



**EASTERN
FISH AND GAME COUNCIL**

***MEETING
AGENDA***

13 June 2019

AGENDA

The 176th Meeting of the Eastern Fish and Game Council

Venue: Eastern Fish & Game Region Offices
Paradise Valley Road
ROTORUA

Date: Thursday, 13 June 2019

Commences: 12.00 PM

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11 Presentation: "A Year in the Life of a Fisheries Manager" (1.10 PM, 20 min)	
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16 General Business (2.20 PM, 40 min)	
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(R) = resolution required, **(D)** = for discussion/advice, **(I)** = for information only

**UNCONFIRMED MINUTES OF THE 175th MEETING OF THE EASTERN FISH
AND GAME COUNCIL, HELD AT THE ROTORUA OFFICES OF FISH & GAME
NEW ZEALAND ON THURSDAY 11th APRIL 2019 AT 12.00PM**

Present

Crs Murray Ferris, Barry Roderick, David Woolner, Lindsay Lyons, Laurance Tamati, Geoff Thomas, Ngahi Bidois, and Alan Baird.

IN ATTENDANCE

Andy Garrick, Kate Thompson, Matt McDougall, Anthony van Dorp, Lynne Sands, Mark Sherburn, John Meikle, Eben Herbert, Matt Osborne, Carmel Veitch, and Lloyd Gledhill (Eastern Fish & Game); Dave Conley (Department of Conservation).

1.0 WELCOME AND KARAKIA

- 1.1 Cr Murray Ferris (Chairman) opened the meeting at 12.03pm, welcomed all present, and invited Cr Ngahi Bidois to perform a karakia before the meeting got underway.
- 1.2 Murray advised that he had returned from overseas late the night before and had been unable to prepare for the meeting as he normally would have done. He asked that the meeting be chaired instead by Vice Chairman David Woolner. David advised he was happy to do this and proceeded to call for apologies.

2.0 APOLOGIES

- 2.1 Apologies were received from Crs Ken Coombes and Adam Rayner; Helen Neale (Department of Conservation); and Ken Raureti (Bay of Plenty Conservation Board).
- 2.2 *Agreed (Barry Roderick/Alan Baird) that the apologies for the 175th meeting of the Eastern Region Fish and Game Council be sustained. [19/04/2.2]*

3.0 MINUTES OF THE PREVIOUS MEETING (12 FEBRUARY 2019)

- 3.1 *Agreed (Murray Ferris/Lindsay Lyons) that the minutes of the meeting held on 12 February 2019 be confirmed as a true and correct record subject to the following amendment:*

Item 10.5, second sentence - amend "Cr Barry Roderick suggested we could consider halting liberations of trout into Lake Okataina" to "Cr Barry Roderick suggested we could consider reducing liberations of trout into Lake Okataina". [19/04/3.1]

4.0 IDENTIFICATION OF RESOLUTIONS FOR INCLUSION IN COUNCIL POLICY

- 4.1 There were no items for inclusion in Council policy.

5.0 MATTERS ARISING

- 5.1 There were no matters arising from the minutes of the meeting held on 12 February 2019

6.0 NOTIFICATION OF ITEMS FOR GENERAL BUSINESS

- Cr Lindsay Lyons – Shags on the Rangitaiki River
- Cr Murray Ferris – Wairoa Angling Club re co-opting members to Council
- Cr Lindsay Lyons – Alternative sources of revenue

7.0 CONFLICT OF INTEREST REGISTER

7.1 No conflicts of interest were identified.

8.0 2019 – 2020 OPERATIONAL WORK PLAN

8.1 Andy Garrick informed Council that normally the draft Operational Work Plan (OWP), budget and any contestable funding bids for 2019-2020 operational year would be presented to this meeting for review and amendment if necessary before the budget and bids were submitted to the Managers and New Zealand Council for approval and inclusion in the licence fee setting process. This year however, due to the NZC changing its meeting dates, this was not possible and in recognition of this this Council agreed at it's last meeting to delegate the task to the Executive Committee. The Executive Committee dealt with this in mid March and the NZC had since received our budget, approved the single contestable funding bid Eastern had submitted, and taken these figures into account when it agreed on proposed licence fees for 2019-2020 in early April. Andy noted that while this was the case there was still opportunity for Council to make changes to the draft OWP so long as any changes to budgets remained within the region's allocated bulk fund.

8.2 Andy provided a brief overview of the changes made to the OWP since the last meeting and pointed out the need to present a conservative budget in light of reduced licence sales.

8.3 Andy highlighted the significant changes to costs within the OWP which included the increased price of fish food which now had to be sourced from overseas, and the likelihood of reduced revenue from Hawke's Bay Fish & Game as a formal longer term contract with them had been put on hold. He advised that in the meantime, the Hawke's Bay Region would be invoiced on a month by month basis for services we provided to it. Cr Murray Ferris queried whether future assistance would depend on the outcome of the audit undertaken late last year? Andy Garrick advised that this was a consideration, but both regions also needed to determine what contribution Hawke's Bay staff could make to this region.

8.4 Cr Barry Roderick commented on ongoing investigations into establishing an enhanced fishery in the western Bay of Plenty and asked whether some of the large fish raised for release to the Rotorua lakes might also be considered for release into the Ruahihi Canal. He noted that last year's release of large fish into Lake Rotorua had been a very newsworthy topic and had generated very positive publicity. Mark Sherburn advised this was a possibility that could be discussed further once fish had been grown to an appropriate size, and decisions had been made on the fishery to be enhanced.

8.5 Cr David Woolner queried the reduction in spending on access projects yet the OWP proposed an increased emphasis on access? Anthony van Dorp advised that access work would continue to be undertaken by staff and contractors, and Andy added that that there was also a pressing need to have more access information including maps available and easily located on our website. It was noted that the reduction in spending in this output was associated with administering hunter ballots rather than being directly related to access initiatives.

8.6 Cr Barry Roderick commented on this region's contribution to national programmes and the time that staff spend on this. Barry felt that a figure needed to be placed on this effort to counter comments Councillors continued to receive from other regions that the Eastern Region was overstaffed. Andy Garrick acknowledged Barry's comments and added that the real issue was not so much that this region was overstaffed but that other regions were understaffed. Barry noted that while this may be the case it would be

useful to quantify how much time staff devote to national and other regional Fish & Game undertakings.

- 8.7 Cr Geoff Thomas referred to the proposal to review options for establishing a trophy fishery at Lake Okataina and asked whether this was new? Andy Garrick advised that this had been contemplated a number of times in the past, but there was no reason why Council shouldn't review the concept again and take a look at options that hadn't previously been trialled or given a fair chance to succeed.
- 8.8 ***Agreed (Alan Baird/Ngahi Bidois) that Council receives the draft 2019-2020 Operational Work Plan and confirms that no further amendments are required at this stage. [19/04/8.8]***

9.0 WAIKAREMOANA SPORTS FISH HABITAT ENHANCEMENT FUND

- 9.1 Andy Garrick provided a brief overview of the Waikaremoana Sports Fish Habitat Fund advising that interest proceeds from the fund were available to utilise for defined purposes. He said that an intensive three-year survey and monitoring programme had been completed in the last operational year but there remained a need for ongoing monitoring, access, and buoy related work which would require further funding during the 2019-20 operational year. The amount required to be drawn down totalled \$9,350 which would offset staff time and expenses associated with these projects. Andy sought approval from Council to incorporate this amount of funding into the 2019-20 OWP.
- 9.2 ***Agreed (Barry Roderick/Lindsay Lyons) that Council approves up to \$9,350 to be drawn from the Waikaremoana Sports Fish Habitat Enhancement Fund for the ongoing monitoring, access and buoy related programmes. [19/04/9.2]***

10.0 TIMING OF OPENING OF FISHING SEASON ON SELECTED LAKES

- 10.1 Council discussed the merits of opening the trout fishing season on the first Saturday in October on Lakes Tarawera, Okataina, and Rotoiti. Councillors' comments were generally supportive, and topics discussed included:
- The many variations in season openings and closing both within the region and elsewhere within NZ that currently apply.
 - Awareness and compliance can be enhanced with more widespread signage as Taupo fishery does.
 - Limitations associated with the 2016-17 opening day survey of anglers which fell on a Saturday.
 - Addressing congestion at boat ramps.
 - Loss of opportunity for some anglers and families by delaying opening to the first Saturday in October, as this would push it out to the last weekend of the school holidays in some years.
 - Merits of shifting the opening of all waters to the first Saturday in October.
 - Need to establish level of support doing this nationally.
 - Need to establish what anglers want.
 - Opportunity to make a real event of opening if it was changed to first Saturday.
- 10.2 Cr Barry Roderick moved that Council seek support for changing the opening of the new fishing season to the first Saturday of October nationally. Cr David Woolner felt that more discussion was required within this Council first, followed up with a survey of anglers. Cr Alan Baird supported this topic being included in the 2020 biennial review of the Anglers Notice, and Cr Lindsay Lyons noted that it may not get buy in from non-lake fishery regions. Barry subsequently withdrew his motion, and Andy

outlined the consultation process associated with the Anglers Notice review, noting the lead into this provided sufficient time to gather more information before then.

10.3 *Agreed (Geoff Thomas/Laurance Tamati) that Council supports carrying forward the proposal to move opening of the trout fishing season to the 1st Saturday in October for consideration in conjunction with the biennial Anglers Notice review. [19/04/10.3]*

10.4 Cr Murray Ferris suggested that in the meantime staff could consider ways to address some of the issues that had been raised with regard to the proposal, and Cr David Woolner suggested staff might be able to undertake a survey of Eastern fish licence holders to measure their support. Cr Ngahi Bidois was in support of a survey if the costs of doing so were acceptable, and suggested if the survey indicated a low level of support for shifting the opening to the first Saturday in October, another event could be staged on the Saturday to celebrate the opening and generate interest in the occasion.

11.0 CHILDREN'S FISHING DAY DONATIONS

11.1 Andy Garrick provided Council with a brief overview of the ongoing support the Rotorua Anglers Association provides in hosting the four children's fish out days each year. He advised that these events provided children with an introduction to trout fishing while also supporting the club's fundraising efforts through the donations received from those participating. Andy noted that Fish & Game, Kilwell, and Rainbow Springs subsidise/sponsor the programme. Mark Sherburn acknowledged the support of the Rotorua Anglers too, and informed Council that the club rallies at least 20 volunteers for each fish out day and Fish & Game simply doesn't have the manpower to run these events on its own.

11.2 Dave Conley provided a brief rundown of the Taupo programme which was currently co-ordinated by a charitable trust to get kids in to fishing. He outlined the benefits covered by the trust's fees which are substantially higher than what is being charged in Rotorua.

11.3 Council was supportive of the Rotorua Angler Association's request acknowledging that the amount of the proposed donation was still very reasonable at \$5 per child.

11.4 Cr Barry Roderick asked whether it was possible for the Tauranga Anglers Club to come to, or run an event similar to what some other out of town clubs had undertaken? Andy advised this was an option and that it had been offered to the club previously.

11.5 Cr Lindsay Lyons asked whether there were any statistics on the number of children who take up trout fishing after attending these fish out days. Andy advised that this was not something that had been monitored in the past but could and probably should be as part of our R3 research programme. Andy noted that the draft 2019-20 OWP proposed training seminars for adult beginners drawn from the parents whose children have attended fish out days as an additional recruitment strategy.

11.6 *Agreed (Geoff Thomas/Laurance Tamati) that Council supports raising the recommended donation per child to participate in the children's fishing programme from \$3 to \$5 per child, 2/3 of which will go to the Rotorua Anglers Association. [19/04/11.6]*

12.0 PRESENTATION FROM MARK SHERBURN ON THE HATCHERY

12.1 Mark Sherburn presented via power point an overview of the hatchery and its breeding programme.

13.0 GAME BIRD HUNTING CODE OF CONDUCT

13.1 Council discussed the proposed Game Bird Hunting Code of Conduct on which feedback was sought. Items discussed included:

- Removal of rubbish and disposal of carcasses (it was noted that six Fish & Game regions had this as a Schedule 2 regulation and it was suggested it might be better put it into Schedule 1 so it was common to all regions. It was noted however that this might make it unenforceable whereas it can probably be prosecuted under Schedule 2 – which needs to be verified).
- Concern was raised that keeping firearms out of sight while travelling was an offence (Anthony Van Dorp advised this was not the case and was actually encouraged by the Police).
- The section “support efforts to manage our game birds and their habitat” could identify predator control as an example of an appropriate undertaking.
- Where mallard populations are under pressure hunters could be encouraged to target greenheads though these can be difficult to distinguish in flight and in poor light.

13.2 Cr Barry Roderick wished to acknowledge and thank Otago staff for their work on producing this proposed Game Bird Hunting Code of Conduct.

14.0 SPECIES MONITORING REPORT

14.1 Council received the 2018 Executive Summary for the Rotorua Lakes Opening Day Survey Report.

15.0 LIAISON OFFICERS REPORTS

15.1 *Tongariro-Taupo Conservation Board*

No Report.

15.2 *Bay of Plenty Conservation Board*

No Report.

15.3 *Department of Conservation*

Dave Conley spoke on behalf of the Department of Conservation fishery team. He said that the Taupo fishery had seen a good couple of years back to back and while not as good as it had been immediately prior to that it was still producing some good fish. By increasing the bag limit and decreasing the size limit, it appears there has been a 15-20% increase in harvest. A lot of work had been put into access opportunities and working with the Regional Council on woody weeds in the Eastern rivers. The increase in tourism has meant increased costs in maintaining road access. Over the next year there would be an increased focus on the Lake Otamangakau fishery and in particular, monitoring of harvest pressure and impacts of catch and release practices. Cr Barry Roderick queried what was happening with the proposal to farm trout in Lake Rotoaira. Dave advised that the Provincial Growth Fund was driving it. He said the proposal had arisen from a couple of business development advisors but to say it represents the wider hapu or Tuwharetoa view would be wrong. Barry ask whether he saw salmon farming as an opportunity in the North Island? Dave couldn't advise on this as salmon would be a new organism to the North and this would present a number of regulatory hurdles for Minister of Conservation approval. Farming salmon may also be a risky proposition in the warmer environment here.

15.4 Cr Laurance Tamati left the meeting at 2.35pm.

15.5 *New Zealand Fish and Game Council*

Cr Lindsay Lyons' report featured the following:

- Recent tragedy in Christchurch and subsequent changes to the gun laws.
- Audits of Fish & Game Councils.
- New Zealand Council/Managers combined meeting.
- Appointment of Jack Kos to the new Policy/Development position in the National Office.
- Staff Development approvals – Erin Garrick and Helen Trotter.
- Relocation of the National Office Game Bird Habitat Trust Stamp artwork.
- Presentation on alternative sources of funding.
- Trout farming.

