



FISH & GAME NZ, SOUTHLAND REGION

AGENDA

FOR THE COUNCIL MEETING TO BE

HELD THE COUNCIL OFFICE

17 EYE STREET

INVERCARGILL

Thursday 18th July 2024

COMMENCING AT 6.00 PM



NOTICE OF MEETING:

The next meeting of the Southland Fish & Game Council will be held on **Thursday 18th July 2024** at the Fish & Game Office Boardroom, 17 Eye Street, Invercargill commencing at **6.00pm.**

AGENDA:

1. Welcome
2. Apologies.
3. Declarations of Interest.
Register circulated at meeting for Councilors to declare & sign if any conflicts of interest with agenda items.
4. Confirmation of Minutes.
 - Confirm Minutes of the SFGC Public meeting held 30th May 2024.
5. Notices of Motion.
 - Receive & accept Health & Safety report to 30th June 2024.
 - Updated compliance policy ranger
 - Updated compliance policy prosecutions
 - Draft Infringement Notice Compliance and Enforcement Policy
 - Re-affirm or revise Smoking Policy
 - Receive & consider Journal Report
6. Staff Report.
 - Designated Waters Decision
7. Councilor's Information reports.
Administration Reports.
 - Accounts paid & Direct Credit/Debit payment list since last meeting.
 - Licence sales progress to 4th July 2024.
 - Budget to Actual progress to 8th July 2024.
8. NZ Council update-Dave Harris.
9. Items for the next agenda.
 - Items for agenda for joint Otago meeting?
10. Closure of meeting.

Unconfirmed Minutes of the Fish and Game NZ, Southland Region council meeting held at the Southland Fish and Game Offices, 17 Eye Street, Invercargill on 30th May 2024, commencing at 6.00pm.

Present:

Lindsay Withington (Chair)	Mike Hartstonge
Dave Harris	Dave Linklater
Craig Horrell – via zoom	Mike Turner

In attendance: Zane Moss (Manager), Cohen Stewart

Steve McCartney (Minutes).

Members of the Public:

1 Welcome:

The Chairman opened the meeting at 6.10pm and welcomed those in attendance.

2 Apologies:

Lyndon Norman, Stevie-Rae Blair and Rebecca Munro (member of public).

Moved: D Harris. Seconded: M Hartstonge. Carried.

3 Declarations of Interest:

The individual member declaration of conflicts of interest with any item on the agenda had been circulated to members before the start of the meeting.
Any conflicts were noted by the Chairman.

Moved: L Withington. Seconded: D Harris. Carried.

4 Confirmation of Minutes.

The minutes of the public meeting held 27th March 2024 were considered.

Resolved D Linklater/D Harris That the minutes of the public meeting held 27th March 2024 were taken as read and were a true and correct record, subject to a minor spelling amendment. Carried.

5 Notices of Motion

Health & Safety Report to 20th May 2024.

The Council Health & Safety report for the period was attached to the agenda for consideration. All known hazards were listed in the Southland Health & Safety Plan.

The meeting was advised that the health and safety plan had been reviewed and that the H & S Plan is provided to external contract providers, feedback from whom indicates our plan is robust.

The Manager advised that a staff first aid course is to be conducted on 9 April 2024.

An audit of the F & G Health and safety plan is to be undertaken by DOC in support of contract work.

Resolved M Turner/M Hartstonge : *That the Health and Safety Report to 20th May 2024, be received and accepted.* Carried.

Licence Fee Recommendation 2024-25

Disappointed to learn from the Chairs meeting that whilst we were told that the Minister was unwilling to support a licence fee increase, that a case could have been made, should a reason in support have been sufficiently compelling.

Motion to accept licence recommendation as presented. D Harris/ M Hartstonge.

Discussion on motion -

D Linklater considers removing DW licence fee from resident licence holders and increasing DW licence fee for NR's from \$40 to \$60.

M Hartstonge supports this view but not this year in light of the current DW proposal (Mataura/Waikaia) in train.

Amended motion : D Harris/D Linklater to accept the licence fee recommendation as presented subject to an increase to the Non-Resident day licence fee from \$40 to \$60. in Favor 4 : Against 1. Carried.

Resolved D Harris/D Linklater to accept the licence fee recommendation as presented subject to the NRDW day licence being increased from \$40 to \$60. Carried.

Anglers Notice considerations for 2024/25 season.

Craig Smith (president of The Professional Guides Assn) joined the meeting via speaker phone. The chairman asked Craig what the feeling of the guides association was towards the DW proposal. Craig advised they were broadly supportive. Their main concerns are the DW day licence cost and the displacement of licence holders by guides on those rivers. Craig outlined a Lumsden guide (Australian based) who rotates a standard quota of 16 clients through the same waters, which creates pressure with the associated revenues collected in Australia. He advised that he had spoken the previous day with the Minister to make it clear that this mode of operation was not practiced by members and distanced themselves from it. The Minister advised that he had already been lobbied, a lot, from across the Tasman. Craig stated that he steered his clients away from the Feb/Mar period as it was too crowded on account of NR (mainly Australian) anglers.

Cr Withington thanked Craig for his time and input to our meeting.

Cohen spoke in regard to work undertaken on beat occupancy and compliance on the Mataura and Waikaia undertaken by Dwight and Blake over the summer period. Data included in papers. NR anglers represented 2/3rds of the angler numbers on these waters, particularly through the January/March period. Anglers stated that such pressure is affecting fish behaviour.

Cr Turner advised that he has had feedback from the West Coast and Nelson regions who are considering adding rivers as designated waters, as well as our region.

Cr Linklater advised that the beat occupancy rate should not exceed 33% in order to reduce the pressure.

Election Considerations

Elections to be held on 11th October 2024.

D Harris – recommends 6 elected + 2 coopted + Ngai Tahu representative.

M Hartstonge – recommends the status quo ie 9 elected.

M Turner – recommends status quo – 9 elected.

D Linklater – considers 5 elected is too low and recommends the status quo.

C Horrell – recommends the status quo of 9.

The Manager advised that 5 does not include 2 co-opted plus a Ngai Tahu rep, equalling 8. NZC Organisational Strategy indicated that it was to move towards an amalgam of elected and appointed governors. The Southland Council had earlier this year approved our Strategy that stated that we would reduce the number of elected councillors for the 2024 and look to subsequently coopt additional members based on requisite skills and representation.

Resolved D Linklater/M Turner to maintain the current position of the SFGC consisting of 9 councillor's.

Staff Report

Opening weekend survey results generally indicated that numbers were down on previous season.

Acknowledged Cohen's work in regard to the wellbeing study and its publication.

Mandeville pond. The neighbour has not indicated an interest in buying it. Now looking to market it via facebook subject to due diligence first.

Joint meeting with the Otago F & G Council – 25th July 2024 in Tapanui

Coincides with the next SFGC meeting, which will now be held on Thursday 18th July.

Council's Information reports.

Letter to the Professional Guides Assn.

Emails re designated waters in Southland.

Chairmans response to Hon Todd McClay, Minister of Hunting and Fishing.

Administration Reports

No matters raised.

NZC update.

Dave Harris Gave an update.

Budgets – most contestable fund applications were approved.

Discussed Health & Safety Report & Policy, Auditors report, licence fee forecast.

Discussion regarding introduction of a meeting fee allowance in recognition of the time some spend at meetings during the work day.

Chairs Meeting

Cr Withington advised he had a discussion with the Northland Chair in regard to unlicensed hunters operating in their region and enquired as to Southland's approach. Lindsay advised the Southland region had a strong focus on having ranging staff regularly in the field.

Future Finance Working Group.

Nigel Juby (Chairman Auckland/Waikato) joined the meeting via zoom to discuss the Future Finance Working Group report.

Topics discussed –

- Financial efficiency within the organisation
- Reserves policy and Practice
- Licence forecasting
- Centralising licence sales and income
- Budgeting
- Review past reports and advice
- Governance and Finance

Nigel stated that the goal was to have a workable system that had a good chance of being adopted by councils.

RMA – look to centralise the oversight of outputs but not to micromanage at regional level.

Staff Salaries – Manage payroll centrally ie pay staff via a central process but with salaries remaining a regional budget matter.

HR – centralise to enable consistency of application of relevant HR matters.

Funding based on activity – Nigel suggested that in his view there would be issues around this in respect of competing/off-setting levels/areas of activity between regions resulting in the risk of regions competing against each other.

Levy's – set regionally with any under/overspends at year end applied to or from reserves.

External Funds – if generated in the region, will stay in the region.

Items for next meeting

Nothing specific.

The meeting closed at 8.40 pm.

Next meeting to be held 18th July 2024.

