,768	\$ 52.3						
1510	Ranging	\$ 1,500	\$ 1,360	200	114	\$ 12,537	\$ 6,037	\$ -	\$ -	\$ -	\$ -	\$ 14,037	\$ 7,417	\$ 6,620	\$ 52.8						
1520	Ranger Training	\$ 700	\$ 304	48	33	\$ 3,009	\$ 1,748	\$ -	\$ -	\$ -	\$ -	\$ 3,709	\$ 2,052	\$ 1,657	\$ 55.3						
1530	Compliance	\$ 500	\$ -	148	82	\$ 9,278	\$ 4,342	\$ 500	\$ -	\$ -	\$ -	\$ 9,278	\$ 4,342	\$ 4,935	\$ 46.8						
	<b>TOTAL - COMPLIANCE</b>	\$ 2,700	\$ 1,664	396	229	\$ 24,824	\$ 12,127	\$ 500	\$ -	\$ -	\$ -	\$ 27,024	\$ 13,811	\$ 13,213	\$ 51.1						
1610	Licence Production	\$ -	\$ -	200	129	\$ 12,537	\$ 6,831	\$ -	\$ -	\$ -	\$ -	\$ 12,537	\$ 6,831	\$ 5,706	\$ 54.5						
1620	Agent Servicing	\$ 500	\$ 103	96	67	\$ 6,018	\$ 3,548	\$ -	\$ -	\$ -	\$ -	\$ 6,518	\$ 3,651	\$ 2,867	\$ 56.0						
1630	Agent Payments	\$ -	\$ -	0	0	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 0.0						
	<b>TOTAL - LICENSING</b>	\$ 500	\$ 103	296	196	\$ 18,555	\$ 10,379	\$ -	\$ -	\$ -	\$ -	\$ 19,055	\$ 10,482	\$ 8,573	\$ 55.0						
1710	Council Elections	\$ -	\$ -	5	7	\$ 313	\$ 371	\$ -	\$ -	\$ -	\$ -	\$ 313	\$ 371	\$ (57)	\$ 118.3						
1720	Council Meetings & Expenses	\$ 2,500	\$ 7,720	450	289	\$ 28,209	\$ 15,304	\$ -	\$ -	\$ -	\$ -	\$ 30,709	\$ 23,024	\$ 7,685	\$ 75.0						
	<b>TOTAL - COUNCILS</b>	\$ 2,500	\$ 7,720	455	296	\$ 28,522	\$ 15,675	\$ -	\$ -	\$ -	\$ -	\$ 31,022	\$ 23,395	\$ 7,627	\$ 75.4						
1810	Management Plan	\$ -	\$ -	50	9	\$ 3,134	\$ 477	\$ -	\$ -	\$ -	\$ -	\$ 3,134	\$ 477	\$ 2,658	\$ 15.2						
1820	Annual Planning	\$ -	\$ -	116	91	\$ 7,272	\$ 4,819	\$ -	\$ -	\$ -	\$ -	\$ 7,272	\$ 4,819	\$ 2,453	\$ 66.3						
1830	Reporting - Auditing	\$ 6,400	\$ 4,027	228	274	\$ 14,292	\$ 14,510	\$ -	\$ -	\$ -	\$ -	\$ 20,692	\$ 18,537	\$ 2,156	\$ 89.6						
1840	National Liaison	\$ 300	\$ -	60	56	\$ 3,761	\$ 2,965	\$ -	\$ -	\$ -	\$ -	\$ 4,061	\$ 2,965	\$ 1,096	\$ 73.0						
	<b>TOTAL - PLANNING/REPORTING</b>	\$ 6,700	\$ 4,027	454	430	\$ 28,460	\$ 22,771	\$ -	\$ -	\$ -	\$ -	\$ 35,160	\$ 26,798	\$ 8,362	\$ 76.2						



#### **4.0 Variance report**

The variance report is shown on the above page - Table 4.

The figures in this report are taken from the Profit and Loss above - however, this report includes the staff hours. The Staff hours contribute to the Internal cost. Note that the Budget hours are for the total year and correspond with the Operational Work Plan- Actual hours are for September to April - so 8 months of the year. Income received for projects is set against each project to calculate a Net Cost for each project.

Attached Table 5 has been taken from Table 4 – but identifies just the Time. This shows all project budgets and the actual hours- with the % of actual to budgets smallest to largest.

With 67% of the year completed – 65% of the hours have been reported against projects.