16.0 OPERATIONAL REPORTS

- 16.1 Cr Barry Roderick had observed that duck numbers appeared to be good in spring but clutch size became smaller as the breeding season progressed. Matt McDougall said that September had been the driest we had seen. While the breeding season appeared to have been longer this year, the survival of the progeny of late producers is often poor particularly when mid to late summer conditions are dry. Pre-season modelling suggested poor breeding and this was backed up with observations from the trapping samples staff obtained in January.
- 16.2 Cr Lindsay Lyons wished to acknowledge the contribution Anthony van Dorp had made to the development of the draft National Infringement Notice Policy and the revised National Prosecution Policy.
- 16.3 *Agreed (Murray Ferris/Ngahi Bidois) that Council receives the Management and Health and Safety reports. [19/04/16.3]*
- 16.4 *Agreed (Murray Ferris/Lindsay Lyons) that Council receives the Finance Report and approves payments for January and February 2019 totalling \$356,648.75. [19/04/16.4]*
- 16.5 Council also received the Licence Sales report.

17.0 GENERAL BUSINESS

- 17.1 Council discussed the Wairoa District Angling Club request to co-opt a representative from the Wairoa area to Council to fill one of the two vacant positions (letter included within Papers for Information). After some discussion Council requested the Chairman thank the Club for its suggestion and for proposing Alan Robinson as a suitable candidate. Councillors considered Alan would be a good person to recruit to Council and Cr Barry Roderick supported Alan being co-opted with or without full voting rights. Cr Lindsay Lyons however, suggested Council should keep its options open for a bit longer yet. Cr David Woolner advised Council needed to decide what the gap was it wanted to fill before it appointed any additional Councillors.
- 17.2 Andy Garrick advised he wanted to highlight another item in the Papers for Information, this being the very generous donation of \$5,000 for the hatchery and children's fishing programme from Mr JB Galbraith of Cambridge. Barry queried whether we have a formal policy to deal with this and whether the donor would like to be acknowledged publicly. Andy advised that he had not sought recognition for his donation, but wanted to show his support for what we do. He noted Fish & Game has a National Bequest Policy now, the principles of which Eastern Fish & Game has previously proposed could be applied to donations also.
- 17.3 Cr Lindsay Lyons had been phoned by an angler concerned about the large numbers of shags likely to be taking trout in the Rangitaiki river. It was recognised that Fish &

Game could not do anything other than to suggest the angler discuss his concern with the Department of Conservation. Lindsay undertook to provide this feedback to the angler.

- 17.4 Cr Lindsay Lyons raised the need for Fish & Game to look at alternative sources of income noting Fish & Game's almost total reliance on licence sales. Council discussed a number of opportunities that could be investigated within this region, e.g. inviting bequests and donations, leasing accommodation, providing a venue for meetings and/or weddings or other functions, engaging a business development manager, growing more fish for other regions, growing larger fish for release, taking over the Taupo fishery. It was suggested it might be useful for Council to conduct a workshop on this item or convene a group of Councillors and staff.

18.0 MEETING CLOSED

- 18.1 The meeting was closed at 3.12pm.

.....
Murray Ferris
Chairman

SUMMARY OF RESOLUTIONS

2.0 APOLOGIES

- 2.2 *Agreed (Barry Roderick/Alan Baird) that the apologies for the 175th meeting of the Eastern Region Fish and Game Council be sustained. [19/04/2.2]*

3.0 MINUTES OF THE PREVIOUS MEETING (12 FEBRUARY 2019)

- 3.1 *Agreed (Murray Ferris/Lindsay Lyons) that the minutes of the meeting held on 12 February 2019 be confirmed as a true and correct record subject to the following amendment:
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8.0 2019-2020 OPERATIONAL WORK PLAN

- 8.8 *Agreed (Alan Baird/Ngahi Bidois) that Council receives the draft 2019-2020 Operational Work Plan and confirms that no further amendments are required at this stage. [19/04/8.8]*

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7. CONFLICT OF INTEREST REGISTER

Ref: 7.02.01

28 May 2019

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 Eastern Fish and Game Council at its October 2016 meeting revised its policy and rules for dealing with Conflicts of Interest and must provide a standing agenda item to allow Councillors to disclose any Conflict or highlight any potential conflict. The “Interest Register” ring binder will be circulated in the first part of each meeting for Councillors to record any interests. The Council should then discuss how it wants to deal with any interest or perceived interest identified.

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

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

¹ “Matter” means:

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

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

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

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

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

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

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

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

- (i) applying some or all of the actions applied to a member with a conflict of interest (set out in 1.13.2 i) – iv) above);
- (ii) providing 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 OPERATIONAL WORK PLAN

Ref: 8.02.01

28 May 2019

1. Purpose

To receive the updated draft Operational Work Plan prepared for the 2019-2020 year and approve its circulation to clubs and other interested parties prior to final sign off.

2. Background

Operational Work Plans are developed over several months from February onwards, and involve a review by Council of strategic priorities in addition to core functions, project objectives and allocation of resources. During its February meeting Council identified the priority work areas that it wants to focus on for the next operational year, and these and related projects were incorporated into a draft OWP along with external costs before being forwarded to Council's Executive Committee in mid March for review. The committee also considered a proposed contestable funding (CF) bid accompanying the draft budget. Subsequent to some minor amendments proposed by the committee being incorporated into the OWP, the budget and CF bid were submitted to, and approved by regional Fish & Game managers and the NZ Council. The contestable funding bid has since been inserted into the budget and a 2nd draft of the OWP produced which includes updated hours and internal costs. A copy of this is included with the June Papers for Information.

3. Resourcing the Work Plan

The first draft of the 2019-2020 draft and budget was prepared in accordance with NZ Council's budgeting process and base funding of \$1,110,924.

The application made to the nationally administered contestable funding pool comprised an additional \$17,046 for staff salary adjustments based on an annual CPI rate to December 2018 of 1.9%. Incorporating this into our budget for 2019-2020 elevates our baseline budget to \$1,127,970 (subject to Ministerial approval of Fish & Game's proposed licence fees for 2019-20 (see next Agenda Item).

In addition to the contestable funding approved, the draft OWP and budget incorporates \$9,350 to be drawn down from the Waikaremoana Sports Fish Habitat Enhancement Fund to offset staff time and expenses, as agreed to by Council in April [19/04/9.2].

4. Comparison of Resourcing for the 2019-2020 OWP and the 2018-2019 OWP

The main changes to the 2019-20 OWP versus the 2018-2019 OWP at an output class level are as below:

Output	2019-20 external costs	2018-19 external costs	2019-20 hours	2018-19 hours	Hours difference (% change)
Species	\$117,850	\$110,700	6,771	6,649	+122 (1.8%)
Habitat	\$24,900	\$29,900	3,414	3,314	+100 (3.0%)

Participation	\$19,950	\$23,550	2,000	2,118	-118 (5.6%)
Public	\$7,000	\$7,000	1,126	1,172	-46 (3.9%)
Compliance	\$7,500	\$10,600	1,402	1,408	0.0
Licensing	\$700	\$700	444	506	-62 (12.3%)
Council	\$9,000	\$10,000	891	898	-7 (0.1%)
Plan/Report	\$9,285	\$9,285	1,138	1,123	+15 (1.3%)

The total output hours for the draft 2019-20 OWP are 17,186 hours compared to 17,188 hours last year, and overhead/administration staff hours are 6,341 compared to 6,327 hours last year.

Output hours have been adjusted in a number of areas to better reflect what is actually been happening or is required to implement 2019-2020 projects. Species Management hours are up primarily as a result of reallocating underutilised hours in other output classes to waterfowl monitoring and game bird research. Habitat hours are also up for a similar reason with additional hours being reallocated from other outputs to RMA related activities. Participation is down through cumulative changes arising from fewer hours being needed this year for producing information pamphlets, less time being allocated for angler and hunter enquiries, and because provision has been made elsewhere (in the Salaries Admin input area for employment of contractors) to put greater effort into physical access work programmes. Very minor changes have been made to individual projects in the Public Interface output class as is the case with Compliance, Council, and Planning/Reporting. Licencing hours have been reduced as a consequence of less effort being required to undertake regional analyses of licence sales (these are effectively being subsidised via our contract with the NZ Council office to undertake and report on what's happening nationally), and fewer issues with agencies now everyone is online.

5. Next Steps

- Staff will incorporate any amendments to the draft 2019-2020 plan that Council might seek as an outcome of this meeting.
- The draft will then be circulated to clubs and interested parties for comment with feedback required prior to the end of July.
- Council will formally approve the plan at its August meeting after taking into account any submissions received on it and determining whether these require amendments to the plan.

6. Recommendations

- 6.1** *That Council receives the latest draft of the 2019-2020 OWP and identifies any amendments needing to be made to it prior to its circulation to other parties for comment.*

9. 2019-2020 LICENCE FEES

Ref: 6.01.04

28 May 2019

1. Purpose

To provide an opportunity for Councillors to collectively discuss the licence fees recommended by the NZ Council for the 2019-2020 year, review Councillors' recent feedback on these, and discuss the process involved this year.

2. Background

Licence fees for the coming 2019-2020 sports fishing and game bird seasons were considered at the managers meeting on 4 April 2019 and again at their joint meeting with the NZ Council on 5 April. The NZC agreed to adopt, as a basis for consultation with regions, that the fee for a whole season fishing licence be increased by \$3 to \$133 (an increase of 2.3%) and a whole season game licence by \$2 (\$1 for the licence and \$1 for the Game Bird Habitat Trust) which would take it to \$98 (a 2.1% increase). Each of the other resident categories, with the exception of the resident day fishing licence fees, would also be subject to an increase by a pro rata, rounded out figure. Independently of the managers collective, the NZC also agreed the day after, to recommend the non-resident whole season adult fee be raised from \$169 to \$180. A supporting paper from the NZ Council office is appended below, and the proposed fees are shown in a table at the end of that report (page 23).

Traditionally the Eastern Fish & Game Council would have had a round table discussion of the proposed fees at this, its mid June meeting, as per the budget cycle presented on page 2 of the attached NZC paper, prior to providing its feedback to the NZC. This year however, the NZC brought the customary deadline for regional feedback forward by 2-3 weeks to 29 May meaning this wasn't an option. Consultation comprised instead, an emailed invitation from the Eastern Region manager to Councillors to individually advise whether you supported the proposed fee increases or not, and provide any other comment you might have had. These were subsequently summarised and forwarded to the NZC office. Members of the Executive Committee agreed it wasn't practical to set up a conference call or convene a special meeting.

3. Summary of Responses

Responses were received from eight Councillors via email or phone. All eight supported the proposed increase to the whole season resident fishing licence, though some indicated somewhat reluctantly. This was not because of the increase proposed as this was comparable to the rate of inflation, but because they were unable to properly debate amongst themselves what they consider to be a significant item on Council's annual agenda. It was noted proposed licence fee increases have been very contentious in some years, and the comment was made that it is important that things that directly affect the wallets of large numbers of members be seen to go through full and proper council processes. Others noted they were unfamiliar with the process and had no option really, other than to go with the majority and the knowledge that much thought had probably gone into the proposed increases.

Similar feedback was made on the proposed increase to the whole season game licence. Seven Councillors supported this increase while one opposed on the grounds that while it was only an

inflationary rate increase and made business sense, the cost may, or will see some hunters give up the sport because the cost will be too high relative to what they harvest. He commented if you look at the opening weekend hunter who shoots 1 to 4 ducks for the weekend at a cost of around \$170 for licence, ammo and fuel, the average cost per bird would be \$42.50 if four ducks were shot. For a family on a low income that money can buy more food for the table than the hunter gatherer can provide. Hunting and fishing is now a rich man's sport and increasing the licence fee could see an overall drop in sales nationally.

Several Councillors appealed for a return to the customary approach to regional consultation, and for more consideration to be given to the timing of NZC meetings and deadlines to enable this. A round table discussion to debate fees and price points, and clarify for those Councillors who may be unfamiliar or uncertain about elements of the process is critical.

4. Recommendation

- 4.1 That the Eastern Fish and Game Council reviews the proposed licence fees for 2019-2020 if it wishes to do so, and discusses the consultation process associated with this annual statutory obligation.***



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 4th 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 equivalents² that F&G NZ expects to sell during the year (LEQ targets).

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

The following components featured in the 2019 budget discussions:

5. 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.

6. 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).

² 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.

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.

7. 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.**

8. 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 6th 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 9th World Recreational Fishing Conference in the Netherlands.**

9. 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.

10. 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).

	Approved 2018/19	Proposed 2019/20
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 ³	1,910,108	1,734,100
Research ⁴	134,000	134,000
Subtotal	11,245,898	11,261,606
Commission/bank fees ⁵	505,341	517,065
TOTAL	11,751,239	11,778,671

11. 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.

12. 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

³ 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.

⁴ 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.

⁵ 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.

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).

13. 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:

14. 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.

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**.



Martin Taylor
Chief Executive

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

Sports Fish Licence		2018/19	2019/20	
Category of licence	Class of applicant	Current fee	Proposed fee	Fee difference
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

Game Bird Licence*		2019	2020	
Category of licence	Class of applicant	Current fee	Proposed fee	Fee difference
Whole season (primarily 1 st 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 nd 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. SPORTS FISHING REGULATIONS

Ref: 8.02.01

23 May 2019

1. Purpose

To consider firstly, Anglers Notice regulations for the 2019-2020 angling season, and secondly, identify regulations within the Eastern Region Anglers Notice that could possibly be amended or dispensed with altogether in future Anglers Notices.

2. Background

Anglers Notice Process

The annual Anglers Notice gazetted in August each year sets regional sports fishing regulations for the period commencing on the 1st of October through to the 30th of September following. Any changes to the regulations from one season to the next go through a consultation process with licence holders and interested parties before being recommended to the Minister of Conservation at the end of June/beginning of July. The Minister is also informed if no changes are proposed in a particular year and the status quo is to apply. Sports fishing regulations are set to ensure the sustainability of fisheries without unnecessarily restricting angler opportunities.

Council has developed a comprehensive policy approach to dealing with the Anglers Notice. The policy approach splits regulations into those that serve a social function and those that serve a biological function. Social regulations are those that affect the angler and principally relate to angling methods. Waters are categorised based on trout densities, and levels of angler use. These categories are used to determine how social based regulations should be applied. Biological regulations are those that affect trout populations and include bag and size limits. A matrix has been developed that takes into account biological objectives associated with sustainability, harvest allocation, and specific population manipulations. The policy was reviewed and updated by Council a year ago and is appended to this agenda item (page 26).

Application of this policy has greatly simplified the task of reviewing the Anglers Notice and enabled proposed changes to regulations to be assessed more objectively and efficiently.