Chairman _____ Date _____

HEALTH AND SAFETY REPORT

Background

As part of its commitment to Health and Safety and providing a safe workplace the Southland Fish and Game Council requires a report at each meeting describing:

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

30th June 2024 update:

1. Implementation and adherence to the Health and Safety Plan

The Council Health and Safety Plan & Policy was approved at the Council meeting held 9th June 2016 and the Plan reviewed annually by staff. The 2023 annual review has been completed. An updated Health & Safety policy was signed by the manager (as per our H&S schedule) and placed in prominent positions in the Invercargill and Te Anau offices.

Our Health & Safety plan has been reviewed in 2023. Staff are currently using the Health & Safety audit checklist (provided by NZ Council) to thoroughly go through all aspects of our H&S plan to insure it remains fit for purpose. Changes will be made to the Health & Safety Plan, hazard register and appendices as appropriate.

We have now produced a Health and Safety Performance Checklist to make sure we are covering everything we need to during H&S meetings. We have also produced a H&S review schedule which documents any changes/additions we make to any elements of our H&S processes. A newly developed H&S action register documents H&S actions which need to take place, who is responsible for the H&S action and when it is to be completed by.

The Health & Safety Policy sets out the commitment that the Council has towards the Health and Safety of all Fish and Game workers and visitors. A copy of the Policy is displayed in the entrance way to the offices in Invercargill and Te Anau for all workers and visitors to see. The Policy is to be reviewed every three years and the last review was 11th November 2021, the next review being due in November 2024.

- **Staff meetings include Health and Safety on the Agenda.**
- Staff are given an opportunity to raise any issues and as a team we develop a procedure to minimise the risk. All staff are made aware immediately of any new hazards identified.
- Staff training requirements pertaining to Health & Safety, is ongoing and reviewed annually.
- Tailgate forms are used when staff go out in the Field or Ranging, these are updated as new hazards are identified.
- The boardroom when used for a meeting (visitors to the site)- all persons attending the meeting will be given a verbal Health and Safety briefing by the Chairman – i.e. shown where all exits are in case of emergency and notified of any hazards in the area.

Monitoring and Reporting

Work Place Accident Register

as at 30th June 2024

Number of workplace injuries in 2023-2024 year	1
Number of workplace injuries in 2022-2023 year	0
Number of workplace injuries in 2021-2022 year	1

2. Risk Management (identification and treatment)

Health & Safety meetings with staff are held on a regular basis with minutes of the meetings taken.

Staff continue to supply the Office with work intention forms before any activities were undertaken with start and finish times and search times recorded.

Tailgate forms are signed off by workers prior to commencing activities to identify risks and hazards so that all members were aware of the hazards and the controls in place to minimise any risk. Tailgate forms were always being reviewed and necessary updates made.

Staff & Contractors are reminded to report any near misses and minor/major incidents and to update tailgate forms when any additional significant hazards were identified.

Contractors to Fish & Game are required to sign our H&S Plan & H&S induction checklist.

A vehicle safety check list has been developed to be filled out by staff during bi-monthly H&S meetings so any safety issues with vehicles are identified.

Additionally, a new safety interaction form has been developed to keep H&S in the forefront of the staff 's mind when conducting their work.

3. Training programme

A staff training schedule was ongoing to ensure all hazards that required specific training were identified.

4. H&S Incidents

Member of the public used a partially assembled access stile (in the garage) which collapsed. No injury, but potential for an injury event. 'Staff Only' access sign to be placed on entry doors.

5. Recommendations

Council receive and accept this Health & Safety report.

Draft 2023 revision

**Fish and Game New Zealand
Compliance
Policy – Rangers**



October 2023

Contents

Title Page

Contents	2
1 Introduction	2
2 The Objectives of Fish and Game Compliance	3
3 Rangers	5
4 Ranging Operations	15
5 Offences and Prosecutions	18
6 National Coordination	19
7 Compliance Policy Review	19
Appendix 1: Ranger Agreement and Code of Conduct	
Appendix 2: Directors Appointment Notice	
Appendix 3: Ranger Application	
Appendix 4: Fit and Proper Person Form	
Appendix 5: Guide to Ranger Recruitment and Training	
Appendix 6: SOP's – Training and Operational, gun unloading, unattended firearms	

1. Introduction

The 'Fish and Game New Zealand Policy for Compliance' is a national policy framework that outlines best practice and standard operating procedures for Fish & Game Regions to carry out compliance and law enforcement functions pursuant to the Conservation Act 1987, the Wildlife Act 1953, the Freshwater Fisheries Regulations 1983, and Wildlife Regulations 1955.

This policy is to be read in conjunction with the Infringement Notice Compliance and Enforcement Policy, and the National Policy on Prosecutions.

The objective of this policy is to achieve and maintain a high level of compliance with the requirements as set out in the afore mentioned legislation. It includes all compliance matters including the recruiting, training, and appointment of rangers as well as standard operating procedures and operational requirements.

The statutory mandate for compliance is outlined in Section 26 Q (1) of the Conservation Act 1987, which states that one of the functions of each Fish and Game Council is to:

“manage, maintain and enhance the sports fish and game resource in the recreational interest of anglers and hunters.”

and in particular, - Section 26 Q (1) (b) (iv)

“by ensuring that there are sufficient resources to enforce fishing and hunting season conditions.”

Although many Fish and Game Rangers are volunteers (honorary rangers), they have a wide range of powers which are essentially equivalent to those of paid staff rangers. Fish and Game New Zealand must ensure that Rangers are capable of using these powers in a responsible way. This means that rangers must be carefully selected and trained to ensure that they have the training and skills necessary to carry out the role of a ranger competently and professionally and in a manner that achieves public support.

Purpose and scope of the Policy

The policy applies to volunteer rangers appointed by the Director under Section 26 FA(2). It also applies, when appropriate, to Fish & Game staff appointed as rangers by the Director under Section 26FA(1).

Other warranted officers include those appointed by the Director-General of Conservation under Section 59 of the Conservation Act 1987 (DOC Officers) and members of the Police who are deemed legislatively to be Fish & Game Rangers.

2. The Objectives of Fish and Game Compliance.

- A. To achieve a high level of compliance with the Conservation Act 1987, Wildlife Act 1953, the Freshwater Fisheries Regulations 1983, and the Wildlife Regulations 1955 as they apply to sports fish and game birds managed by Fish & Game Regions. This is achieved by actions to:
- B. To Protect the Fish and Game Resource.
- C. To Protect Fish and Game Licence Income.
- D. To Protect the Quality of the Fish and Game Experience.
- E. To Enhance the Public Image of Fish and Game.

2.1 Means to Achieve These Compliance Goals.

2.1.1 That sufficient Ranging Resources will be provided to enforce Fish and Game legal requirements and season regulations.

2.1.2 That Fish and Game Rangers will be well trained, organised, equipped, and motivated. Along with being well directed and coordinated.

2.1.3 That Fish and Game Rangers will be encouraged to act in a positive and professional manner towards licence holders and the general public on behalf of Fish and Game New Zealand.

2.1.4 People found in non-compliance with legal requirements and/or season regulations will as a general course of action be held to account for their actions which may include prosecution action.

2.1.5 Regions will report the compliance activities undertaken in annual reports, to the New Zealand Council.

2.2 Measurement of the Compliance Goals.

That Fish & Game Regions will have a goal that a minimum of 95 % of sports fish anglers and game bird hunters interviewed by Rangers will comply with legal requirements and season regulations.

And regions will have a goal to contact 10% of licence holders annually.

3. Rangers

3.1.1 Fish and Game compliance work is to be planned and reported on for each financial year (1 September – 31 August).

3.1.2 Fish & Game Rangers include staff rangers appointed pursuant to Section 26 FA(1), whose appointment remains for the duration of their employment with Fish & Game, and volunteer Honorary Rangers. Under Section 26FA (4) of the Conservation Act 1987, Fish and Game Honorary Rangers shall be appointed for a term not exceeding 3 years but may be reappointed. Appointments made by the Director will be until the next general expiry date. When honorary rangers are initially appointed their warrants shall be for a term of no more than 12 months as a probationary period, but at the conclusion of that period they may be appointed for the remainder of the existing 3-year warrant period.

3.2.1 Section 26FA (3)(a) of the Conservation Act 1987 allows appointments to be either:

- Fish and Game region specific or,
- area specific or,
- areas specific or,
- for all of New Zealand.
- When issuing ranger warrants for regions unless a reason exists otherwise, rangers will be appointed for all of New Zealand.

3.2.2 Section 26FA (3)(b) of the Conservation Act 1987 allows appointments to be either:

- For a particular purpose or,
- For a general purpose
- Unless a reason exists otherwise appointments will be general purpose, so that rangers' warrants enable them to exercise powers of a ranger under the complete legislation of the Conservation and Wildlife Acts.