<b>Table 5 : Summary of Actual Staff hours to Budget hours</b>				
<b>Code</b>	<b>Project</b>	<b>Budget</b>	<b>Actual</b>	<b>% of Actual hours to Budget</b>
1320	Satisfaction Survey	147	0	0%
1340	Other Publications	148	13	9%
1120	Harvest Assessment	150	15	10%
1810	Management Plan	50	9	18%
1170	Regulations	54	10	19%
1220	Works & Management	120	23	19%
1330	Newsletters	229	89	39%
1440	Public Promotions	71	30	42%
1230	Assisted Habitat	206	113	55%
1530	Compliance	148	82	55%
1510	Ranging	200	114	57%
1430	Advocacy	128	77	60%
1210	RMA	330	201	61%
1420	Communication	60	37	62%
1150	Game Farm	195	124	64%
1720	Council Meetings & Expenses	450	289	64%
1610	Licence Production	200	129	65%
1520	Ranger Training	48	33	69%
1620	Agent Servicing	96	67	70%
1350	Training	336	239	71%
1450	Visitors/Education	140	102	73%
1310	Access	145	108	74%
1820	Annual Planning	116	91	78%
1410	Liaison	55	51	93%
1840	National Liaison	60	56	93%
1370	Huts	31	31	100%
1160	Liberations	10	11	110%
1110	Population Monitoring	543	599	110%
1830	Reporting - Auditing	228	274	120%
1360	Club Relations	43	54	126%
1710	Council Elections	5	7	140%
1180	Control	17	35	206%
<b>TOTAL</b>		<b>4,759</b>	<b>3,113</b>	<b>65%</b>

**14.0 Bank Transaction**

*14.1 See attached table 6 and 7 detailing the Bank Trans for the months of March & April 2019*

**14.3 Recommendation**

*14.3.1 That Council approves the following payments:*

<i>March 2019 – table 6</i>	<i>91,334.80</i>
<i>April 2019 – table 7</i>	<i>41,293.00</i>
<i>Total to Approve</i>	<i>132,627.80</i>

*14.3.2 That Council accepts the Finance Report.*

## **Licence Sales Report**

**Ref: 6.01.05**

**27 May 2019**

### **1. Introduction**

This report provides an overview of the initial licence sales for the commencement of the 2018-2019 season.

### **2. 2018-2019 Fish Licence Sales**

- 2.1 Licence sales for the 2018-2019 season YTD are summarised in Table one.
- 2.2 A total of 102.7% of the annual sales target has been achieved.
- 2.3 Sales are reported to be 3.3 % above licences issued for the same period last year.
- 2.4 Nationally the licence sales are -2.3% below on last year's sales to the same time.

### **2.5 Recommendation**

*Council accepts the licence report*

Channel	FWF	FWA	FWNA	FSLA	FLAA	FWIA	FLBA	FSBA	FDA	FDNA	FWJ	FWND	FDJ	FDND	FWC	FWNC	FDNC	Total Fish	Fish LEQ	Fish Var	Fish \$	
Agency Online	235	653	134	131	110	29	10	55	187	267	84	4	104	14	0	0	0	2,017				
Public Online	171	377	152	49	66	35	6	70	261	271	54	4	21	5	0	0	0	1,542				
Eyede Call Centre	6	0	0	5	0	0	0	0	1	1	0	0	0	0	0	0	0	13				
<b>Total YTD 2017-2018</b>	<b>412</b>	<b>1030</b>	<b>286</b>	<b>185</b>	<b>176</b>	<b>64</b>	<b>16</b>	<b>125</b>	<b>449</b>	<b>539</b>	<b>138</b>	<b>8</b>	<b>125</b>	<b>19</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>3,572</b>	<b>2,439</b>		<b>\$269,305</b>	
Agency Online	207	634	126	143	137	66	8	58	188	284	82	2	91	11	0	0	4	2,041				
Public Online	187	383	193	52	70	52	9	91	281	151	61	3	30	1	0	3	0	1,567				
Eyede Call Centre	3	3	1	2	3	0	2	2	0	0	0	0	0	0	0	0	0	16				
<b>Total YTD 2018-2019</b>	<b>397</b>	<b>1020</b>	<b>320</b>	<b>197</b>	<b>210</b>	<b>118</b>	<b>19</b>	<b>151</b>	<b>469</b>	<b>435</b>	<b>143</b>	<b>5</b>	<b>121</b>	<b>12</b>	<b>0</b>	<b>3</b>	<b>4</b>	<b>3,624</b>	<b>2,518</b>	<b>3.3%</b>	<b>\$284,661</b>	
																			<b>80</b>			<b>\$15,356</b>