Council passed a resolution during the 2012 Anglers Notice process to undertake a comprehensive review of the Anglers Notice Process every second year only, unless urgent changes to it were identified as being necessary:

“Agreed (Richard Montgomerie/Steve Scragg) that Council will review future Anglers Notices on a bi-annual rotation unless specific issues are identified which require amendment outside of this cycle.” [12/06/10.2]

The reason behind this was to reduce what is generally a substantial commitment of time and a drawn out process for both staff and Councillors when a full review is undertaken.

Simplifying the Regulations

During the course of Anglers Notice reviews over the years, the Eastern Fish and Game Council has on many occasions expressed an interest in simplifying the rules of freshwater sports fishing within the region, the purpose being to make them easier to interpret, reduce compliance issues, and remove barriers to participation. The status quo has almost invariably been maintained due to the diversity of opinion councillors and anglers have in relation to this topic, and the nature of some of the changes mooted.

During the formal biennial review of the Anglers Notice last year however, Council did make a number of quite substantive changes to the regulations, and its likely there are others that could be made without compromising the interests of, and opportunities for anglers, or the sustainability of fisheries.

3. 2019-2020 Anglers Notice

No extraordinary issues have been identified by staff or brought to our attention by anglers during the current 2018-19 season that require urgent change to the Eastern Region regulations for 2019-2020. That being so, staff suggest the status quo be recommended for the 2019-2020 season.

4. Simplifying the Regulations/Future Anglers Notices

Matt Osborne will provide a brief overview of changes to the Anglers Notice put in place for the current season via a PowerPoint presentation, accompanied by a few thoughts to prompt discussion.

5. Recommendation

5.1 That Council agrees the status quo should apply for the 2019-2020 Anglers Notice.

APPENDIX 1

Ref: 1.07.01

ANGLERS NOTICE POLICY 2003

Revised 14 June 2018

1. Background

Fish and Game New Zealand spends a significant amount of time each year considering changes to the Anglers Notice. Changes to the regulations have, in the past, generally occurred in an ad hoc fashion, often in response to specific requests from anglers. Council has recognised that this has resulted in the inconsistent application of regulations across the region. To resolve this situation Council has developed policy which determines how and when regulations apply. The underlying approach taken to developing the policy has been to clearly identify the need for regulations or the issues, which may prompt specific regulations to be considered. The purpose of this policy is to remove inconsistencies and simplify the regulations and reduce the amount of time that council are required to devote to the process.

The policy has been established around two key groups of regulations within the Anglers Notice. The first group of regulations are those that have a biological effect on the fisheries and may have direct effects on trout populations. The biological regulations are the primary focus of the Anglers Notice Policy and have been developed to ensure ongoing sustainability of the fishery resource.

The second group of regulations are those that serve a social function and relate to the way anglers interact with each other.

2. Biological Regulations

Biological regulations are required to ensure the sustainability of the trout populations or fishing opportunities, or to provide for specific management objectives. Criteria for biological based regulations will generally be qualitative in nature and based upon dive counts, trap runs, angler surveys etc. Refer Table following.

Policy 2.1 The biological regulations applied to waters shall be based upon the following table:

Category	Description	Regulation Applied
<p><i>Sustainability I</i></p> <ul style="list-style-type: none"> To ensure adequate recruitment of juveniles to provide later harvest 	<ul style="list-style-type: none"> Protect spawning rearing waters. Closure of waters and season length most effective tool. 	<ul style="list-style-type: none"> Close waters to fishing if they provide significant proportion of recruitment. Length of closure related to importance of contribution, availability of other spawning, fishing opportunity potentially provided and duration of spawning.
<p><i>Sustainability II</i></p> <ul style="list-style-type: none"> To ensure adequate survival of adults to spawn 	<ul style="list-style-type: none"> Protect sufficient fish through to maturity to enable them to spawn. Size limits most effective tool for protecting fish. 	<ul style="list-style-type: none"> Size limits guarantee protection of fish to maturity. Size limits can be adjusted based upon knowledge of harvest rates.
<p><i>Harvest Allocation</i></p> <ul style="list-style-type: none"> To share available harvest Bag limit most effective. 	<ul style="list-style-type: none"> Moderate or high demand & limited fish availability. 	<ul style="list-style-type: none"> River fisheries that attract moderate to high use and/or contain limited numbers of fish (currently 2 fish bag limit).
	<ul style="list-style-type: none"> High demand & high fish availability. 	<ul style="list-style-type: none"> Restrict excessive fish harvest to enable equitable allocation (currently 8 fish).
	<ul style="list-style-type: none"> Low demand & high fish availability. 	<ul style="list-style-type: none"> No bag limit.
<p><i>Management Objective</i></p> <ul style="list-style-type: none"> To enhance specific component 	<ul style="list-style-type: none"> Enhance specific component of fishery for deliberate management objective. 	<ul style="list-style-type: none"> Combinations of size limits, season length and bag limits. Requires specific project proposal and justification.

3. Social Regulations

The Anglers Notice contains a number of regulations that affect anglers rather than the fish they are targeting. These regulations can be considered social in nature and are set to control the impacts that anglers have upon each other. These regulations are imposed to maximise the opportunities available and the quality of the angling experience. Social regulations generally relate to how anglers are allowed to fish (permitted methods) and are applied based on the intensity of the angling that occurs, and therefore the potential for anglers to impact upon each other.

Council has stated a desire to reduce barriers to participation such as over regulating by making rules simpler for anglers to understand. Measures of angler use have been reworked and greater clarity given to where anglers may fish from unanchored boats so that shore-based anglers are not disproportionately affected by boats drifting or trolling within close proximity.

The Policy no longer preferentially allocates ‘fly fishing only’ waters at stated pressure levels, however, this does not preclude Council from recognising ‘fly fishing only’ areas. What it does allow is for Council to exercise greater flexibility in which waters are reserved solely for fly only anglers.

Fishing methods

Policy 3.1 Setting of method restrictions for waters shall be based upon the following framework:

Water Category	Level of use of water (threshold)	Methods Available
<ul style="list-style-type: none"> Lake edge fisheries and associated migratory spawning waters 	Low Intensity Use (<i>< 30 anglers/100m/season</i>)	<ul style="list-style-type: none"> All methods including bait in certain circumstances*
	Moderate to High Intensity Use (<i>>30 anglers/100m/season</i>)	<ul style="list-style-type: none"> Fly, spin, bait (in certain circumstances)* No unanchored boats at stream mouths, high intensity locations and lake outlets
<ul style="list-style-type: none"> Lower density river fisheries based on resident trout populations 	Any Intensity of Use	<ul style="list-style-type: none"> All methods including bait in certain circumstances*

*Bait fishing has a biological effect on trout populations and because of the high hooking mortality shall not be applied where fish may be legally required to be released due to size limits or restrictive bag limits. Bait fishing would only therefore apply in waters where there were no bag or size limits.

Bait

Policy 3.2 (i) Bait fishing will only be permitted in waters that have no bag limits or no size limits.

(ii) Bait in the Eastern Region shall only include;

Natural fly.

Natural insect.

Natural spider.

Natural worm or worms.

Natural crustacean.

Natural fish (excluding fish ova, or any portion of a fish, or shellfish (mollusc). Fish can only be sourced from the water where the fishing is to occur).

Uncoloured bread dough.

Scented soft baits (artificial lures that are biodegradable and/or contain chemical attractants).

Boats in winter shoreline areas

Policy 3.3 Fishing from a boat shall not be permitted in designated winter shoreline fishing areas from 1 July to 30 September.

**11. PRESENTATION BY MATT OSBORNE:
“A YEAR IN THE LIFE OF A FISHERIES MANAGER”**

12. NATIONAL PROSECUTION POLICY

Ref: 5.03.01

30 May 2019

1. Purpose

To provide feedback to the NZ Council on the draft National Prosecution Policy.

2. Background

The New Zealand Fish and Game Council has requested feedback from regional councils on this draft policy which Anthony van Dorp has played a major part in producing. The draft policy and recommendations put to the NZ Council are provided in the pages following.

Feedback is required to the NZC prior to the end of July for inclusion in the agenda for the Council's meeting on 9-10 August 2019.

3. Recommendation

3.1 *That Council reviews the draft policy and provides any comment it might have on it for feedback to the NZ Council.*

NATIONAL POLICY ON PROSECUTIONS

Fish and Game Councils, April 2019

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

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.

Recommendations:

- 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 – 10th, 2019 meeting.**



Draft

**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;¹
 - 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.⁶
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”;⁷ and
 - b. A criminal proceeding in respect of an offence is commenced by filing a charging document in the District Court.⁸
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.

⁶ See Appendix 1 – The ‘Public Interest’ test

⁷ Section 15 of the Criminal Procedure Act 2011.

⁸ Section 14(1) of the Criminal Procedure Act 2011.

15. Resolution for any alleged offences may include the following:
 - a. No action;
 - b. Warning letter;
 - c. Youth warning with parental follow up;
 - 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 2011⁹ 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.

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

⁹ See sections 147 and 148 of the Criminal Procedure Act 2011.

- 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
Summary				Date approved

Appendix 1 - The 'Public interest' test¹⁰

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 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

¹⁰ Solicitor – General's Prosecution Guidelines: http://www.crownlaw.govt.nz/uploads/prosecution_guidelines_2013.pdf

- 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

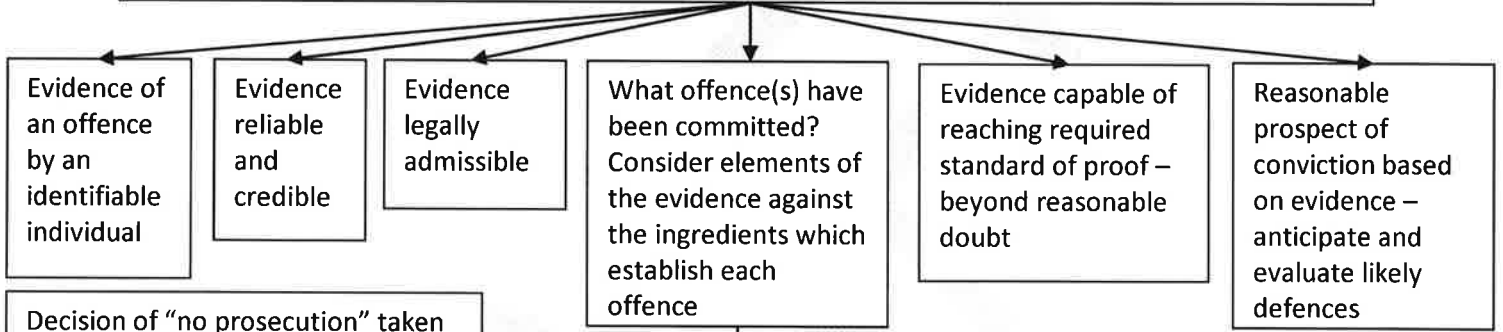
Test for prosecution met if:

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.

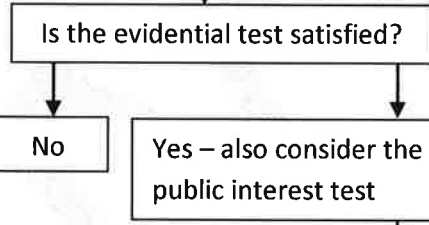
Each aspect of test must be considered separately and satisfied before a decision to prosecute is made. Evidential test must be satisfied before public interest test is considered.

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:

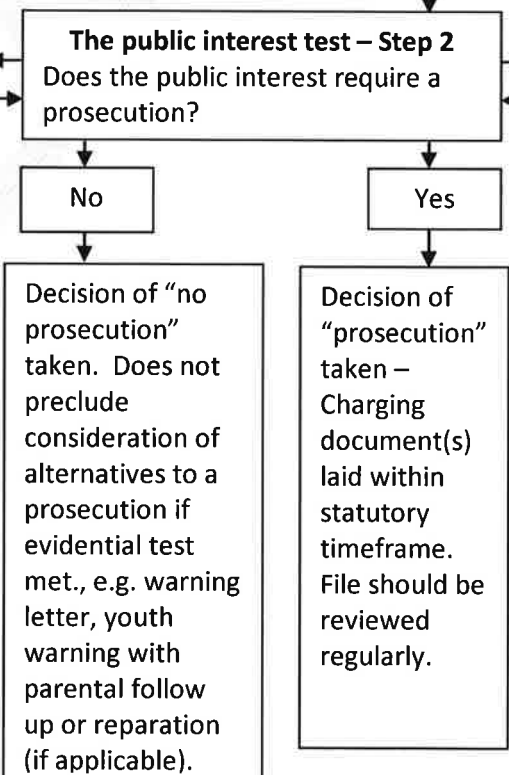


Decision of “no prosecution” taken if evidential test not met. Does not preclude further consideration of case if new and additional evidence becomes available, or a review of original decision is required (rare step)



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. NATIONAL INFRINGEMENT NOTICE POLICY

Ref: 5.03.01

30 May 2019

1. Purpose

To provide feedback to the NZ Council on the draft National Infringement Notice Policy.

2. Background

The New Zealand Fish and Game Council has requested feedback from regional councils on this draft policy which Anthony van Dorp has played a major part in producing. The draft policy and recommendations put to the NZ Council are provided in the pages following.

Feedback is required to the NZC prior to the end of July for inclusion in the agenda for the Council's meeting on 9-10 August 2019.

3. Recommendation

3.1 That Council reviews the draft policy and provides any comment it might have on it for feedback to the NZ Council.

CONSERVATION INFRINGEMENT SYSTEMS POLICY

Fish and Game Councils, April 2019

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

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 that Fish and Game's application to the Minister would be more authoritative and acceptable if the policy is supported by an independent peer review.

Recommendations:

- 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 – 10th, 2019 meeting.**



Final Draft

**Infringement Notice
Compliance and Enforcement
Policy**

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1 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.

2 About this document

2.1 Amendments

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

2.2 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.

3 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.

4 Infringement System Guidelines

4.1 *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.

4.2 Background on infringement offences

4.2.1 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.

4.2.2 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.

4.3 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.

4.4 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.

4.4.1 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.

4.4.2 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.

4.5 ***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.

4.6 Should an infringement notice be issued?

4.6.1 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?

4.6.2 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.

4.6.3 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.

4.7 *Who makes the decision?*

4.7.1 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.

4.7.2 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.

4.8 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.

4.9 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.

4.10 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.

4.11 *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.

4.12 *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

1 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.

2 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.

3 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.

4 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.¹¹
- 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.

5 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.

¹¹ See *Adam v Wellington City Council* (2 April 1998) HC Wellington AP 18/98 unreported.

6 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.