3.2.3 Fish and Game Ranger Role Description *(For persons appointed Fish and Game Rangers under Section 26FA(2) Conservation Act 1987)*

Purpose

To assist Fish and Game New Zealand conserve the sports fish and game bird resources of New Zealand through carrying out compliance activities.

Nature and Scope

Fish and Game Rangers contribution to the achievement of Fish and Game New Zealand goals in the following key areas:

- Assisting in the creation of an effective deterrent to non-compliance by sports fishers and game bird hunters
- Detecting and apprehending non-compliers and contributing to their successful prosecution
- Encouraging a high level of voluntary compliance through creating good public relations and establishing a good rapport with the angling and hunting public
- Gathering and reporting information on illegal activities and poor environmental practice potentially effecting water quantity and quality
- Assisting Fish and Game New Zealand in other general management activities that benefit anglers and hunters.

Personal Specifications and Attributes

Desirable Qualifications

- Good general education and/or life experience
- Previous law enforcement or authority role experience
- Good knowledge of sports fishing and/or game bird hunting techniques

Physical Requirements

- Preferably of sound physical fitness with good eyesight and hearing

Skills and Attributes

The ranger must:

- Be able to demonstrate a professional competence and perform the functions of a volunteer Fish and Game Ranger
- Be a balanced individual with an even temperament.
- Have a tidy appearance.
- Have good oral communication skills, and the ability to communicate with a diverse range of people, being courteous and having sensitivity to different ethnic groups.
- Have the ability to handle confrontational situations and display a calm and rational approach, whilst being assertive if required.
- Display good judgement and be capable of thinking quickly.
- Have good written skills.
- Be fair, honest, and consistent in dealing with people, and have a high level of integrity.

Tasks

- To undertake duties and exercise powers in a consistent, courteous and professional manner.
- To maintain a sound knowledge of the powers, responsibilities and obligations of a Fish and Game Ranger and perform within these parameters.
- To comply with operational Fish and Game New Zealand, policies, procedures, and operating guidelines
- To gather evidence and report breaches of the sports fishing and game bird hunting laws and regulations
- To give evidence in court if required
- Strive to achieve performance targets set by Fish and Game Regions
- Report to the Regional Compliance Coordinator on compliance activities and maintain a record of anglers and hunters checked.
- To attend and participate in training courses and assessments.

3.3. Recruiting and Appointment of Fish and Game Rangers:

- (i) Section 26FA (1) of the Conservation Act 1987 allocates the function of the appointment of employees of Fish and Game Councils as Fish and Game Rangers to the Director of the New Zealand Fish and Game Council.
 - (ii) Section 26FA (2) of the Conservation Act 1987 allocates the function of the appointment of other suitable persons to be Fish and Game Rangers in an honorary capacity, to the Director of the New Zealand Fish and Game Council.¹
 - (iii) Section 26FA (9) of the Conservation Act 1987 states that all Police are deemed to be Fish and Game Rangers.
- (i) The Director of the New Zealand Fish and Game Council may appoint suitable people as Fish and Game Rangers.
 - (ii) The Regional Fish and Game Council Manager will take responsibility for the assessment and recommendation of suitable people within their region as Fish and Game Rangers.

3.3.1 Criteria for Appointment of new honorary Fish and Game Rangers.

When a Fish and Game Council Manger or Chief Executive recommends to the Director a person to be a Fish and Game Ranger (i.e. they are considered 'suitable') they must forward an application for appointment to the Director. Persons considered for appointment must meet the following criteria, considered regarding the Rangers Role Description:

- (a) Is a minimum of 18 years old.
-

- (b) Is generally no older than 65 years old for initial appointments – exceptions to be considered on a case-by-case basis.
- (c) Is preferably a current sports fish or game bird licence holder.
- (d) Has been vetted by the New Zealand Police and does not have relevant criminal convictions.
- (e) Has applied in writing outlining why they want to become a Ranger.
- (f) Has supplied two referees.
- (g) Is literate (able to write clearly and to a reasonable standard),
- (h) Is well spoken and relates well to people.
- (i) Is reasonably fit and mobile.
- (j) Has a reasonable standard of health.
- (k) Has been interviewed by the Regional Compliance Officer and deemed to be a ‘fit and proper’ person who will represent Fish & Game well to anglers and hunters, and the general public.
- (l) Has received initial training which includes having completed training in law, field practice and processes, and has completed mandatory training in situational safety and tactical communications.
- (m) Has completed a ‘fit and proper person’ declaration. In this declaration the ranger indicates whether they hold a firearms licence or not, and that they are not subject to a Police Safety Order or any Protection order which would make them unsuitable to be in possession of firearms.
- (n) Has agreed to and signed the Rangers Agreement and Code of Conduct.

3.3.2 Criteria for Reappointment of Existing Fish and Game Rangers

When a Fish and Game Council Manger recommends to the Director a person to be reappointed as a Fish and Game Ranger they must record and forward to the Director information confirming that this person meets the following criteria:

- (i) Has attended training events.
- (ii) Has satisfactorily complied with the regional performance requirements.
- (iii) Has honoured the Ranger Agreement and Code of Conduct.
- (iv) Has been Police vetted again prior to application.
- (v) Has completed a new ‘fit and proper person’ declaration.
- (vi) Has signed a new Rangers Agreement and Code of Conduct.
- (vii) Is reasonably fit and mobile.
- (viii) Has a reasonable standard of health.

Note: Rangers should be considered for retirement from the ranger scheme when their warrant expires after turning 70 years old, but this should be assessed on a case – by – case basis, as if the ranger is fit, and healthy, and active they may be considered for reappointment.

Police Vetting

Regional Compliance staff should have access to the NZ Police vetting services online.

Staff Ranger Police Vetting

Staff rangers should also be Police vetted at the time of initial warrant application along with completing 'fit and proper person' forms. Staff are to renew 'fit and proper person' form declarations at the same time (3 yearly) when honorary rangers are subject to warrant renewal and recurring police vetting. Managers and C.E's may require further Police vetting of staff at their discretion and subject to employment contract conditions, if it is believed necessary.

3.3.3 Ranger Agreement

An Honorary Fish and Game Ranger will be required to sign the Rangers Agreement and Code of Conduct before they are issued with a warrant. A copy of this is appended to this document. In the Rangers Agreement and Code of Conduct a Ranger will agree to:

- (i) the terms and requirements and restrictions on ranging as set out by Director and the Regional Fish and Game Manager.
- (ii) be a positive ambassador for Fish and Game New Zealand.
- (iii) at all times present Fish and Game in a positive light and voice any concerns in the first instance to their Compliance Officer.²
- (iv) not undertake any activities at any time that will bring Fish and Game New Zealand into disrepute.

3.3.4 Fish and Game Ranger Training and Skill Maintenance

The Fish and Game Ranger Trainee Scheme

The Fish and Game Ranger Trainee Scheme requires applicants to

- Attend Ranger Training Days.
- Complete situational safety and tactical communication training.
- Undergo field experience of ranging with a warranted Fish and Game Ranger.
- Check licence holders under supervision.
- Receive a positive assessment in regard to aptitude and attitude.
- Be deemed competent to carry out the role of ranger, following written and practical assessment.

General Training

- (i) Appointed Fish and Game Rangers must attend a minimum of one regional Ranger training session each year.
- (ii) Fish and Game Ranger training material will be developed by the New Zealand Fish and Game Council for use training sessions.

- (iii) Rangers will be notified of relevant information which may include legislation updates, matters of significance and interest, and regional ranging activities, in newsletters compiled and distributed by Fish & Game nationally.
- (iv) Council reports may be provided to Rangers. Because Fish and Game Rangers are ambassadors for Fish and Game this will ensure they are more knowledgeable when encountering licence holders and the general public.
- (v) It shall be the responsibility of the Regional Compliance Officer to keep training records of each ranger and to ensure rangers meet training standards.

3.3.5 Training Provision and Reporting

- All Rangers will be required to attend at least 1 training session per year.
- Training will rotate each year from internally provided training to externally provided training the following year, with different focus and emphasis.
- Internal provided training will provide updates on law, field practice and processes, and skill maintenance. This training will include a component of Health and Safety and basics of the Situational Safety and Tactical Communications training and is provided and delivered internally by Fish & Game staff.
- Externally provided training will provide either initial or refresher training on Situational Safety and Tactical Communications on at least a 2 yearly basis. This training will also include a component of law, field practice and processes which may be delivered by Fish & Game staff.
- To ensure consistency, training that is provided by Fish & Game staff will be delivered by trained and approved staff who can deliver the training to a high standard.
- Regions will maintain training records of all honorary and staff rangers.

3.3.6 Training Rotations

To streamline ranger training and achieve maximum attendance at training with minimal inconvenience to rangers the following training system shall apply:

- The 2 types of training being internally and externally provided, with different emphases will rotate on a 2 yearly cycle.
- Year 1 will be internally provided training.
- Year 2 will be externally provided training.
- Not all regions will be on the same training cycle, to enable rangers to attend elsewhere then their home region to receive updates, and special 'catch up' courses may be held as required.