Increase/(Decrease) on 2017/18 YTD

**2018-19 Summary YTD Actual vs Total Budget**

2018-19 Annual Fish Licence Sales Budget	2,452	100.0%	\$277,183
2018-19 YTD Actual	2,518	102.7%	\$284,661
Remaining to meet budget	66	2.7%	\$7,478

**Estimate of Complete Season 2018-19 vs Total Budget 2018-19**

2018-19 Budgeted LEQs	2,452	100.0%	\$277,183
2017-18 Complete Season* LEQs	2,525		\$278,848
2018-19 Est. year end based on current variance	2,607	106.3%	\$294,748
Est Shortfall/Surplus 2018-19 Season vs Budget	155	6.3%	\$17,565

**Non resident levy funds not incl in national budget**

Category	Licences	Res Price	Res Price	Res Price	Gross Levy	Incl GST	Levy Ex GST	Total ex GST
FWNA	320	169	130	39	-1.76	37.25	32.39	\$10,364
FDNA	435	34	21	13	-0.59	12.42	10.80	\$4,696
FWNJ	5	34	26	8	-0.36	7.64	6.64	\$33
FDNJ	12	20	5	15	-0.68	14.33	12.46	\$149
FWNC	3	34	0	34	-1.53	32.47	28.23	\$85
FDNC	4	20	0	20	-0.90	19.10	16.61	\$66
<b>TOTAL</b>	<b>779</b>							<b>\$15,394</b>

\*NR based on difference between Resident and Non-resident licence type and excludes commission \$4.5% and GST 15%. NR revenue is excluded from sales report for both seasons as is dedicated to back country/sensitive fisheries.



### 3. 2019 Game Licence Sales

- 3.1 The YTD Game licence sales for the 2019 season are reported in Table two.
- 3.2 Total Game sales YTD have decreased by -1.1 % when compared to the same period last year and a total of 94.8% of the annual sales target has been achieved.
- 3.3 Nationally the licence sales are -2.3% below on last year's sales to the same time.

**Table two: 2019 Game Licence Sales Performance**  
Comparison of Game Licence LEQs to 27 May 2019

SALES CHANNEL	Adult Season		Junior Season		Child Season		Adult Junior 24 Hour		Whole Season Equiv.	% Increase/ Decrease on 2017
	Season	Hours	Season	Hours	Season	Hours	Hour	Hour		
Direct Sales*	353	44	44	3	19	0			366	6.2%
Agent Online Sales	1464	131	48	12	0				1493	-2.6%
<b>Total Game 2019</b>	<b>1817</b>	<b>175</b>	<b>51</b>	<b>31</b>	<b>0</b>				<b>1857</b>	<b>-1.1%</b>
Direct Sales*	333	31	11	28					345	
Agent Online Sales	1504	136	54	12	2				1533	
<b>Total Game 2018</b>	<b>1837</b>	<b>167</b>	<b>65</b>	<b>40</b>	<b>2</b>				<b>1878</b>	

TARGETS	Adult Season		Junior Season		Child Season		Adult Junior 24 Hour		Whole Season Equiv.	Actual to date % of Target
	Season	Hours	Season	Hours	Season	Hours	Hour	Hour		
2019 Total Budget	1902	181	87	100	7				1958	94.8%
2018 Total Sales	1902	181	87	100	7				1958	94.8%
2019 Estimated year end									1936	98.9%





## 15. PUBLIC EXCLUDED SESSION

Ref: 9.01.04

31 May 2019

### 1. Purpose

To discuss ongoing Hawkes Bay Audit and confirmed previous meeting minutes.

### 2. Recommendations

2.1 *That the public be excluded from the following parts of the proceedings of this meeting, namely a discussion on governance matters, staffing and management options.*

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:

Time:

**Resolved (/)**

**That the public be excluded from the following parts of the proceedings of this meeting**

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
15.1 Discussion on the ongoing 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
15.1	Protect the privacy of natural persons including that of deceased natural persons	Sec. 7(2)(a)	To allow Council to have frank discussion about the ongoing Hawkes Bay audit and governance

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:

**Resolved** ( / )

**That the open meeting of the Hawkes Bay Fish and Game Council resumes.**

**15. Recommendation**

**15.1 *That Council moves into a public excluded session to verify in committee minutes of previous meetings and discuss the ongoing audit of the Hawkes Bay Fish and Game Council.***

**16 Meeting Closes**