7 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
Deliberate action or lack of due care		Unintentional	Lack of due care		Negligence		Deliberate			Deliberate to make \$\$\$	
Failure to act on prior instruction; advice; notice		No		Verbal advice Has the person been spoken to before on the same or similar issue?		Prior Warning	Prior Warning letter	Prior - asked to desist	Prior I.N / previous prosecution		
Fish or game taken/ impact or effect on resource	Nil taken	Low take			Moderate take		Moderate to high- limit or exceeds limit			Multiples of limit	
Cooperation	Proactively cooperative	Fully cooperate	Somewhat cooperative		Reluctant		Non-cooperative			Aggressively Non-cooperative	
Degree of deterrence needed	No deterrence required			All offences require some form of deterrence					Full deterrence required		

Number Guide for assessing whether an Infringement is needed.

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

Appendix 3 - Compliance Decision Group

Compliance Decision Group Meetings

1 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.

2 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.

3 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.

4 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.

5 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.

6 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.

7 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.

8 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. 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.

13. LIAISON OFFICERS REPORTS

13.1 Conservation Boards

- *Tongariro-Taupo Conservation Board*
- *East Coast/Hawke's Bay Conservation Board*
- *Bay of Plenty Conservation Board*

13.2 Reports from other agencies

- Department of Conservation

13.3 Report from New Zealand Council

16. OPERATIONAL REPORTS

16.1 MANAGEMENT REPORT

24 May 2019

SPECIES MANAGEMENT

1112 Datawatch

During the eight months following the season opening on 1 October, a total of 478 datawatch tags have been returned and entered into the database. The distribution is as follows:

Lake Okareka	9
Lake Okataina	93
Lake Rerewhakaaitu	16
Lake Rotoehu	4
Lake Rotoiti	91
Lake Rotoma	21
Lake Rotorua	16
Lake Tarawera	220
Lake Tutira	8
Lake Waikaremoana	0

data entered to 15 May 2019

The total number of tags returned is 115 up on that returned to approximately the same date during the 2017-18 season. Lakes that have generated most of these additional returns are Lakes Tarawera (up 73), Rotoiti (up 15), Okataina (up 13), and Rotorua (up 5). Of the tags returned from Tarawera, a substantial number were early running fish caught in Te Wairoa fish trap. Returns from all other lakes were similar in number to those recorded this time last year, the exception being Waikaremoana that has had no tags returned this season (last tagged fish monitoring release being in 2015).

1113 Lake Waikaremoana

Lake Waikaremoana Monitoring Buoy Update

Staff travelled to Lake Waikaremoana on 9 April and reinstated the sensor chains onto the buoy float ring. On 10 April it was established that information had been transmitted from the buoy to the Hawkes Bay Regional Council up until 9:30pm the night before after which nothing further was received. It was subsequently found that the unit had continued to collect and store data and rebooting it resulted in transmission being reactivated until 6 May when it again shut down. On the positive side, lake turnover was caught during this period. Staff will assess what has occurred during the next scheduled work up at the lake and if there is no other option may have to bring the sensor chains back to the University for further work.

1114 Lake Tarawera

Tarawera Outlet Drift Dive Survey

The uppermost portion of the Tarawera River including the spawning sanctuary was drift dived by Fish & Game staff on 24 May. The drift dive commences in the lake immediately above the Outlet and terminates approximately 1km downstream.

A total of 523 large trout, two medium-sized trout and six small trout were counted. These numbers are comparable to what was recorded during the May 2018 drift dive count, and is well ahead of counts normally obtained in May. The count is consistent also, with the earlier than normal spawning runs of fish currently being observed in Te Wairoa Stream fish trap. Generally in May, the Outlet drift dives record high numbers of juvenile fish present, but once the site is occupied by larger spawning fish as it occurred earlier this year, the juveniles are displaced into the lake.

Further Tarawera Outlet drift dives will be undertaken in early June, July, and August.

Lake Tarawera Fishery Research Update

Acoustic smelt monitoring transect surveys were undertaken on Lake Tarawera on 5 and 8 April. The date of 24 June has been set to meet with NIWA Fisheries Monitoring and Acoustics staff in Wellington to receive training and be involved in the processing of this data along with that collected last November.

Food web study sample collection was undertaken during the period 16 to 26 April. Samples were sent to Cawthron Institute for analysis on 20 May. The next sample collection is scheduled to occur during July. Staff extend their thanks to Crs Ken Coombes and Geoff Thomas for the assistance they provided with this exercise.

1115 Other Lake Fisheries Investigations

Ngongotaha Trap-run

The trap was operated for four nights in March 2019 during which stable stream flows were experienced. The largest fish caught was a 700mm, 3.8kg brown male. The number of brown trout running was higher than the average March run given stream conditions. Both brown and rainbow trout were larger than fish running during the same period in 2018 (brown trout 21mm longer and 240g heavier, rainbow trout 20mm longer and 80g heavier). 69% of the fish entering the upstream trap were brown trout.

Ngongotaha Stream trap run (March 2019)

	<i>Av. Length</i>	<i>Av. Weight</i>	<i>Trap Run</i>	<i>Fish/night</i>	<i>10 pound+</i>	<i>% Brown</i>
<i>Rainbow</i>	486	1.36	17	4		
<i>Brown</i>	595	2.57	37	9		69%

During April the Ngongotaha trap was operated for three nights. The largest fish entering the trap was a 645mm, 4.15kg brown male. Brown trout made up 74% of the monthly run.

Ngongotaha Stream trap run (April 2019)

	<i>Av. Length</i>	<i>Av. Weight</i>	<i>Trap Run</i>	<i>Fish/night</i>	<i>10 pound+</i>	<i>% Brown</i>
<i>Rainbow</i>	510	1.59	7	2		
<i>Brown</i>	596	2.72	20	7		74%

Ngongotaha Stream trap run (May 2019)

The May trap was in operation at the time of report writing. Brown trout were still dominating the early run period.

Catfish Update

Some catfish control (fyke netting) is still being undertaken by Regional Council's contractor. Reasonable catches are still being made in Okere Arm and Te Weta Bay, but fewer are being caught elsewhere. Members of the advocate programme are still doing their own control and monitoring (citizen science) under the guidance of Te Arawa Lakes Trust. A reminder has gone out to ensure fykes are not placed in the vicinity of trout spawning streams to avoid the capture of trout as they approach these spawning areas.

1116 Waterfowl Monitoring

Aerial Transect/Trend Counts

Mallard and grey duck

Fish & Game conducts randomized aerial transect counts of mallard and grey duck just prior to the game bird season (15-17 April this year). Eastern staff also help with the Waikato and Northland counts. Many of the ponds in the Waikato were dry compared with previous years. This may explain the large number of ducks observed on the upper Waikato River over Opening Weekend. The results of these counts are still to be written up.

Swan

During the flights we also take the opportunity to count swan on Tauranga Harbour. Black swan on the Harbour are coming under increasing pressure from members of the public and Regional Council staff because of their perceived impact on seagrass (*Zostera sp*). Aerial counts confirm what the residents have told us, that the swan population peaks over summer and falls to a low over winter (Figure 1).

Tauranga Aerial Swan Counts

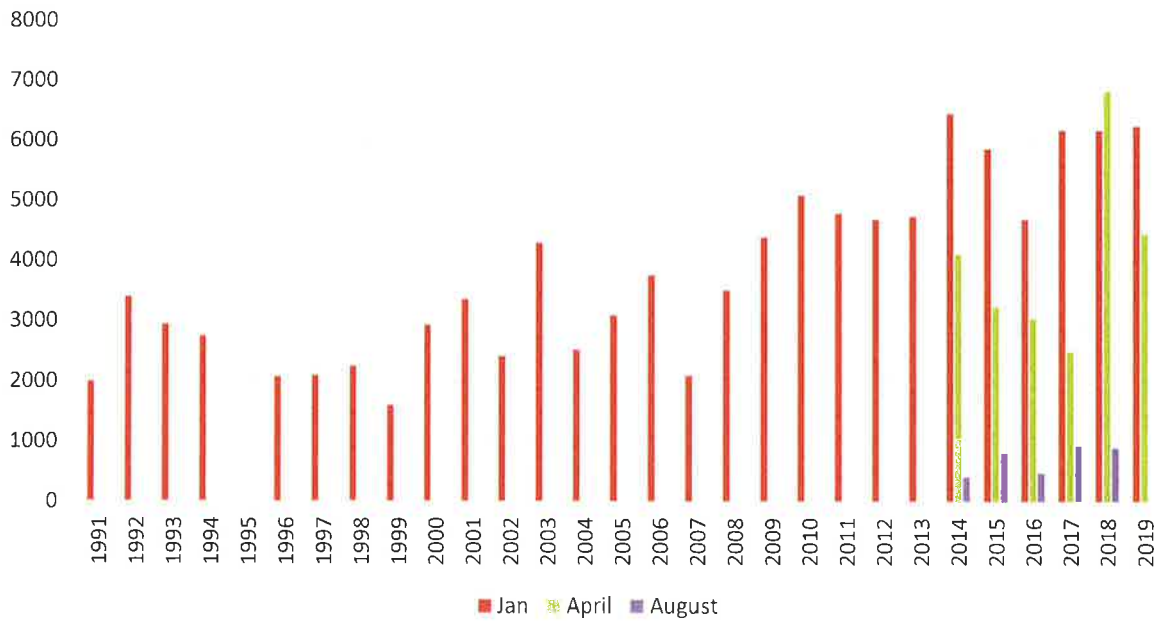
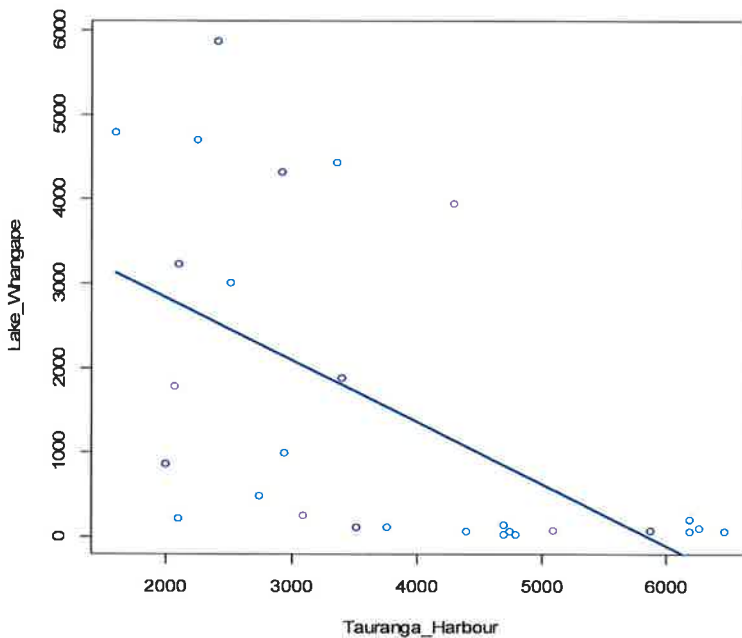


Figure 1. Aerial counts of swan on Tauranga Harbour in January 1991–2019. Since 2014 counts have also ben conducted in April and August.

The growing debate relates to the increase in swan numbers on the Harbour which is most likely a result of the collapse of the macrophyte beds in the Waikato Lakes (due to sedimentation, nutrification, and koi carp). There is a strong correlation between the decrease in Lake Whangapae swan numbers and the increase in Tauranga Harbours counts (Figure 2; $r = -0.58$; $P=0.001$).

Figure 2. Scatterplot of Lake Whangapae and Tauranga Harbour black swan populations.



1121 Lake Fisheries Creel Surveys

2018-2019 Summer Creel Survey

The 2018-19 summer survey has been completed. The data is being entered into an Access database after which it will be analysed and reported.

2019 Winter Creel Survey

The 2019 winter shoreline survey for Lakes Rotoiti, Tarawera and Okataina began in early May. Few anglers have been encountered around the lake shorelines to this point. Those that have been surveyed have found fishing challenging. The Te Wairoa trap run indicates a large number and early arrival of fish into spawning areas, but other tributaries appear not to have yet attained comparable proportions of fish entering them. Boat fishing has been described as hard by many on both Rotoiti and Tarawera given the amount of prey available for the trout.

1123 Game bird hunter survey

During the game bird season, a randomised survey of hunters is conducted over seven periods including the opening weekend. The opening weekend survey of 120 Eastern Region hunters has been completed, but we are still waiting for all of the out of region hunter data (i.e. other Fish & Game regions' surveys) to be entered before we can analyse the results.

Provisional results indicate a similar harvest to last year's average number of mallard and grey shot per hunter (4.83 vs. 4.77). Hours hunted were also similar (10.99 vs. 11.1). Total harvest of mallard and grey duck (10,539; 95% CI 8,202–12,875) was down (but not significantly) on last year (12,448; CI 9926–14,970) due possibly, to the decrease in licence sales (3,350 cf. 3,476 in 2018; adult and junior whole season). A more thorough report will be provided once the remaining data is in.

1141 Hatchery Operations

Yearling fish have been moved internally to manage available space and enhance growth.

Fish locations at 21 May 2019:

Location	Type	Qty (approx)	Comment
Tank A	1+Rt	10	Best of selection
Tank C	1+ Bt	1,650	Liberations, various 2019
Tank E	1+ Bt	1,680	Liberations, various 2019
Tank F	1+ Brook	100	Display/sales
Pond 2	1+ Rt	22,800	Spring liberations 2019
Pond 3	1+ Rt	22,800	Spring liberations 2019
Pond 4	1+ Rt	8,750	Autumn liberations 2019
Pond 5	1+ Rt	1,500	Autumn liberations 2019
Pond 9	1+ Rt	5,500	Sales and children's fishing 2020

1143 Te Wairoa Trap

The trapping season at the Fish & Game fish trap (Te Wairoa Stream) at Lake Tarawera started on 1 April when the trap was installed. During April, 342 rainbow trout ran into the stream compared with 135 during April 2018 and 90 during April 2017. Up to 21 May we

918 fish have been trapped compared with 635 to the same point during the 2018 winter. The average size of the trout running this winter is 545mm and 2.01kg compared with 522mm and 1.79kg across the same period during May 2017. Wild origin fish have made up 38.6% of the run to 21 May compared to 39% at the same point in time during the 2018 winter. The wild fish this winter have been 27mm larger and 220g heavier and in poorer condition on average than the 2018 wild fish. This is perhaps due to a larger number of smaller non-spawning 'silver' wilds entering the trap during the start of 2018 and scoring higher for condition using Fulton's condition factor formula than has been the case this year. The hatchery marked fish up to 21 May 2019 have been 20mm longer and 210g heavier on average, and in better condition than those recorded to the same point in time last year.