3.3.7 Non-Attendance at Training.

If rangers fail or are unable to attend training as required, the following shall apply:

- Regional Compliance Coordinators will arrange for training to be undertaken as soon as possible to ensure the ranger is brought up to date with training requirements.
- A time frame of 6 months for training updates will apply.

- If rangers are not up to date within the required time the rangers warrant shall be suspended until training is up to date, unless the ranger's specific situation is considered on a case-by-case basis and an extension is granted by the NZ Council CEO in consultation with the Rangers Regional Manager/C.E.

3.3.8 Pre-season briefings and refresher training

Prior to the game season and the fishing season openings rangers shall be briefed by regional compliance staff and training refreshers and reminders given along with notifications of new season regulation changes and any other pertinent information, along with Health and Safety briefings.

3.3.9 Termination of Ranger warrant

Fish and Game Rangers are often the only public contact anglers, hunters, and the public have with the Fish & Game organisation. As such they are ambassadors for our public awareness campaign. Inappropriate behaviour by a Ranger while on or off duty can have far-reaching negative impacts on the image of Fish and Game New Zealand.

Section 26FA (5) of the Conservation Act 1987 states that any Fish and Game Ranger may at any time be removed by the Director for:

- Incapacity
- Neglect of duty
- Misconduct

Provided that it is proven to the satisfaction of the Director.

These criteria are set out in the Ranger Agreement and Code of Conduct and agreed to by the Ranger applicant when they are appointed.

Process:

Under Section 26FC (2) of the Conservation Act 1987 the Director may in writing delegate to regional Fish and Game Managers the Director's power under this Act for the dismissal of Rangers based on the following:

1. Misconduct

- (i) All complaints against Rangers must be put in writing and signed by the complainant.
- (ii) Rangers must be informed of the substance of the complaint and given the opportunity to explain their actions in person.
- (iii) The Regional Manager may recommend to the Director that a Ranger is dismissed if after an interview, it is found that the Ranger is guilty of misconduct.

- (iv) The Regional Manager may carry out the dismissal of the Ranger on the Directors behalf.
- (v) The reasons for dismissal must be clearly outlined and explained to the Ranger in writing.
- (vi) If not dismissed rangers may be censured and placed on a performance improvement programme.

2. Neglect of Duty

- (i) Compliance Officers will review Ranger's performance annually.
- (ii) Inactive or non-performing rangers should be identified and reasons for this identified.
- (iii) Inactivity or non-performance should be discussed with the ranger and where appropriate remedial measures put in place.
- (iv) Where after a reasonable time the ranger is still not performing to the required standard, the ranger may be considered for dismissal.
- (v) If dismissed the rangers warrant and equipment must be returned.³
- (vi) If not dismissed rangers may be censured and placed on a performance improvement programme.

Resignation of Rangers

- i. Section 26FA (5) of the Conservation Act 1987 states that an honorary Ranger may at any time resign office by writing to the Director. Under Section 26FC (2) of the Conservation Act 1987 the Director will in writing delegate to regional Fish and Game Managers the Director's power under this Act to allow Rangers to resign by writing to their Fish and Game Region Manager.
- ii. Regional Compliance Officers will notify the New Zealand Council Office of any Ranger resignations to enable the maintenance of a current database of Fish and Game Rangers.
- iii. Section 26FA (6) of the Conservation Act 1987 states that once a Ranger resigns or is dismissed, they will return their warrant and uniform to the Director. Under Section 26FC (2) of the Conservation Act 1987 the Director will in writing delegate to regional Fish and Game Managers the Director's power under this Act to allow Fish and Game Region Managers to collect a Rangers warrant and uniform when they resign.
- iv. Specified Ranger equipment warrants, and uniform will be supplied free of charge to Fish and Game Rangers. Rangers will wear uniform in accordance with any national policy. The equipment warrants and uniform will be returned when the Ranger Agreement is terminated, along with any equipment issued to the ranger.
- v. Responsibility for the return of the warrant and uniform, and equipment will lie with the regional Fish and Game Manager.

3.4 Ranger numbers

Regional Fish and Game Councils will aim to have sufficient Rangers to enforce fishing and hunting season conditions. Factors which will influence ranger numbers and locations will include but not limited to:

The numbers of rangers required by a region to carry out compliance functions will vary according to various factors including but not limited to:

- (i) Geographical factors.
- (ii) Fish & Game resources which need compliance monitoring.
- (iii) Availability of suitable rangers.
- (iv) Health and Safety factors and risk assessments.

It is preferable to maintain a smaller team of well trained and higher performing rangers than a larger team of rangers who are not performing well.

3.5.1 Reimbursement of Expenses

- (i) Section 26FA (10) of the Conservation Act 1987 states that Fish and Game Councils can reimburse actual or reasonable expenses incurred when ranging if the Director has given prior authorisation and has subsequently approved the amount of the expenses. Under Section 26FC (2) of the Conservation Act 1987 the Director will in writing delegate to regional Fish and Game Managers the Director's power under this Act to allow Fish and Game Region Managers to reimburse actual or reasonable expenses incurred by Rangers when ranging.
- (ii) Directed mileage (such as on Opening Weekend of the Game bird season) will be reimbursed at the Government Service rate or at a rate otherwise specified by the New Zealand Council, or as agreed with the ranger beforehand.
- (iii) Honorary Rangers will not receive free fishing or hunting licences or other valuable consideration as a reward for being a Ranger. They are Honorary Rangers, and providing licences or valuable consideration can lead to encouraging people to apply for the role who may not be suitable and give undesirable incentives to be part of the ranger scheme.
- (iv) Regions may consider other ways to recognise ranger service such as awards or similar tokens of appreciation.

3.5.2 Health and Safety

Section 26FA (7) of the Conservation Act 1987 states that Fish and Game Rangers are not to be regarded as employees by reason only of appointment as a Fish and Game Ranger. While Fish and Game Rangers appointed under Section 26FA(2) are honorary, the Health and Safety at Work Act 2015 defines that they are for the purposes of Health and Safety to be regarded as though they are employees. All rangers regardless of whether they are stipendiary or honorary rangers must always act in ways that will not cause hazards or dangers to themselves or others through any act or omission.

Health and Safety briefings including risk assessments must be carried out prior to any ranging operation, and hazards and actions to mitigate recorded. All rangers must comply with provisions and requirements of any Health and Safety policies which are

in force at any time and comply with all training requirements and operational directives as are applicable including those set out in the Rangers Guide and Health and Safety Manual.

Equipment

- (i) The provision of equipment will comply with the national brand.
- (ii) Rangers will wear nationally approved branded Ranger clothing where provided and will only wear it while on duty and acting as a ranger.

Standard Issue

- Ranger cap.
- Ranger vest.
- Ranger warrant and holder.
- Field notebook.
- Notice books (offence and Land entry forms).
- Language cards (as required).
- Ranger Guide and health and safety manual.
- Rangers will be provided with electronic forms such as offence reports, and activity reporting sheets.

3.6 Accountability

- (i) All Fish and Game Rangers shall carry a valid warrant of appointment. The warrant is standard throughout the country and is provided on appointment.
- (ii) Rangers are accountable to their regional Fish and Game Council Manager via the regional compliance coordinator for their activities, and reporting.
- (iii) Rangers will report monthly to regional compliance coordinators their activities including details of ranging carried out, and contacts made with anglers and hunters.
- (iv) Any offences dealt with by rangers will be reported to regional compliance staff promptly and within 5 days in any event.
- (v) Seized gear will not be retained by rangers but will be as soon as possible pass to the custody of Fish & Game compliance staff.
- (vi) Rangers will act in a professional manner and not undertake any activities when on duty or otherwise that will bring Fish and Game NZ into disrepute.
- (vii) While technically a ranger's warrant is valid within the Taupo Fishery area, as this area is managed by the Department of Conservation, rangers should avoid acting within that area wherever possible but report any matters of concern they may become aware of to the Department of Conservation as soon as possible.