1161 Sports Fish Liberations

Autumn liberations during April and May are as below:

Liberations, Eastern Region 23 March – 22 May 2019

Water	Date	Mark	Tag	Species	Age	Number
Tarawera	9/04/2019	LpAd		RT	1+	1,000
Rotoiti	10/04/2019	LpAd		RT	1+	5,000
Rotoiti	7/05/2019	LpAd	19R	RT	1+	500
Rotoiti	7/05/2019	LpAd		RT	1+	5,000
Okataina	9/05/2019	LpAd	O19	RT	1+	500
Tarawera	10/05/2019	LpAd		RT	1+	500
Tarawera	10/05/2019	LpAd	AAA	RT	1+	500
Tarawera	10/05/2019	LpAd	19T	RT	1+	500
Tikitapu	14/05/2019	-		Brook	1+	1,755
Okareka	14/05/2019	LpAd		RT	1+	2,500
Rotoma	15/05/2019	LpAd		Tiger	1+	1,113
Rotoma	15/05/2019	LpAd		RT	1+	2,000
Rotoehu	20/05/2019	LpAd		RT	1+	2,000
Rerewhakaaitu	22/05/2019	Lpad		RT	1+	3,500

Fish were also despatched or delivered to the Auckland/Waikato and Northland Fish & Game regions.

HABITAT PROTECTION AND MAINTENANCE

1211 RMA Planning

Bay of Plenty Regional Council

Proposed Plan Change 9 (Water Quantity) submissions were lodged in December 2017. The Hearing was attended in March, and recommendations from the Panel were released in October 2018. An appeal was lodged in November 2018 relating to the allocation of surface water after minimum flows are reached. Following positive pre-mediation discussions,

Council have proposed some amendments to address our concerns. Mediation is scheduled to get underway in the first week of June 2019.

Waikato Regional Council

In March 2018, Auckland/Waikato and Eastern Fish and Game Council's lodged a joint submission on Waikato Regional Council's Healthy Rivers/Wai Ora: Proposed Waikato Regional Plan Change 1. Council hearings begin in March and are expected to continue for several months.

Bay of Plenty Water Advisory Panel

Fish and Game remains involved in the Bay of Plenty Regional Water Advisory Panel, community catchment groups and Okareka Working Party.

Bay of Plenty Draft Regional Pest Management Plan

Bay of Plenty Regional Council's existing Pest Management Plan has recently expired and a new Proposed Regional Pest Management Plan released. Submissions on the proposed plan were lodged in November opposing the inclusion of sports fish (perch and tench) in the document. Nothing new to report.

Bay of Plenty Conservation Management Strategy

We have recently received a pre-notification copy of the Department of Conservation's Bay of Plenty Conservation Management Strategy (CMS) for review. Feedback will be provided by mid-June.

1212 Consent Applications

There have been no inward resource consent applications received since Council's last meeting. Please note that we remain in regular discussion with Regional Councils regarding consent applications, but many are addressed by rules we have submitted on, or they are clarifying our position should there be doubt.

Pest Weed Incursions

Bay of Plenty Regional Council's autumn round of aquatic weed spraying was completed on the Rotorua lakes on 6 May. Endothall trials were conducted in small embayments on Lakes Rotoiti, Rotoma and Okataina on 2 and 3 May. Endothall is a recently registered herbicide available for use over water that is thought to be more effective on lagarosiphon and hornwort than diquat, and more effective in a range of lake conditions (e.g. higher turbidity). The key difference between the two is there is a larger stand down period for food gathering (3 days compared to 1 day for diquat) and irrigation and drinking water (25 days as opposed to 1 day for diquat).

Waitangi Stream Work (Lake Tarawera)

Contractors for the Bay of Plenty Regional Council have been undertaking remedial works to mitigate increased flow levels in the Waitangi Stream resulting from Lake Okareka outflows. The increased flows occur when it is necessary to lower lake levels in Okareka to protect lakeside properties and structures after periods of intense or prolonged rainfall. Gabion baskets, rock armouring and velocity dissipation structures have been engineered into the section of Waitangi Stream above the falls that lead into Lake Tarawera. As spawning fish from Tarawera are now present within the stream, the second stage of works including spawning enhancement works (velocity dissipation 'V-vanes', 'J-Hooks' and water level

control structures, along with augmented spawning gravels) and erosion protection works (rock armour and gabion baskets) will be deferred until summer.

1221 Reserves Management

Lower Kaituna WMR

All external contractor works were suspended three weeks prior to, and during the mallard hunting season. Works, under instruction of the Regional Council, will resume in June with some track upgrades, pest plant spraying and native planting to occur. BOPRC is also preparing an extensive resource consent application, for which our support will be sought, to undertake large scale earthworks and insert associated water control structures for conversion of the remaining 45 hectares of reserve land, and 30 hectares of iwi land, all currently grazed, to wetland. Works are planned to commence during summer 2019/20.

Ngapouri and Tutaeinanga

The Ngapouri and Tutaeinanga restoration project remain within budget and timeframes.

Other Reserves

All of the other managed reserves were inspected prior to the hunting season to ensure adequate access and appropriate water levels. No issues were identified at this time.

Joint Management Agreements

We expect these to be signed off in the very near future.

1231 Respond to Landowner Requests for Assistance

Typically, with the arrival of the game bird hunting season, multiple queries are received. The majority of these are minor in nature, and information brochures or phone conversations are generally sufficient to deal with these.

Two new wetland enhancement requests have been received since last Council meeting, both on the East Coast. One involves the conversion of a wet paddock to an open water area of approximately 0.5ha. but will include another 0.5ha. of adjacent ephemeral scrapes and wetland planting. Verbal and printed information was provided with the offer of a follow up visit when in the vicinity when next in the area in mid June.

The second site supports a monoculture of raupo which has gradually invaded a significant dabbling duck wetland habitat within the Te Araroa area of the East Cape. The 3.5ha wetland is vested with a Nga Whenua Rahui covenant and we are advising on how to best re-establish duck habitat while maintaining cultural and native biodiversity factors.

On going design work is underway for the creation of a new 3ha wetland at Tolaga Bay which will encompass both a water supply for forestry fire fighting and provide habitat for waterfowl. Communication is also ongoing with landowner preparing an application to the NZ Game Bird Habitat Trust fund to enhance a willow dominated series of three remnant swales totalling 2.5ha close to Gisborne. These sites will be revisited in mid-June, with the possibility that one of the landowners will agree to another potential wetland construction site we provided advice on a year ago being added to the programme.

1232 Habitat Creation and Enhancement Projects

In Stream Trout Habitat

Fish & Game continues to collaborate with the Rivers and Drainage division of the Bay of Plenty Regional Council and provide advice on the enhancement of trout habitat within local Rotorua streams. This principally involves providing direction to machine operators onsite in relation to the instream siting of large rocks and debris to enhance habitat while at the same time not adversely affecting water flows or generating erosion. Considerable work has been done on the Ngongotaha Stream, and rock additions are planned for the lower Utuhina Stream. We are also endeavouring to work with local iwi and the Rotorua Lakes Council on local riparian planting initiatives, our aim being to promote angler and fish friendly plantings.

Waikato Catchment Ecological Enhancement Trust (WCEET)

The WCEET had its 54th meeting where 15 applications for funding were considered. A total of \$458,000 was granted to 11 projects. Of these, six projects (\$244,673) will directly benefit fish and game.

ANGLER AND HUNTER PARTICIPATION

1311 Maintain & Enhance Access

Recreational access into the Kaingaroa Forest, Rotoehu Forest, and through Waimangu Forest opened on the first weekend of May. Conditions remain the same as in previous years, access permits being available from First Security in Rotorua.

Further planned maintenance work around the Rangitaiki River prior to access opening was not carried out due to other commitments at the time.

An access sign has been produced for the Putere Lakes in a joint effort between Fish & Game, DOC and the Walking Access Commission. This will signpost the marginal strip along which public access is available at Lake Rotorua. DOC will erect the sign and Fish & Game will maintain it.

1331 Electronic Newsletters

Reel Life was produced for April covering local fishing report. Both Barrels was produced for April covering season prospects.

1333 Fish & Game Website

Updates or changes to the Eastern Web site included Council agendas and minutes, hunting news and regulations, and fish liberations.

1334 Social Media

21 tweets were sent for the reporting period generating 12,700 views. 23 posts were sent from Facebook.

1354 Fishing Competitions

Seven fishing competition permits were processed.

1361 Fish & Game Club Communications

Cr Murray Ferris attended the AGM of the Wairoa Angling Club on 28 May 2019.

1371 Fish & Game Huts

New DOC compliant mattresses were installed at the Wairua Hut and rodent control measures were put in place as rats had taken up residence.

Maintenance was carried out to the Waikaremoana Hut and a load of firewood was kindly donated by, and delivered to the hut by Honorary Ranger Mike Newman.

PUBLIC INTERFACE

1421 Public Communications

John Meikle represented Eastern Fish & Game's interests at the Fish & Game Public Awareness Network group meeting held in Christchurch in mid-May. This was the first meeting of this group in five years. The aim of the group is to critically examine current media outlets we use, determine what is best for the R3 programme, and to ascertain what approach Fish & Game should be taking to public perceptions and potential future issues facing trout fishing and game bird hunting.

The role of North Island Communications Adviser was disestablished in early May and Grant Dyson was made redundant shortly thereafter. Martin Taylor has advised his intention is to make this position a fulltime one which we have offered could continue to be hosted out of this office.

1451 Education

One school tour of the hatchery facility was provided during the period.

COMPLIANCE

1511 Ranging

April and May has seen the end of the summer surveys on the lakes with no issues. Autumn and winter monitoring of spawning streams has begun, along with shoreline survey and compliance checks. As of the end of May there are varying numbers of spawning fish present in spawning streams with only a small number of minor incidents having been detected and dealt with to date.

The game bird hunting opening weekend compliance activities saw six teams of staff, rangers and Police ranging various areas across the region including the Wairoa and Gisborne areas, and Bay of Plenty and Rotorua Reporoa- Waikato River areas. 186 hunters were checked over opening weekend, and 12 persons are facing follow up action for offences found. Pleasingly no hunting without licence offences were found; offences we are dealing with include using shotguns without magazine restrictions, lead shot, and shooting protected species, and species with a closed season.

Ranging has been ongoing within the region, and this has included input by honorary rangers in various locations.

Overall compliance rate remains at approximately 98 %.

Contacts: Year 2018-2019 to 24/5/2019

Month	2014-15	2015-16	2016-17	2017-18	2018-19	Last 5 yr average
September	50	59	29	21	21	45
October	960	1,223	903	836	893	981
November	112	20	62	69	20	88
December	392	293	310	390	309	354
January	381	335	217	195	442	297
February	395	418	293	137	307	279
March	275	253	191	199	180	239
April	264	53	214	178	124	202
May	498	272	292	226	186	347
June	203	277	171	172		230
July	120	107	94	80		96
August	76	42	27	33		51
Total	3,726	3,352	2,803	2,536	2,482	3,208

Contacts Year to Date 2018-2019

To 24 May, 2,482 contacts (month of May figure comprises game opening contacts only).

North Island/National CLE role

This role is ongoing and has comprised input to the implementation of the Infringement Notice system. Liaison with Police, especially prior to and into the hunting season has also been ongoing.

1521 Ranger Training

Rangers

Honorary Rangers continue to contribute around the region. A new Rotorua based honorary ranger has recently been warranted following a training period.

1531 Prosecutions

For the 2018- 2019 year to date we have dealt with 57 persons for 79 offences as tabled below.

Offence table 2018-2019 year to 24 May 2019

Offence name	Number of offences
Disturbing spawning gravels	14
Exceed bag limit - Game	1
Fishing closed waters	9
Fishing with more than one rod	3
Fishing without a licence	18
Gives false details	2
Hunting without a licence	1
Illegal Tackle	1

Possession of net/spear/implement	2
Shooting protected species	2
Take spawning fish with net/spear/implement	11
Unpinned shotgun	9
Using lead shot	6
TOTAL	79

Offences Pending Resolution

Currently 17 offenders have offences pending resolution, details as per the table below. Several offenders have warrants to arrest for failing to appear in court. Other matters are pending prosecution outcomes and/or investigation.

To date 26 separate offences are pending resolution, by 17 offenders.

The table below shows offences currently pending resolution as at 24/05/19:

Offence name	Numbers
Fish without licence	8
Illegal tackle	1
Possess spear-gaff	1
Fish closed waters	4
False details	2
Hunt with unpinned gun	3
Hunt/kill illegal/protected species	2
Hunt with/possess lead shot ammunition	4
Exceed bag limit - game	1
Total	26

LICENSING

1612 Analysis of Licence Information

Kate Thompson continues to provide regular updates of licence sales for all regions. Additional reports have also been supplied to the Licence Working Party and R3 Working Group as required.

1621 Licence Agent Support

Administration staff continue to liaise with licence agents as required.

PLANNING AND REPORTING

1821 OWP Preparation

The second draft of the Operational Work Plan for 2019-2020 (see Agenda Item 8 and June Papers for Information).

ADMINISTRATION

Staff Houses

Renovation of the timber cottage just inside the front entrance has been completed and is currently being advertised for rental by Ray White Real Estate.

Office Premises

Old styled fluorescent lights have been replaced in the boat shed with compliant LED lights.

Vehicles

One vehicle has been sold and the other is currently advertised on Trademe.

15.2 HEALTH AND SAFETY REPORT

Ref: 9.01.07

30 May 2019

Background

As part of its commitment to Health and Safety and providing a safe workplace, the Eastern Fish and Game Council is provided with a report at each meeting describing:

1. Implementation and adherence to the Health and Safety plan – including Health and Safety as an agenda item for staff & 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. Health and Safety incidents – near misses or injuries sustained, plus updates on past events;
6. Recommendations.

April/May 19

1. Implementation and Adherence to the Health and Safety Plan

Regular (weekly) staff meetings.

Minutes from the Health and Safety portion of meeting are emailed to all staff.

Visitors required to sign register; site hazard register updated as required.

Tail gate forms were prepared for:

26/4/19	Diving at Lake Tarawera for Food Web Study
4/5/19	Ranging for Opening Weekend – various teams
10/5/19	Fin Marking and Loading for Liberations

Volunteers onsite were taken through Health & Safety procedures at the Hatchery and the volunteer for trap work was issued with an updated “Safe Procedures for Operators of Fish Traps” form.

2. Monitoring and Reporting

Work Place Accident Register

	30/05/2019	27/03/2019
Number of Workplace injuries in 2018-2019 year	1	1
Number of Workplace injuries in 2017-2018 year	1	1
Number of Workplace injuries in 2016-2017 year	2	2
Number of Workplace injuries in 2015-2016 year	1	1
Number of Workplace injuries in 2014-2015 year	1	1
Number of Workplace injuries in 2013-2014 year	3	3
Total Number of Workplace injuries since 1 Sept 1995	35	35
Total number of days since last lost work injury 31/8/17	637	573
Total number of days prior to last lost work injury since 1 Sept 1995	8035	8035

Management is constantly monitoring the Annual leave and Time in lieu hours of staff to ensure the health and wellbeing of staff is maintained.

Budget for 2018/19 for Health & Safety is \$2,000 - of this \$1,431 is spent to 30 April 2019. The largest expense to date is for tree removal.

3. Risk Management (identification and treatment)

Notes taken for the H&S minutes at the weekly staff meeting:

1/4/19	Slippery road Surfaces following rain
8/4/19	Fish moving up the stream – expect extra activity
15/4/19	Nil to report
29/4/19	Be aware of activity at the stream mouth
6/5/19	Tom & Ryan (volunteers) assisting with hatchery operations
13/5/19	Slippery roads after the rain, Nigel changing the bulbs in his vehicle due to poor visibility
20/5/19	Nil to report
27/5/19	Nil to report

4. Training Programme

PB2 Reassessment for five staff Tuesday 19 March

5. H&S Incidents

None to report.

6. Recommendation

That Council acknowledges it has received this report.

15.3 Finance Report

Ref: 8.03.01

30 May 2019

1. Purpose

To inform the Council of the current financial position and approve payments for the months of March and April 2019.

2. YTD Profit and Loss

The Profit & Loss statement for the period ending 30 April 2019 is attached. This report documents the income and expenditure for the period.

Income

Licence revenue is reporting to be below budget YTD (\$36,102). Changes to timing of invoicing and buyer purchasing behaviour means it is difficult to plot a budget forecast in terms of actual revenue in the bank. Therefore, a more up to date and detailed record of licence sales by category and LEQs can be found within the Licence Sales report included within this agenda.

Revenue from other sources over the period was made up of the following: hatchery (\$9,428), fishing competitions (\$167), tours (\$30), habitat fees (\$109), rentals (\$4,887), and sponsorship of the children's fishing programme by Rainbow Springs (\$2,000). Fines from prosecutions collected through the courts totalled \$340 and funds were also received from diversion processes for expense recovery and junior education programmes (\$87 and \$200 respectively). Interest income totalling \$2,193 was also received.

Revenue from other sources is ahead of budget YTD (\$37,854) and this relates primarily to the following:

- NZC re Gisborne Fresh Water Plan appeal – offsetting expenses incurred
- Hawke's Bay Contract – invoicing actual hours (previously set contract)
- Awakaponga pump shed insurance claim– equipment to be replaced
- Fire depot rental – change of tenant rental now being charged
- Genesis Energy – drift dive and report writing
- Donation J B Galbraith.

Species Management

Population monitoring expenditure for the period included the purchase of datawatch tags from Australia, meal expenses for Gisborne banding and Waikaremoana work, and equipment for Tarawera sampling work. Within budget YTD.

Hatchery expenses for the period related to fish food (\$6,479), stainless steel for the water supply headbox (\$429) and minor equipment purchases. Materials were purchased for repairs to and installation of the Te Wairoa trap, the tanker was serviced including CoF, and the usual expenses for electricity, rates, fuel, and oxygen are also reported. Hatchery expenditure is over budget \$13,081 YTD and this is primarily a result of the increased price of fish food which is no longer able to be sourced within New Zealand (\$11,230). A portion of this expense is recovered by supply of fish food to other regions and tourist parks and this is reported within the "other Income" budget (\$3,286). The increase in the fish food expense has been provided for within the 2019-20 budget and as a consequence an increase in the price of trout supplied to other regions is required.

The Species Management area is over budget YTD \$9,321.

Habitat

Works and Management spending for the period related to access track and water channel spraying in the reserves, a hunter/boat stile and access sign in the Tutaeinanga wetland, and minor equipment purchases. The overspend in the Habitat area is due to spending related to the Gisborne Freshwater Plan appeal which has been reimbursed by the New Zealand Council's legal fund and this is reported within "Other Income".

Participation

Access spending for the period related to a new boundary sign installed on State Highway 1. The new Waikaremoana Lakes brochure was paid for in March from the publications budget and hut expenses related to replacement mattresses for the Wairua hut and maintenance/cleaning products. The Participation output is within budget YTD.

Public Interface

Minimal expenditure is reported within the Public Interface output and this relates to cleaning of the public toilets. Within budget YTD.

Compliance

The Compliance expenses for the period related to the 0800 Poaching service and cell phone, stationery, ranger caps, and legal fees for a prosecution. Within budget YTD.

Licensing

The Commission budget includes agent commissions and the fees associated with the Public Online and 0800 sales. Within budget YTD.

Council

Council expenditure for the period included catering and travel reimbursement for the April Council meeting. Within budget YTD.

Planning

Levies were paid as budgeted and a small expense is reported for airport parking. Within budget YTD.

Administration

Notes on individual areas:

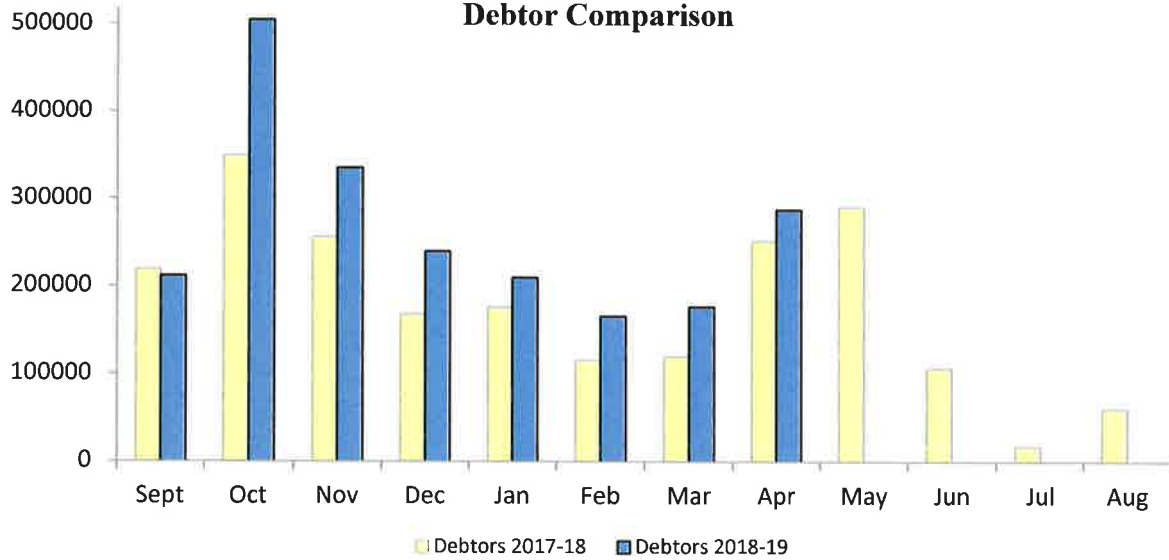
Salaries	Within budget YTD
Staff Expenses	Staff expenses for the period included staff clothing, staff lunch for visit to Wingspan, and Power Boat Level 2 assessments for five staff. Within budget YTD.
Staff Houses	Staff house expenditure was again significant with the refurbishment of the timber house. Expenses include the interior painting, purchase of a 2 nd hand oven, plumbing work to connect new bathroom, laundry, kitchen and the gas hot water heater, curtains and rails, and gas bottles. Other minor purchases were made to finish off interior and to tidy grounds. The final costs are yet to come in for cleaning of septic tank and our insurance excess for replacement of underfloor insulation which had been significantly damaged during the last tenancy. The overspend of \$18,547 YTD will increase once the final costs are in, so a

	complete summary of total costs and offsetting revenues will not be available until the next meeting of Council. Once rented the property will return an additional \$170 per week which will over time recover the cost of these long overdue improvements.
Office Premises	LED lights which were purchased in the last period were installed into the boat shed and fire store area. Electricity, rubbish removal, cleaning, and security expenses are also reported. The Office Premises area is over budget \$1,256 YTD, and this is due primarily to an increase in maintenance requirements but also to increases associated with cleaning and rubbish removal costs as a result of the increase to the minimum wages.
Office Equipment	The hot water heater in the staff room was replaced as the previous unit was not likely to be able to be repaired or would have been very costly to do so. The usual expenses relating to the phone system and eftpos leases are reported. Within budget YTD.
Communications/ Consumables	Standard communications expenses are reported for the period including phones, broadband, stationery, and photocopying. Computer related expenses included IT services and our Survey Monkey subscription. Postage expenses included the Private Bag renewal and prepaid envelopes. The overspend of \$461 YTD is timing related and will reduce over the coming months.
General	Within the general expense budgets, expenses are reported for bank fees and morning teas. The overspend YTD \$461 relates in part to insurance premium increases and the reallocation of merchant fees to bank charges.
General Equipment	Equipment expenses for the period included repairs to the Walker mower, servicing of Whio and Parera, and minor equipment purchases. The springs on Whio's trailer broke offsite and as a result needed to be returned to the Hatchery on a tow truck. The cost of the tow and repairs to the trailer are reported within the period. Boat and field equipment fuel expenses are also reported. Within budget YTD.
Vehicles	Vehicle expenses for the period included servicing for seven vehicles, one tyre was replaced on a vehicle following an unreparable puncture, and another set of tyres purchased. One vehicle was registered, and the standard fuel and RUC costs are also reported. Within budget YTD.

Cash Position: \$1,092,181 (includes \$99,541 for asset replacement reserve and \$453,014 for Waikaremoana Fund) as at 30 April 2019.

Debtors: Outstanding Debtors \$287,538 as at 30 April 2019 (\$251,557 as at 30 April 2018).

Eastern Region Fish & Game Debtor Comparison



From October this year we have processed our Public Online licence sales through our debtor ledger so those licence sales can be reported within the month that they were sold. This change means that our debtors ledger will be higher than it has been previously as these licence proceeds do not get settled to the region until the 9-10th of the month following. Of the total debtors outstanding as at 30 April, \$279,210 related to licence sales of which \$128,561 has been settled to the region in early May with the balance due early June. All debtor accounts are current.

Fixed Assets

Sold – 2016 Mazda BT-50 sold via Trademe.

Purchased – Gas hot water heater supplied and installed into cottage at front gate.

3. Variance Report

The variance report is shown on the following two pages. The year to date actual including staff hours are entered for each project area to provide Council with an overview of the staff time component of the Operational Work Plan.

2018/2019 REPORT OF VARIANCES BETWEEN TOTAL BUDGET AND YEAR TO DATE ACTUAL EXPENDITURE AND INCOME

as at 30 April 2019

Schedule B	Code	Project	EXTERNAL COSTS		HOURS		INTERNAL COST		NETABLE INCOME		NET COST		NET COST	Variance	%
			Budget	Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget	Actual			
	1110	Species Monitoring	\$ 54,000	\$ 29,822	2,341	1,615	\$ 137,216	\$ 98,706	\$ 8,500	\$ -	\$ 182,716	\$ 128,528	\$ 54,189	\$ 70.3	
	1120	Harvest Assessment	\$ 7,150	\$ -	884	609	\$ 51,815	\$ 37,248	\$ -	\$ -	\$ 58,965	\$ 37,248	\$ 21,717	\$ 63.2	
	1140	Hatchery Operations	\$ 69,050	\$ 74,901	3,078	2,120	\$ 180,415	\$ 129,610	\$ 79,000	\$ 58,128	\$ 170,465	\$ 146,383	\$ 24,082	\$ 65.9	
	1150	Game Farm	\$ -	\$ -	0	-	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 0.0	
	1160	Releases	\$ -	\$ -	154	157	\$ 9,027	\$ 9,568	\$ -	\$ -	\$ 9,027	\$ 9,568	\$ (541)	\$ 106.0	
	1170	Regulations	\$ -	\$ -	140	76	\$ 8,206	\$ 4,662	\$ -	\$ -	\$ 8,206	\$ 4,662	\$ 3,544	\$ 56.8	
	1180	Control	\$ 500	\$ 169	52	41	\$ 3,048	\$ 2,522	\$ -	\$ -	\$ 3,548	\$ 2,691	\$ 857	\$ 75.8	
		TOTAL - SPECIES MANAGEMENT	\$ 130,700	\$ 104,892	6,949	4,618	\$ 389,727	\$ 282,315	\$ 87,500	\$ 58,128	\$ 432,927	\$ 329,079	\$ 103,848	\$ 76.0	
	1210	Resource Management Act	\$ 200	\$ 9,521	1,160	1,071	\$ 67,993	\$ 65,462	\$ -	\$ 9,076	\$ 68,193	\$ 65,907	\$ 2,285	\$ 96.6	
	1220	Works & Management	\$ 21,000	\$ 9,955	1,122	664	\$ 65,765	\$ 40,580	\$ 13,150	\$ 21,250	\$ 73,615	\$ 29,285	\$ 44,331	\$ 39.8	
	1230	Assisted Habitat	\$ 8,700	\$ 980	912	430	\$ 53,456	\$ 26,274	\$ -	\$ -	\$ 62,156	\$ 27,254	\$ 34,903	\$ 43.8	
	1240	Assess & Monitor	\$ -	\$ -	120	12	\$ 7,034	\$ 734	\$ -	\$ -	\$ 7,034	\$ 734	\$ 6,300	\$ 10.4	
		TOTAL - HABITAT PROTECTION & MAN	\$ 29,900	\$ 20,456	3,314	2,176	\$ 194,248	\$ 133,049	\$ 13,150	\$ 30,326	\$ 210,998	\$ 123,179	\$ 87,819	\$ 58.4	
	1310	Access	\$ 7,500	\$ 3,556	592	462	\$ 34,700	\$ 28,261	\$ -	\$ -	\$ 42,200	\$ 31,817	\$ 10,383	\$ 75.4	
	1330	Newsletters/Information	\$ 11,500	\$ 8,666	350	105	\$ 20,515	\$ 6,435	\$ -	\$ -	\$ 32,015	\$ 15,101	\$ 16,914	\$ 47.2	
	1340	Other Publications	\$ 2,500	\$ 1,250	72	31	\$ 4,220	\$ 1,865	\$ -	\$ -	\$ 6,720	\$ 3,115	\$ 3,606	\$ 46.3	
	1350	Training	\$ 600	\$ 235	996	489	\$ 56,380	\$ 29,911	\$ 11,500	\$ 6,918	\$ 47,480	\$ 23,228	\$ 24,252	\$ 48.9	
	1360	Club Relations	\$ -	\$ -	72	23	\$ 4,220	\$ 1,406	\$ -	\$ -	\$ 4,220	\$ 1,406	\$ 2,814	\$ 33.3	
	1370	Huts	\$ 1,450	\$ 1,860	36	28	\$ 2,110	\$ 1,681	\$ 400	\$ 318	\$ 3,160	\$ 3,223	\$ (63)	\$ 102.0	
		TOTAL - ANGLER & HUNTER PARTICIP	\$ 23,550	\$ 15,567	2,118	1,138	\$ 124,145	\$ 69,559	\$ 11,900	\$ 7,236	\$ 135,795	\$ 77,890	\$ 57,906	\$ 57.4	
	1410	Liaison	\$ -	\$ -	216	142	\$ 12,661	\$ 8,681	\$ -	\$ -	\$ 12,661	\$ 8,681	\$ 3,979	\$ 68.6	
	1420	Communication	\$ 500	\$ -	204	130	\$ 11,957	\$ 7,917	\$ -	\$ -	\$ 12,457	\$ 7,917	\$ 4,540	\$ 63.6	
	1440	Public Promotions	\$ 4,500	\$ 272	158	97	\$ 9,261	\$ 5,915	\$ -	\$ -	\$ 13,761	\$ 6,187	\$ 7,574	\$ 45.0	
	1450	Visitor Facilities/Education	\$ 2,000	\$ 446	594	250	\$ 34,817	\$ 15,284	\$ -	\$ -	\$ 36,817	\$ 15,730	\$ 21,087	\$ 42.7	
		TOTAL - PUBLIC INTERFACE	\$ 7,000	\$ 718	1,172	618	\$ 68,696	\$ 37,798	\$ -	\$ -	\$ 75,696	\$ 36,516	\$ 37,180	\$ 50.9	
	1510	Ranging	\$ 2,100	\$ 1,430	940	460	\$ 55,098	\$ 28,123	\$ -	\$ -	\$ 57,198	\$ 29,553	\$ 27,645	\$ 51.7	
	1520	Ranger Training	\$ 1,000	\$ 383	108	49	\$ 6,330	\$ 2,965	\$ -	\$ -	\$ 7,330	\$ 3,349	\$ 3,982	\$ 45.7	
	1530	Compliance Prosecutions	\$ 7,500	\$ 3,317	360	199	\$ 21,101	\$ 12,166	\$ 8,000	\$ 3,301	\$ 20,601	\$ 12,182	\$ 8,419	\$ 59.1	
		TOTAL - COMPLIANCE	\$ 10,600	\$ 5,130	1,408	708	\$ 82,529	\$ 43,254	\$ 8,000	\$ 3,301	\$ 85,129	\$ 45,084	\$ 40,045	\$ 53.0	
	1610	Licensing	\$ 700	\$ -	322	152	\$ 18,874	\$ 9,262	\$ -	\$ -	\$ 19,574	\$ 9,262	\$ 10,312	\$ 47.3	
	1620	Agent Servicing	\$ -	\$ -	184	71	\$ 10,785	\$ 4,341	\$ -	\$ -	\$ 10,785	\$ 4,341	\$ 6,444	\$ 40.2	
		TOTAL - LICENSING	\$ 700	\$ -	506	223	\$ 29,659	\$ 13,603	\$ -	\$ -	\$ 30,359	\$ 13,603	\$ 16,756	\$ 44.8	
	1710	Council Elections	\$ -	\$ -	20	-	\$ 1,172	\$ -	\$ -	\$ -	\$ 1,172	\$ -	\$ 1,172	\$ 0.0	
	1720	Council Meetings	\$ 10,000	\$ 3,126	878	624	\$ 51,463	\$ 38,134	\$ -	\$ -	\$ 61,463	\$ 41,260	\$ 20,203	\$ 67.1	
		TOTAL - COUNCILS	\$ 10,000	\$ 3,126	898	624	\$ 52,636	\$ 38,134	\$ -	\$ -	\$ 62,636	\$ 41,260	\$ 21,376	\$ 65.9	
	1810	Management Planning	\$ -	\$ -	0	5	\$ -	\$ 306	\$ -	\$ -	\$ -	\$ 306	\$ (306)	#DIV/0!	
	1820	Annual Planning	\$ -	\$ -	126	56	\$ 7,385	\$ 3,439	\$ -	\$ -	\$ 7,385	\$ 3,439	\$ 3,946	\$ 46.6	
	1830	Reporting/Audit	\$ 9,185	\$ 6,307	551	290	\$ 32,297	\$ 17,731	\$ -	\$ -	\$ 41,482	\$ 24,037	\$ 17,444	\$ 57.9	
	1840	National Liaison	\$ 100	\$ 51	446	461	\$ 26,142	\$ 28,169	\$ -	\$ -	\$ 26,242	\$ 28,220	\$ (1,978)	\$ 107.5	
		TOTAL - PLANNING/REPORTING	\$ 9,285	\$ 6,358	1,123	812	\$ 65,824	\$ 49,644	\$ -	\$ -	\$ 75,109	\$ 56,002	\$ 19,107	\$ 74.6	
		TOTAL	\$ 221,735	\$ 156,247	17,188	10,916	\$ 1,007,465	\$ 667,357	\$ 120,550	\$ 98,991	\$ 1,108,650	\$ 724,613	\$ 384,037	\$ 65.4	