4. Ranging Operations

Duties and Functions of Rangers

- (i) Rangers will be allocated performance objectives by regions which will specify ranging efforts and locations.
- (ii) Rangers may carry out independent fishery ranging, subject to any directions or restrictions placed by regions.
- (iii) Game hunter ranging will be carried out under the direction and instructions of regional compliance staff and may be restricted to rangers assisting staff in the field, with this being a regional operational decision as to how this applies.
- (iv) Rangers are expected to whenever possible make themselves available to assist with organised ranging events, at least either the game or fishing season opening operations.
- (v) Rangers will carry out all lawful instructions of staff when engaged in ranging operations.
- (vi) Rangers will deal with, and document offences as required by training.
- (vii) Rangers will give evidence in court as and when required.
- (viii) Rangers will comply with all regional instructions and restrictions on ranging as advised by regional compliance staff.
- (ix) If a ranger wishes to range in another region than that they are appointed to, they will seek permission from the other regions compliance staff or regional manager to do so and will also advise their own compliance coordinator of that. They will then report the results of that ranging to that region.
- (x) Duties of rangers may include at the region's discretion non-compliance roles such as public relations events and assisting with other duties carried out by staff.
- (xi) Rangers when dealing with offenders will report all offences dealt with for resolution decisions by Regional Compliance staff. Rangers do not have discretion to make decisions as to resolution in the field.
- (xii) Regardless of any compliance functions of rangers, emphasis will be maintained on the public relations role of all rangers representing Fish & Game NZ.

Ranging Strategies

Ranging will be organised to achieve a high level of compliance through means of:

- Achieving a high level of deterrence.
- Acting to detect and apprehend offenders.
- Holding those found committing offences to account for their actions.

Deterrence

Deterrence will be achieved by:

- Directed and coordinated ranging operations in areas where there are known issues of non-compliance.

- Directed and coordinated ranging operations across Fish & Game Regions in areas popular for angling and hunting, to reinforce the deterrent message that ranging can occur anywhere at any time.
- Game season ranging will include operations on both public and private land and operations from year to year should be strategically planned and carried out to ensure maximum coverage of ranging efforts across regions to achieve a deterrent effect. All areas of known high use by hunters should receive periodic ranging visits which should be on a random basis.
- Ranging operations should be in most cases highly visible and provide a deterrent to those who may offend.
- In some cases, ranging operations may be covert particularly when the objective is to apprehend offenders where offending is known to be occurring or is likely to be occurring.
- In some cases, compliance operations carried out by Fish & Game staff may include use of covert cameras as appropriate. All use of surveillance devices must comply with the Search and Surveillance Act 2012.

Operational Planning and Taskings

- Organised ranging operations are to be coordinated and operational planning and taskings set out in a formal written manner such as an Operations Order or similar planning document, therefore ensuring that all involved in the operation are aware of what operations are planned, who is involved, of taskings, along with health and safety risk assessments and mitigation processes.
- When large scale formal operations are planned, including Game Season openings, formal operational planning and tasking documents will be provided to the NZ Council C.E prior to the dates of operations, so that an overview is maintained of operations nationally, and to facilitate any media communications.
- At the conclusion of such operations results will be shared nationally and a debrief will be held.

Media

- Publication of ranging operations and outcomes including prosecutions acts as a deterrent and should be done whenever able and as appropriate.

Cooperation with other enforcement agencies.

- Ranging operations may include joint operations with other agencies such as Police or Department of Conservation staff. Joint operations with Police during the game season can be particularly useful for both agencies, especially where there is known or anticipated prevalence of offending.
- A MOU (memorandum of understanding) with Police regarding joint operations should be if possible be put in place and maintained to enhance cooperation between both agencies.

4.3 Reporting of Compliance Activities

Reporting and collation by regions

- Regions will collect monthly (or at other specified times) activity reports from rangers and record that in a regional database.
- Regions will maintain a record of all offenders and offences dealt with.
- All exercise of powers of entry to land and powers of search must be reported by rangers to regional compliance coordinators.
- Regions will collate annually a summary of powers of entry and of search.

Annual Reporting by Regions

- (i) At the end of the financial year an annual report will be submitted to the regional and New Zealand Fish and Game Councils analysing the regions ranging effort in that year.
- (ii) The annual report will also include reporting as required by the Search and Surveillance Act 2012 on the number of occasions search and entry powers have been exercised during the year. This includes the number of times private property has been entered for compliance duty pursuant to the Conservation Act and Wildlife Act.
- (iii) The Regional Fish and Game Manager in association with the Regional Compliance Officer will also:
 - Direct rangers and approve expenses – if any.
 - Respond to deficiencies or over-emphasis of ranger effort identified in the analysis of the annual ranging effort.
 - Ensure sufficient rangers to maintain compliance targets.
 - Monitor regional compliance targets and amend as required.

National Compliance Database.

- A National Compliance Database will be maintained, with access to selected staff in regions.
- Details of all offenders and offences dealt with will be entered into the National Compliance Database by regional compliance staff. This entry is to be done as soon as possible after the offender has been dealt with.
- This database will be checked when dealing with offenders and used in decision making processes which include ascertaining if the offender has come to notice of Fish & Game in the past for any offences.
- The database will be maintained and administered by a designated administrator who will maintain the integrity and security of the database to ensure it and access to it complies with the requirements of the Privacy Act 2020.

4.7 Performance of Fish and Game Rangers

The performance of ranging effort can be measured by analysing ranging outcomes. Rangers are given targets to:

- (i) Individually check a minimum number of licences per annum. Each Regional Compliance Officer will set a figure based on the goal of checking 10 % of their licence holders annually.
- (ii) If possible, range at locations and times as directed by the Regional Compliance Officer.
- (iii) Submit activity reports on individual ranging effort (days ranged, licences checked, areas visited). as required by regions.
- (iv) Supply a detailed Rangers Report to the local Fish and Game Office within 5 days of dealing with any offence.

5. Offences and Prosecutions

- 5.1.1 Any incidents or offences shall be reported to the Regional Compliance Officer by the ranger involved as soon as possible and in any event within 5 days.
- 5.1.2 Processes regarding dealing with offences which includes resolution processes and outcomes are detailed in the National Policy on Prosecutions, and that policy shall be referred to in regard to this, and followed in order to ensure prosecution matters are dealt with consistently across regions.
- 5.1.6 The Regional Compliance Officer shall report to the Regional Manager at the conclusion of the prosecution.
- 5.1.7 Where a prosecution has national significance the Director of New Zealand Fish and Game shall be informed of the matter, and of outcomes.

5.2 Offence Reporting and administration

- 5.2.1 All offences dealt with including prosecutions will be reported in the National Compliance Database. The database will record action taken and outcomes.
- 5.2.2 Compliance Officers will report on prosecution work in their staff reports in the Council Agenda.

The annual report prepared by regions will include a summary of the types of offences dealt with and the types of outcomes such as warnings, prosecutions, diversions and so forth.

- 5.2.3 Fish & Game councils are legally entitled to a proportion of fines imposed for certain prosecutions. This includes prosecutions for Conservation Act offences, pursuant to Section 46(7A)(b) of the Conservation Act 1987 and

Section 73(2) of the Public Finance Act 1989, and equates to 90% of fines that are imposed by courts in prosecutions. Fish & Game Councils should check that they do receive fines from the Ministry of Justice, when they are entitled to such monies following prosecutions.

6. National Coordination

The New Zealand Council of Fish & Game will maintain the position of a National Compliance Coordinator who will have oversight of compliance nationally, and this role will include the following functions:

- Assisting with maintaining an up-to-date list of rangers.
- Assist with coordination of training which is externally provided.
- Ensure training material is prepared and distributed for internally provided training and assist with training as is practicable.
- Ensure that documentation and forms for ranger recruitment and appointments are prepared and maintained.
- Ensure that the Rangers Guide and Health and Safety Manual is regularly reviewed and updated as that is required and distributed to regions for use by staff and honorary rangers.
- Ensure preparation and distribution twice yearly of a ranger's newsletter; 1 of which is focused on the game season and 1 which is focused on fishery matters. This newsletter is to also pass on new information and legislative changes which effects rangers.
- Provide advice to regions and New Zealand Council on compliance matters.
- Assist with preparation of submissions on law changes which effect Fish & Games compliance and enforcement functions, as which effect anglers and hunters, as appropriate.
- Give support to regional compliance coordinators.
- Standard Operating Procedures (SOP's) summarising key parts of this policy will be prepared and attached to this document and updated as required.
- Give advice to the New Zealand Council Chief Executive on compliance and enforcement matters.
- Liaise with external agencies on compliance and enforcement matters.

7. Compliance Policy Review.

- (i) New Zealand Fish & Game Council will review this document 2 yearly to ensure that it remains up to date.

- (ii) In the first instance the National Compliance Coordinator along with other key compliance and policy staff will lead the 2 yearly reviews and make any recommendations for amendments.

Appendix 1

Fish and Game Rangers Appointment.

I (name of director of NZ Fish & Game) of Wellington being the Director of the New Zealand Fish and Game Council acting pursuant to the provisions of Section 26FA(2) of the Conservation Act 1987 DO HEREBY APPOINT _____ of _____, (*occupation*) as a Fish and Game ranger in an honorary capacity. Such appointment shall be from and inclusive of the ___ day of _____ (dates of issue and expiry of warrant)

Signed _____ at Wellington this ___ day of _____

Appendix 2

Rangers agreement and Code of Conduct.

See attached document.