OVERHEADS		EXTERNAL COSTS		NETABLE INCOME		NET COST		NET COST		%
		Budget	Actual	Budget	Actual	Budget	Actual	Budget	Actual	
1910	Salaries	\$ 919,325	\$ 598,178	\$ 30,060	\$ 17,970	\$ 889,265	\$ 580,208	\$ 309,057	\$ 580,208	65.2
1920	Staff Expenses	\$ 23,900	\$ 4,632	\$ -	\$ -	\$ 23,900	\$ 4,632	\$ 19,268	\$ 19,268	19.4
1930	Staff Houses	\$ 13,650	\$ 30,846	\$ 33,200	\$ 24,098	\$ (19,550)	\$ 6,748	\$ (26,298)	\$ (26,298)	-34.5
1940	Office Premises	\$ 21,300	\$ 17,172	\$ -	\$ -	\$ 21,300	\$ 17,172	\$ 4,128	\$ 4,128	60.6
1950	Office Equipment	\$ 4,000	\$ 2,706	\$ -	\$ -	\$ 4,000	\$ 2,706	\$ 1,294	\$ 1,294	67.7
1960	Communications/Consumables	\$ 17,750	\$ 13,083	\$ -	\$ -	\$ 17,750	\$ 13,083	\$ 4,667	\$ 4,667	73.7
1970	General	\$ 9,250	\$ 8,726	\$ 750	\$ 11,173	\$ 8,500	\$ (2,447)	\$ 10,947	\$ 10,947	-28.8
1980	General Equipment	\$ 16,300	\$ 11,578	\$ -	\$ -	\$ 16,300	\$ 11,578	\$ 4,722	\$ 4,722	71.0
1990	Vehicles	\$ 46,000	\$ 33,677	\$ -	\$ -	\$ 46,000	\$ 33,677	\$ 12,323	\$ 12,323	73.2
	Administration	\$ 1,071,475	\$ 720,598	\$ 64,010	\$ 53,241	\$ 1,007,465	\$ 667,357	\$ 340,108	\$ 667,357	66.2
	Total Overhead Net Cost					\$ 1,007,465	\$ 667,357			
	Total Outputs Staff Hours					17,188	10,916			
	Internal Cost Per Hour					58.61	61.14			

2018/2019 REPORT OF VARIANCES BETWEEN TOTAL BUDGET AND YEAR TO DATE ACTUAL EXPENDITURE AND INCOME

Schedule C	Code	Output	EXTERNAL COSTS		HOURS		INTERNAL COST		NETABLE INCOME		NET COST		Variance	%
			Budget	Actual	Budget	Actual	Budget	Actual	Budget	Actual	Budget	Actual		
	1	Species Management	\$ 130,700	\$ 104,892	6,649	4,618	\$ 389,727	\$ 282,315	\$ 87,500	\$ 58,128	\$ 432,927	\$ 329,079	\$ 103,848	76.0
	2	Habitat Protection & Management	\$ 29,900	\$ 20,456	3,314	2,176	\$ 194,248	\$ 133,049	\$ 13,150	\$ 30,326	\$ 210,998	\$ 123,179	\$ 87,819	58.4
	3	Angler & Hunter Participation	\$ 23,550	\$ 15,567	2,118	1,138	\$ 124,145	\$ 69,559	\$ 11,900	\$ 7,236	\$ 135,795	\$ 77,890	\$ 57,906	57.4
	4	Public Interface	\$ 7,000	\$ 718	1,172	618	\$ 68,696	\$ 37,798	\$ -	\$ -	\$ 75,696	\$ 38,516	\$ 37,180	50.9
	5	Compliance	\$ 10,600	\$ 5,130	1,408	708	\$ 82,529	\$ 43,254	\$ 8,000	\$ 3,391	\$ 85,129	\$ 45,084	\$ 40,045	53.0
	6	Licensing	\$ 700	\$ -	506	223	\$ 29,659	\$ 13,603	\$ -	\$ -	\$ 30,359	\$ 13,603	\$ 16,756	44.8
	7	Councils	\$ 10,000	\$ 3,126	898	624	\$ 52,636	\$ 38,134	\$ -	\$ -	\$ 62,636	\$ 41,260	\$ 21,376	65.9
	8	Planning, Reporting	\$ 9,285	\$ 6,358	1,123	812	\$ 65,824	\$ 49,644	\$ -	\$ -	\$ 75,109	\$ 56,002	\$ 19,107	74.6
	9	Administration												
		Total Overhead Staff Hours			6,327	4,385								
		TOTAL BUDGET	\$ 221,735	\$ 156,247	23,515	15,300	\$ 1,007,465	\$ 667,357	\$ 120,550	\$ 98,991	\$ 1,108,650	\$ 724,613	\$ 384,037	

Licence Income 2018-19		Budget	Actual
2018/19 Fish Licence Income		\$ 1,207,369	\$ 1,089,742
Less Commission		\$ 52,375.00	\$ -
Net Fish Licence Income		\$ 1,154,994	\$ 1,089,742
2019 Game Licence Income		\$ 255,022	\$ 178,756
Less Commission		\$ 11,476.00	\$ 50,533
Net Game Licence Income		\$ 243,546	\$ 128,223
Total Licence Income		\$ 1,462,391	\$ 1,268,498
Total Commission		\$ 63,851	\$ 50,533
Total Net 2018/19 Licence Revenue		\$ 1,398,540	\$ 1,217,965

Adjustments to OWP budgets - Waikaremoana Fund		Budget	Actual
Adjustment to OWP budgets - National Approved Budget		\$ 1,108,650	\$ 724,613
less Interest		\$ (13,408)	\$ (5,215)
Plus NZ Fish & Game Levies		\$ 244,143	\$ 183,107
Less Licence Revenue		\$ (1,462,391)	\$ (1,268,498)
Plus Commission Expense		\$ 63,851	\$ 50,533
Plus Gain Loss on Sale/revaluation		\$ (2,959)	\$ -
Depreciation		\$ 72,378	\$ 49,948
Subtotal		\$ 10,264	\$ (265,512)
Adjustments to OWP budgets - Waikaremoana Fund		\$ (11,408)	\$ 2,515
Less Waikaremoana Fund Interest		\$ 30,500	\$ 7,409
Plus Waikaremoana Fund Expenses		\$ 29,356	\$ (255,588)
Adjusted Budget	Actual(surplus)/deficitYTD	\$ 29,356	\$ (255,588)

Profit and Loss - Council

Eastern Fish and Game Council for the 2 months ended 30 April 2019

Income	Mar 2019	Apr 2019	YTD Actual	YTD Budget	Total Budget	Variance YTD	Variance YTD %
Licence Income	82,936	166,988	1,232,643	1,265,500	1,418,918	(32,857)	(3)
Non-Resident Licence Levy Revenue	5,455	2,367	35,854	39,100	43,473	(3,246)	(8)
Other Income	6,774	12,673	154,933	117,079	212,335	37,854	32
Total Income	95,165	182,029	1,423,431	1,421,679	1,674,726	1,752	0
Operating Expenses							
Depreciation	6,489	6,489	49,948	47,984	72,378	1,964	4
1100 SPECIES MANAGEMENT							
1110 Population Monitoring	6,806	128	29,822	31,375	54,000	(1,553)	(5)
1120 Harvest Assessment	0	0	0	4,500	7,150	(4,500)	(100)
1140 Hatchery Operations	2,445	8,520	74,901	61,820	69,050	13,081	21
1180 Game Bird Control	0	0	169	300	500	(131)	(44)
Total 1100 SPECIES MANAGEMENT	9,251	8,648	104,892	97,995	130,700	6,897	7
1200 HABITAT PROTECTION/MANAGEMENT							
1210 Resource Management Act	0	0	9,521	200	200	9,321	4,660
1220 Works & Management	6,208	420	9,955	11,000	21,000	(1,045)	(9)
1230 Assisted Habitat	2,599	5,415	8,389	10,200	39,200	(1,811)	(18)
Total 1200 HABITAT PROTECTION	8,806	5,835	27,865	21,400	60,400	6,465	30
1300 PARTICIPATION							
1310 Access	0	226	3,556	5,500	7,500	(1,944)	(35)
1330 Newsletters	0	0	8,666	10,000	11,500	(1,334)	(13)
1340 Other Publications	1,250	0	1,250	1,250	2,500	0	0
1350 Training	0	0	235	400	600	(165)	(41)
1370 Huts	533	392	1,860	1,050	1,450	810	77
Total 1300 PARTICIPATION	1,783	618	15,567	18,200	23,550	(2,633)	(14)
1400 PUBLIC INTERFACE							
1420 Communication	0	0	0	500	500	(500)	(100)
1440 Public Promotions	0	0	272	500	4,500	(228)	(46)
1450 Visitor Facilities/Education/Interpretation	34	0	446	1,335	2,000	(889)	(67)
Total 1400 PUBLIC INTERFACE	34	0	718	2,335	7,000	(1,617)	(69)
1500 COMPLIANCE							
1510 Ranging	865	57	1,430	1,400	2,100	30	2
1520 Ranger Training	0	0	383	1,000	1,000	(617)	(62)
1530 Compliance	1,483	200	3,317	5,100	7,500	(1,783)	(35)
Total 1500 COMPLIANCE	2,349	257	5,131	7,500	10,600	(2,369)	(32)
1600 LICENSING							
1610 Licence Prod/Distrib	0	0	0	0	700	0	0
1630 Commission	3,836	7,883	50,533	56,295	63,851	(5,762)	(10)
Total 1600 LICENSING	3,836	7,883	50,533	56,295	64,551	(5,762)	(10)
1700 COUNCIL							
1720 Council Meetings	0	660	3,126	7,000	10,000	(3,874)	(55)
Total 1700 COUNCIL	0	660	3,126	7,000	10,000	(3,874)	(55)
1800 PLANNING/REPORTING							
1830 Reporting/Audit	0	0	6,307	7,040	9,185	(733)	(10)
1840 National Liaison	0	61,062	183,158	183,168	244,243	(10)	(0)
Total 1800 PLANNING/REPORTING	0	61,062	189,465	190,208	253,428	(743)	(0)
1900 ADMINISTRATION							
1910 Salaries	69,936	104,182	598,178	602,088	919,325	(3,910)	(1)
1920 Staff Expenses	245	623	4,632	6,700	23,900	(2,068)	(31)
1930 Staff Houses	12,637	2,372	30,846	12,299	13,650	18,547	151
1940 Office Premises	1,327	2,484	17,172	15,916	21,300	1,256	8
1950 Office Equipment	150	1,651	2,706	3,200	4,000	(494)	(15)
1960 Communications/Consumables	2,180	949	13,083	12,722	17,750	361	3
1970 General	161	83	8,726	8,270	9,250	456	6
1980 General Equipment	4,353	1,003	11,578	12,600	16,300	(1,022)	(8)
1990 Vehicles	5,589	3,963	33,677	33,000	46,000	677	2
Total 1900 ADMINISTRATION	96,578	117,309	720,599	706,795	1,071,475	13,804	2
Total Operating Expenses	129,126	208,760	1,167,842	1,155,712	1,704,082	12,130	1
Net Profit	(33,961)	(26,731)	255,588	265,967	(29,356)	(10,379)	(4)

4.0 Recommendation

4.1 That the payments for March and April 2019 totalling \$287,731.26 be approved.

<i>March - Current account</i>	<i>\$128,632.78</i>
<i>April - Current account</i>	<i>\$154,580.04</i>
<i>March/April - Credit card (AG)</i>	<i>\$250.77</i>
<i>March/April - Credit card (LS)</i>	<i>\$4,267.67</i>
<i>Total</i>	<i>\$287,731.26</i>

14.5 LICENCE SALES REPORT

Ref: 6.01.05

30 May 2019

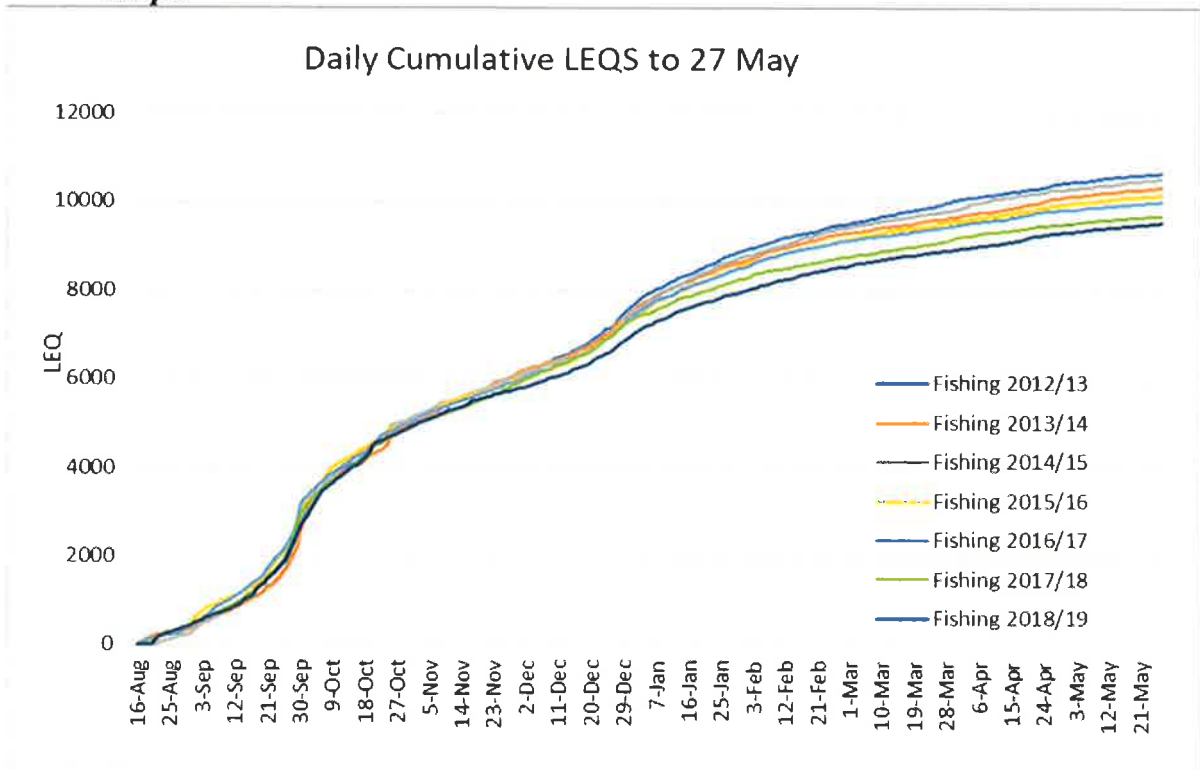
1. Introduction

This report provides an overview of licence sales for the 2018-2019 financial year to 29 May 2019.

2. 2018-2019 Fish Licence Sales

- 2.1 Fish Licence sales for the 2018-2019 season comparison against the 2017-18 season YTD are summarised in *Table One*.
- 2.2 The total 2018-19 fish licence LEQ's YTD have improved this period to 1.7% behind the 2017-18 season results for the same period. 92.7% of the annual sales target has been achieved for the season to 29 May 2019.
- 2.3 Nationally at the same date, fish licence sales are reporting to be 2.8% below the same period during the 2017-18 season which is also an improvement on the prior reporting period.
- 2.4 Daily cumulative LEQs are shown in *Graph 1*. Fish licence sales are showing further improvement since the last report on 27 March 2019. At that time sales were reporting 205 LEQs down on the same period during 2017-18. Year to date to 29 May that gap has reduced to 166 LEQs, an improvement of 39 LEQs (\$4,408).
- 2.5 *Graph 2* shows the daily cumulative sales for the period from 1 March through to 27 May. The Easter period 19-22 April can be seen as a blip in the 2018-19 line. Sales through the month of March appear to have performed better than those during both of the previous two seasons.
- 2.6 Fish licence revenue, in dollar terms, for the 2018-19 Season is reporting higher than that of the 2017-18 Season by \$6,619 despite the LEQ variance of negative 1.7%. This is due to the increase in licence price between these two seasons.
- 2.7 We can forecast where we might expect to be against our sales target for the 2018-19 complete season by assuming that sales will follow the current variance to the end of the season. If we continue on the same track and LEQs end the season at 1.7% down on the prior season, we estimate that the end of season results will be 4.3% or \$50,508 below budget. This is due to the budget for the 2018-19 Season being 10,296 LEQs which is 176 LEQs higher than total fish licence sales achieved in the 2017-18 season. Of course, if we continue to pick up additional sales in the latter part of this season the end result will only improve.
- 2.8 The decline in the non-resident day licence category of 703 YTD is offset by the increase in the higher valued non-resident season category of 144 YTD. Revenue to allocated to the non-resident levy reserve is \$22,776 higher than that achieved for the same period during the 2017-18 season.

Graph 1



Graph 2

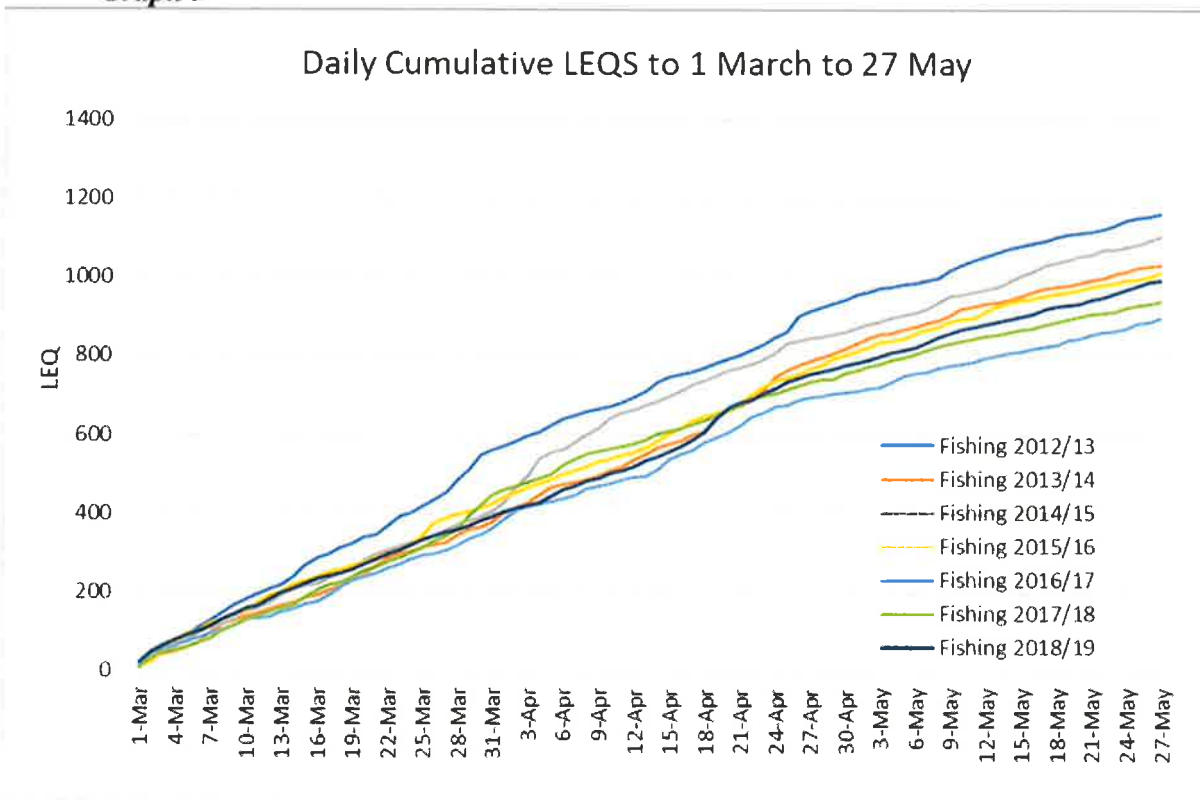


Table One

Fish Licence Sales 2018/19 vs 2017/18 Seasons YTD to 29 May 2019

Channel	FWF	FWA	FWNA	FSLA	FLAA	FWIA	FLBA	FSBA	FDA	FDNA	FWJ	FWNJ	FDJ	FDNJ	FWNC	FDNC	Total Fish
Agency Online	1588	1228	283	240	1126	240	62	507	1783	1287	260	7	236	63	0	0	8,910
Public Online	1268	942	185	161	477	156	42	508	1730	898	144	10	138	22	0	0	6,681
Eyede Call Centre	12	10	0	12	9	6	0	3	9	4	0	0	2	0	0	0	67
Total YTD 2017-18	2868	2180	468	413	1612	402	104	1018	3522	2189	404	17	376	85	0	0	15,658
Agency Online	1502	1144	344	229	1115	175	37	491	1471	825	231	13	167	26	6	23	7,799
Public Online	1243	976	267	160	536	206	44	506	1901	652	152	15	174	15	13	9	6,869
Eyede Call Centre	16	4	0	13	8	6	0	1	16	1	2	0	0	0	0	0	67
Total YTD 2018-19	2761	2124	611	402	1659	387	81	998	3388	1478	385	28	341	41	19	32	14,735

Summary LEQ's YTD to 29 May 2019 (Whole Season Licence Equivalent)

Season	Fish LEQ	Fish Var	Fish \$	Inc/Dec
Total YTD 2017-2018	9,709		\$1,072,200	
Total YTD 2018-2019	9,543	-1.7%	\$1,078,820	\$6,619

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

2018-19 Annual Budgeted FISH LEQs	10,296	100.0%	\$1,163,896
2018-19 YTD Actual	9,543	92.7%	\$1,078,820
Remaining to meet budget	-753	-7.3%	-\$85,076

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

2018-19 Budgeted FISH LEQs	10,296	100.0%	\$1,163,896
2017-18 Complete Season FISH LEQs	10,020		\$1,106,557
2018-19 Est. year end based on YTD variance	9,849	95.7%	\$1,113,388
Est Shortfall/Surplus 2018-19 Season vs Budget	-447	-4.3%	-\$50,508

Resident Licence Categories

FWF – Family Season, FWA – Adult Season, FLSA – Loyal Senior Season, FLAA – Local Area Season, FWIA – Adult Winter Season, FLBA – Adult Long Break, FSBA – Adult Short Break, FDA – Adult Day, FWJ – Junior Season, FDJ – Junior Day, FWC – Child Season

Non-Resident Licence Categories

FWNA – Adult Season, FDNA – Adult Day, FWNJ – Junior Season, FDNJ – Junior Day, FWNC – Child Season, FDNC – Child Day

3. 2019 Game Licence Sales

- 3.1 Game Licence sales for the 2019 season comparison against the 2018 season YTD are summarised in *Table Two*.
- 3.2 The total 2019 game licence LEQs YTD are 2.5% behind the 2018 season results for the same period.
- 3.3 Nationally for the same period, licence sales are reporting to be 2.3% below the same period during the 2018 season.
- 3.4 Game licence revenue, in dollar terms, for the 2019 Season is reporting to be lower than that of 2018 Season by \$889 despite the LEQ variance of negative 2.5%. This is due to the increase in licence price between these two seasons.
- 3.5 As with Fish revenue we can estimate where we might expect to be against our sales target for the 2019 Game season by assuming that sales will follow the current trend to the end of the season. Therefore, based on the current variance of 2.5% behind 2018 results we can expect to end the year 0.5% or \$1,409 ahead of the target for the year. This is due to the budget for the 2019 Game season being 3,154 LEQs which is 98 LEQs lower than total game licence sales achieved in the 2018 season.

Table Two

Game Licence Sales 2019 vs 2018 Seasons YTD to 29 May 2019

Channel	GWA	GWJ	GWC	GDA	GDJ	Total Game
Agency Online	2825	300	137	23	1	3,286
Public Online	304	30	14	17	0	365
Eyede Call Centre	3	0	0	0	0	3
Total YTD 2018	3132	330	151	40	1	3,654
Agency Online	2734	268	143	37	4	3,186
Public Online	318	37	12	16	0	383
Eyede Call Centre	0	0	0	0	0	0
Total YTD 2019	3052	305	155	53	4	3,569

GWA Season Adult, GWJ Season Junior, GWC Season Child, GDA Day Adult, GDJ Day Junior

Summary LEQ's YTD to 29 May 2019 (Whole Season Licence Equivalent)

Season	Game LEQ	Game Var	Game \$	Inc/Dec
Total YTD 2017-2018	3,205		\$253,631	
Total YTD 2018-2019	3,125	-2.5%	\$252,743	\$-889

2019 Summary YTD Actual vs Total Budget

2019 Annual Budgeted GAME LEQs	3,154	100.0%	\$255,022
2019 YTD Actual	3,125	99.1%	\$252,743
Remaining to meet budget	-29	-0.9%	-\$2,279

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

2019 Budgeted GAME LEQs	3,154	100.0%	\$255,022
2018 Complete Season GAME LEQs	3,252		\$257,332
2019 Est. year end based on YTD variance	3,171	100.5%	\$256,431
Est Shortfall/Surplus 2019 Season vs Budget	17	0.5%	\$1,409