Appendix 3

Initial Ranger Application form

See attached document.

Appendix 4

Fit and Proper Person form.

See attached document.

Appendix 5

Guide to Ranger recruitment and training.

See attached document.

Appendix 6

Template Operations Order

See attached document.

Appendix 7

SOPS – Training and Operational, gun unloading, and unattended firearms.



National Policy on Prosecutions Amended May 2024

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. This policy should be read together with:
 - a. *The Solicitor-General's Prosecution Guidelines 2013;*
 - b. *The Solicitor-General's Guidelines for Diversion Schemes 2021;*
 - c. *The Solicitor-Generals Guidelines for the Use of Warnings 2021;* and
 - d. *The Solicitor-General's Guidelines for Payments connected to Plea Arrangements or Diversion 2021.*

Accountability

2. This Policy must be adhered to by all 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 acting 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 requirements set out in the Solicitor - General’s Prosecution Guidelines can be met, these are:
 - a. The evidence that 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.¹

¹ See Appendix 1 – The ‘Public Interest’ test

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 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 of 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”;² and
 - b. A criminal proceeding in respect of an offence is commenced by filing a charging document in the District Court.³

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.

11. 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:

² Section 15 of the Criminal Procedure Act 2011.

³ Section 14(1) of the Criminal Procedure Act 2011.

Recommendation to prosecute/not prosecute

12. 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.
13. 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.
14. Resolution for any alleged offences may include the following:
 - a. No action;
 - b. Warning letter;
 - c. Youth warning with parental follow up;
 - d. Issuing an Infringement Notice; or
 - e. Prosecution (with or without diversion as appropriate).
15. 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.
16. 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 (CDG), as appropriate, particularly in

more complex or technical matters. The processes involved are outlined in the Infringement Notice Compliance and Enforcement Policy as is the make-up of the CDG.

17. 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.
18. 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.
19. 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 guidelines on prosecutions, diversion, and warnings.
 - 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 offenders 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.
20. Proceedings begin by notifying the defendant of the prosecution, the charges, and details of the prosecuting agency. A defendant is usually notified of a prosecution by the prosecuting agency serving him / her with a summons to appear.

21. A summons may be issued before or after a charging document is filed and no more than 2 months before the required court appearance. The summons must include:
 - a. the particulars of the defendant; and
 - b. the particulars of the charge; and
 - c. the court and date and time at which the defendant is required to appear;
and
 - d. any other information required by rules of court.
22. If a summons is served before filing a charge, the case must be reviewed as soon as practicable under this policy. If any deficiencies are found, the summons must be cancelled and the offender notified.⁴
23. If a charging document is not filed before serving a summons, it must be filed as soon as reasonably possible afterward. The above case review will inform whether it is appropriate to file a charge.
24. If a summons is issued before filing a charging document, and the issuer decides that:
 - a. No charge will be filed, or
 - b. A different charge will be filed than the one for which the summons was issued,the issuer must promptly notify the defendant of this decision before the required court date.
25. Summonses should not be served in the field at the time of the offence unless there are exceptional circumstances. This may be necessary if the offender is transient, hard to locate later, and the offence is serious.

When Prosecution is authorised

26. When prosecution is authorised:
 - a. Refer the file to a prosecuting staff member of Fish and Game; or

⁴ The Criminal Procedure Act 2011 and the Criminal Procedure Rules 2012 set out the administrative requirements for prosecutions. Non-compliance may lead to costs being ordered against either the prosecution or defence.

- b. 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

- 27. Ensure that the processes set out in the section titled 'Diversion' are followed.
- 28. 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 for prosecutions and for diversion schemes, or use of warnings.

Responsibility of Prosecutors

- 29. 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

- 30. 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. The intent is, however, to still address the public interest factors leading to the decision to prosecute.
- 31. 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.
- 32. 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.
- 33. Diversion is a process recognised by the Criminal Procedure Act 2011⁵ and is used routinely by most prosecuting agencies. The purposes of diversion are typically to:
 - a. Address offending behaviour that has resulted in charge(s);
 - b. Balance the needs of victims, the offender and their communities;
 - c. Give an offender an opportunity to avoid conviction; and
 - d. Reduce re-offending.

⁵ See sections 147 and 148 of the Criminal Procedure Act 2011.

34. 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.

35. Diversion must only be offered to a defendant, after the prosecution decision has been made and once a charge is filed. 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 summonsed to 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

36. 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).
 - c. Has committed an offence that is of low to moderate seriousness. Generally, this will include Fishing or Hunting without a licence, Anglers Notice breaches, and Game Notice breaches.
 - d. More serious offences, like obstruction or providing false details / information, may be eligible for diversion if the overall level of wrongdoing is relatively minor and other factors apply. This includes factors such as the absence of prior or relevant prior convictions, the offenders' remorse and acceptance of responsibility, efforts to correct any harm caused, and the belief that the consequences of a conviction would outweigh the seriousness of the offence. In such cases, diversion will be seen as a suitable alternative to pursuing court prosecution.

- e. All offences must be *considered* for eligibility for resolution by diversion, with regard given to the circumstances of the offence/offending. Note the file if diversion is not appropriate and the reason(s) why this is the case.

Approach to diversion

29. The following principles apply to operation of the diversion scheme:
 - a. The existence of the diversion scheme must not be mentioned to potential defendants during an active investigation to avoid it becoming a factor in the decision to prosecute;
 - b. The existence of the diversion scheme (or any other resolution options) must not be taken into consideration until a decision to prosecute has been made;
 - c. The diversion decision maker must be distinct from the person who investigated the offence and who recommended a prosecution – this provides the necessary independence and detachment for the decision; and
 - d. Reasons for making an offer of diversion must be recorded in writing by the diversion decision maker.

Diversion processes

30. 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

31. When a condition of diversion is a donation to Fish & Game within a reasonable time period, the level of donation should be set at a level consistent with an infringement fee for the same or similar offence (Infringement fees are set by Regulation, see table attached). If the offence being diverted is not an infringement offence, a decision as to fee level should be made considering infringement offences fee levels, and the overall circumstances of the offending.

32. In some circumstances Fish & Game regions may set the diversion donation fee at levels relevant to court-imposed penalties for similar offending.

Diversion conditions: contribution to costs of prosecutions

33. When a condition of diversion is a contribution to the prosecutions 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.

Use of warnings

34. The public interest test of the test for prosecution recognises that not all behaviour that may amount to criminal conduct requires a prosecution response. Whether a warning is appropriate depends on the circumstances of the case, including the behaviour, the intended purpose of the warning and the evidence available to support the warning.
35. The warning decision maker must be distinct from the person who investigated the offence and who recommended a warning – this provides the necessary independence and detachment for the decision.
36. Reasons for issuing a warning must be recorded in writing by the warning decision maker.
37. Use of warnings must recognise and comply with the Solicitor-Generals Guidelines for the use of warnings.

Sufficiency of evidence when issuing warnings

38. Warnings should only be issued where the alternative is to prosecute and there is credible evidence that meets the evidential test of the test for prosecution.

Range of behaviour for warning

39. A warning may be issued for a range of behaviour where it is supported by the evidence. Whether a warning is appropriate depends on the circumstances of the case, including an assessment of the public interest considerations against

prosecution – see paragraph 4 of Appendix 1. It is intended that warnings will be issued as a one-off response rather than repeatedly.

Content of warning

40. A warning should be issued in writing and include the following matters:
 - a. The context for issuing the warning, including:
 - i. Accurately setting out the key facts leading to the issuing of the warning, including any explanation, response or admission provided by the person; and
 - ii. The reasons for issuing the warning.
 - b. The consequences related to the warning, including:
 - i. Where the warning will be held and for how long;
 - ii. How the warning will be used; and
 - iii. Any consequences if, in the future, the person engages in similar behaviour.
 - c. The person's rights in relation to the warning, e.g., the right to have the warning reviewed within a certain period.
 - d. Any response of the person to the proposed warning.

Appeals

41. Any Fish and Game prosecution, which results in consideration for an appeal will be:
 - a. Discussed by the Regional Manager or Chief Executive with the prosecutor involved, and any other relevant staff; and
 - b. Discussed with the NZ Fish and Game Council CEO.

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 obtained in accordance with the Criminal Procedure Act 2011.

Appendix 1 - The 'Public interest' test⁶

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 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 continues 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 and / 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.

⁶ Solicitor – General's Prosecution Guidelines – As at 1 July 2013:
http://www.crownlaw.govt.nz/uploads/prosecution_guidelines_2013.pdf

3 For example, regional Fish and Game Councils decided 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 the exchange. 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
- 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 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 become known; 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, regional Fish and Game Councils decided 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 could not 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.

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 offenders' support worker with respect to the nature and severity of the offender's intellectual disability.

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.

- b. 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 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.

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.

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, then public interest may well dictate a prosecution is justified.

6. These considerations are not comprehensive or exhaustive. The public interest considerations which may properly be considered 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:
 - a. Fish and Game's statutory objectives and enforcement priorities;
 - b. The effect of a decision not to prosecute on public opinion;
 - c. The obsolescence or obscurity of the law; and
 - d. The prevalence of the alleged offence and the need for deterrence.

7. Cost is also a relevant factor when making an overall assessment of the public interest.

8. None of the above factors are necessarily determinative in themselves; all relevant and applicable public interest factors must be weighed.

9. A decision whether or not to prosecute must not be influenced by:

- a. The race, ethnic or national origins, sex, marital status, religious, ethical, or political beliefs of the offender; or
- b. The prosecutor's personal views regarding the victim or the offender; or
- c. Possible political advantage or disadvantage to Fish and Game; or
- d. 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. Diversion can 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. Alternatively, the diversion offer can be made in writing to the defendant along with the summons and initial disclosure package. The advantage of this approach is that the process is streamlined, and in many cases the matters can be resolved prior to

the date of first appearance in court, therefore in most circumstances negating the need for any court appearances by either the prosecution or the defendant. (Note: some courts may insist on a prosecutor appearing in Court to seek to have the charge dismissed in open court, although most courts will agree to dismiss charges administratively following written application).

8. 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 considered.
- 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.

9. 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 which is the most efficient process if diversion is

completed prior to the date of first appearance. 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.

10. 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.

11. 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.

Conservation (Infringement Offence) Regulations 2019

Schedule 2 Penalties for infringement offences under Conservation Act 1987

Section	Description of offence	Infringement fee (\$)	Maximum fine (\$)
<u>51B(2)</u>	Taking sports fish in contravention of Anglers Notice	400	800
<u>51C(3)</u>	Taking sports fish without licence	400	800
<u>51D(2)</u>	Possessing sports fish taken unlawfully	400	800
<u>51E(3)</u>	Establishing, managing, or operating fish hatchery for sports fish in breach of regulations	800	1,600
<u>51F(3)</u>	Failing to comply with <u>section 51F(1)</u> (which relates to unauthorised conduct in relation to spawning fish)	800	1,600
<u>51G(2)</u>	Failing to comply with restrictions on fishing	800	1,600
<u>51H(2)</u>	Transferring or releasing live aquatic life	800	1,600
<u>51I(2)</u>	Fishing in closed season	600	1,200
<u>51J(3)</u>	Buying or selling sports fish for purpose of sale contrary to Act	800	1,600
<u>51K(2)</u>	Possessing certain kinds of fish without approval	800	1,600
<u>51L(3)</u>	Using hazardous substances, etc, to take or destroy fish	800	1,600

Wildlife Regulations 1955

Schedule 5 Penalties for infringement offences under Wildlife Act 1953

r 47

Schedule 5: inserted, on 3 February 2020, by regulation 120 of the Conservation (Infringement Offences in Regulations) Amendment Regulations 2019 (LI 2019/326).

Section	Description of offence	Infringement fee (\$)	Maximum fine (\$)
<u>70B(2)</u>	Hunting during close season	600	1,200
<u>70C(5)</u>	Hunting without licence during open season	400	800
<u>70D(2)</u>	Contravening terms of open season notification	400	800
<u>70E(3)</u>	Hunting wildlife in contravention of conditions prescribed by Minister	400	800
<u>70F(3)</u>	Failing to produce licence on demand	200	400
<u>70G(2)</u>	Hunting or killing any absolutely protected wildlife	800	1,600
<u>70G(2)</u>	Hunting or killing any partially protected wildlife	600	1,200
<u>70G(2)</u>	Hunting or killing any game	400	800

Section	Description of offence	Infringement fee (\$)	Maximum fine (\$)
<u>70G(2)</u>	Buying, disposing of, or possessing any absolutely protected wildlife	600	1,200
<u>70G(2)</u>	Buying, disposing of, or possessing any partially protected wildlife	400	800
<u>70G(2)</u>	Buying, disposing of, or possessing any game	400	800
<u>70G(2)</u>	Buying, disposing of, or possessing any skin, feathers, or other portion, or any egg, of any absolutely protected wildlife	600	1,200
<u>70G(2)</u>	Buying, disposing of, or possessing any skin, feathers, or other portion, or any egg, of any partially protected wildlife	400	800
<u>70G(2)</u>	Buying, disposing of, or possessing any skin, feathers, or other portion, or any egg, of any game	400	800
<u>70G(2)</u>	Robbing, disturbing, destroying, or possessing the nest of any absolutely protected wildlife	800	1,600
<u>70G(2)</u>	Robbing, disturbing, destroying, or possessing the nest of any partially protected wildlife	600	1,200
<u>70G(2)</u>	Robbing, disturbing, destroying, or possessing the nest of any game	400	800
<u>70H(3)</u>	Taking game in contravention of Act or notification	400	800
<u>70I(3)</u>	Failing to comply with condition of authority to take or kill wildlife	400	800

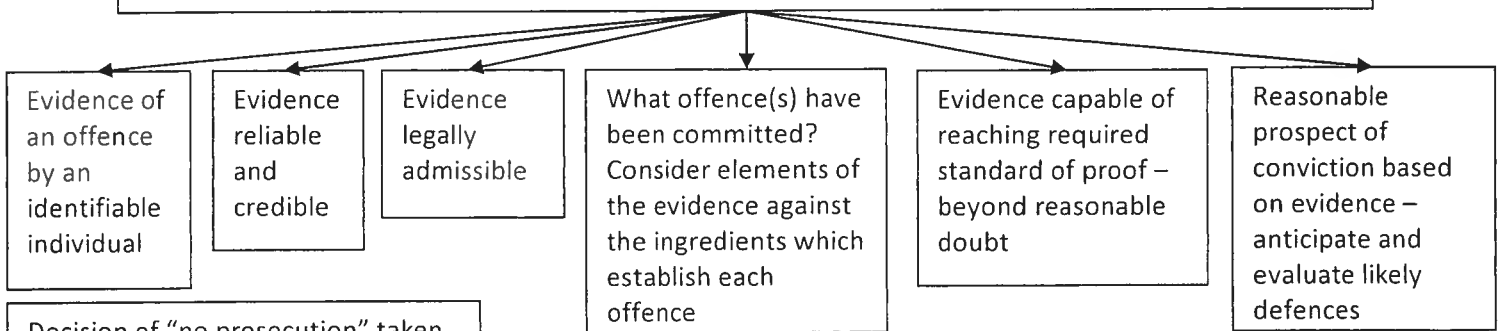
Prosecutions only to be initiated or continued if the test for prosecution is met
Test for prosecution met if:

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)

Is the evidential test satisfied?

No

Yes – also consider the public interest test

- 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.

The public interest test – Step 2
 Does the public interest require a prosecution?

No

Yes

Decision of “no prosecution” taken. Does not preclude consideration of alternatives to a prosecution if evidential test met., e.g., warning letter, youth warning with parental follow up.

Decision of “prosecution” taken – Charging document(s) laid within statutory timeframe. File should be reviewed regularly. **Diversion** offered is appropriate.

- 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, especially 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.



Infringement Notice Compliance and Enforcement Policy

1	Issuing of notices	16
2	Reminder notices	16
3	Payment	16
4	Other options and defended hearings	17
	Adjudication letters	17
	Defended hearing requests	17
	Hearing as to penalty requests	18
5	Non-payment – collection referrals	18
6	Withdrawal	19
7	Invalid notices	19
APPENDIX 2 - CDG SCORING		20
APPENDIX 3 - COMPLIANCE DECISION GROUP		22
1	Role of the CDG	22
2	When to have a CDG meeting?	23
3	Pre-CDG checklist	23
4	Preparation - What to do?	23
5	The meeting	23
6	What is considered during the meeting?	24
7	The outcome	24
8	Records	24
ATTACHMENT 1 - CDG CHECKLIST		24
ATTACHMENT 2 - CDG FORM		27

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
Mar 2019	Format & edits	(2)	Smyth
05 August 2019	Following peer review	(3)	R Sowman
May 2024	Review and updates	(4)	A van Dorp

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. The purpose of a CDG is to ensure consistency across regions as to how more complex or serious offences are dealt with, including recidivist offending.

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.

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. Infringement offences are listed within the Conservation Act 1987 and The Wildlife Act 1953.
- c. When an offence is detected, an I.N is a potential response to the offence. No action may be taken, a warning may be issued, an 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. 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- 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 as of 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 prescribed levels pursuant to regulations made under the Conservation and Wildlife Acts.
- b. The fees cannot be altered or changed from that set for each offence by Regulation.
- c. If a defendant wishes to dispute 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 Conservation Act 1987 and Wildlife Act 1953 are payable into the Crown consolidated fund bank account.

prosecution (including issuing an infringement notice) must meet the Solicitor-Generals Prosecution Guidelines 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. A written formal warning advises the offender that they are 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. Warnings should only be issued where there is clear evidence of an offence having taken place, i.e. 'prima facie' evidence exists.
- 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.

- 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 as to why they offended.
- f. Was the person co-operative and/or remorseful for their offending?
- g. Is forfeiture of seized property warranted for the offence?
- h. Is a prosecution or issuing an I.N 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 I.N 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 they offended?
- d. Is the person co-operative and contrite?

- 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 serious 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 external legal advice.

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 or staff member responsible for prosecutions 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 or is going to be committed, they may seize items of property which they believe is or will be used in the commission of that offence, such as fishing and hunting gear. 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 or completion of enforcement action, and at which time the seized gear is no longer required to be held for investigative or evidential purposes, the seized and impounded property must be returned to the offender or person entitled to possession of it, subject to compliance with any statutory requirements, including the Arms Act 1983.

- Powers pursuant to Section 40A of the Conservation Act 1987, and Section 66A of the Wildlife Act 1953 which are powers to require an offender to supply information including name, address, and date of birth and verification – as each is applicable.
- Powers pursuant to Section 39 of the Wildlife Act 1953, and Section 40 of the Conservation Act 1987, which relate to powers of entry to property, of search, and of seizure of items used or intended to be used in breaches of those Acts, and in seizure of fish and game or other wildlife which has been unlawfully taken.
- Powers pursuant to Section 61 of the Wildlife Act 1953 which relates to persons in pursuit of game to produce licence, along with production of game and equipment used, and pursuant to Regulation 20 of the Freshwater Fisheries Regulations 1983 which relates to the obligation of anglers to produce licence, provide details and produce catch (bag) for inspection.
- All Fish & Game rangers shall receive regular training on powers and field procedures, with refresher training conducted at least annually. Differences in the nature of powers between the Conservation Act and Wildlife Act shall be emphasised, along with the application of those powers to staff and honorary rangers.
- Fish & Game NZ shall maintain and update as necessary a training manual and guide known as the 'Ranger Guide and health and safety manual'. This shall be distributed to all rangers as a training and field procedure guide.
- Use of 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 261 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.

Appendix 1 - Infringement system

1 Issuing of notices

- a. I.Ns shall be issued no later than 3 months after the date of the offence. This is due to the matter that if an I.N fee is not paid a reminder notice must be filed with the court no later than 6 months after the date of the offence, as is required by the Summary Proceedings Act 1957 Section 21.
- b. I.N's shall be posted to the offenders last known postal address / place or residence or usual address.
- c. When a Fish & Game ranger detects an infringement offence the ranger must report the offence to the Fish & Game Compliance Co-ordinator of that Fish & Game region.
- d. 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 The reminder notice gives another period of 28 days for the fee to be paid or for the offender to request a court hearing.

4 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. In some cases where fees are however paid by offenders to Fish & Game instead of to the Crown account the funds can be held in a Trust account and then paid by Fish & Game to the Crown Bank account.

Payment of infringement fees must be made in full; partial payment or instalment payments will not be accepted. In total offenders have 56 days to pay infringement fees (time period of the initial infringement notice, plus the reminder notice period).

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 in full the file in relation to the matter shall be finalised and closed.

- 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.¹
- 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.

6 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.

¹ See *Adam v Wellington City Council* (2 April 1998) HC Wellington AP 18/98 unreported.

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			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
------------------------------	--	---------------------------------	-----------------------------------

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 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, and ensure as far as is possible consistency between regions in outcomes.
- 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.

- 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 details entered into the National Compliance Database.

Attachment 1 - CDG Checklist

Offence(s):

Subject Name:

Is there:

1. Clear and sufficient evidence of an offence?
Y/N

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



7 April 2022

SMOKING POLICY

The Southland Fish & Game Council is a totally Smokefree and Vaping free area.

Aim of our Policy:

To provide a healthy environment for all staff and customers who enter our workplace.

This policy will be reviewed annually as stated in section 5 (5) of the Act.

Adopted by the Council 9th December 1999

Statutory managers of freshwater sports fish, game birds and their habitats

Southland Region

PO Box 159, Invercargill 9840, New Zealand. Telephone (03) 215 9117 Email southland@fishandgame.org.nz
www.fishandgame.org.nz

Journal Report

Fish and Game New Zealand, Southland Region

For the period 1 September 2023 to 31 August 2024

DATE	JOURNAL ID	ACCOUNT CODE	ACCOUNT	DEBIT	CREDIT	POSTED DATE	POSTED BY
ID 10997 Correct PAYE from Manual Working and Xero calculations - Manual							
20 Jul 2024	10997	7005a	PAYE owing	-	5.88	4 Jul 2024	Carmel Veitch
20 Jul 2024	10997	1915	Salaries Minor Adj Xero Payrol Conversion	5.88	-	4 Jul 2024	Carmel Veitch
Total				5.88	5.88		
ID 10996 Correct PAYE from Manual Working and Xero caalcuations - Manual							
20 Jun 2024	10996	7005a	PAYE owing	-	5.88	4 Jul 2024	Carmel Veitch
20 Jun 2024	10996	1915	Salaries Minor Adj Xero Payrol Conversion	5.88	-	4 Jul 2024	Carmel Veitch
Total				5.88	5.88		
ID 10995 Correct PAYE from Manual Working and Xero caalcuations - Manual							
20 May 2024	10995	7005a	PAYE owing	-	32.72	4 Jul 2024	Carmel Veitch
20 May 2024	10995	1915	Salaries Minor Adj Xero Payrol Conversion	32.72	-	4 Jul 2024	Carmel Veitch
Total				32.72	32.72		
ID 10982 Correct Coding Payrun PD-6 - Manual							
7 Jun 2024	10982	7002	Accruals and Income in Advance	715.60	-	3 Jul 2024	Carmel Veitch
7 Jun 2024	10982	7002	Accruals and Income in Advance	1,264.78	-	3 Jul 2024	Carmel Veitch
7 Jun 2024	10982	7005a	PAYE owing	-	1,980.38	3 Jul 2024	Carmel Veitch
Total				1,980.38	1,980.38		
ID 10981 Correct Coding Payrun PD-7 - Manual							
21 Jun 2024	10981	7002	Accruals and Income in Advance	715.60	-	3 Jul 2024	Carmel Veitch
21 Jun 2024	10981	7002	Accruals and Income in Advance	1,264.78	-	3 Jul 2024	Carmel Veitch
21 Jun 2024	10981	7005a	PAYE owing	-	1,980.38	3 Jul 2024	Carmel Veitch
Total				1,980.38	1,980.38		
ID 10980 Correct Coding Payrun PD-4 - Manual							
24 May 2024	10980	7002	Accruals and Income in Advance	715.60	-	3 Jul 2024	Carmel Veitch
24 May 2024	10980	7002	Accruals and Income in Advance	1,264.78	-	3 Jul 2024	Carmel Veitch
24 May 2024	10980	7005a	PAYE owing	-	1,980.38	3 Jul 2024	Carmel Veitch
Total				1,980.38	1,980.38		
ID 10977 Correct Coding Payrun PD-3 - Manual							

DATE	JOURNAL ID	ACCOUNT CODE	ACCOUNT	DEBIT	CREDIT	POSTED DATE	POSTED BY
10 May 2024	10977	7002	Accruals and Income in Advance	715.60	-	3 Jul 2024	Carmel Veitch
10 May 2024	10977	7002	Accruals and Income in Advance	1,264.78	-	3 Jul 2024	Carmel Veitch
10 May 2024	10977	7005a	PAYE owing	-	1,980.38	3 Jul 2024	Carmel Veitch
Total				1,980.38	1,980.38		

ID 10976 Correct Coding Payrun PD-2 - Manual

26 Apr 2024	10976	7002	Accruals and Income in Advance	715.60	-	3 Jul 2024	Carmel Veitch
26 Apr 2024	10976	7002	Accruals and Income in Advance	1,264.78	-	3 Jul 2024	Carmel Veitch
26 Apr 2024	10976	7005a	PAYE owing	-	1,980.38	3 Jul 2024	Carmel Veitch
Total				1,980.38	1,980.38		

ID 10975 Correct Coding Payrun PD-1 - Manual

12 Apr 2024	10975	7002	Accruals and Income in Advance	715.70	-	3 Jul 2024	Carmel Veitch
12 Apr 2024	10975	7002	Accruals and Income in Advance	1,265.18	-	3 Jul 2024	Carmel Veitch
12 Apr 2024	10975	7005a	PAYE owing	-	1,980.88	3 Jul 2024	Carmel Veitch
Total				1,980.88	1,980.88		

ID 10859 Jacob Smyth - transfer of vehicle private use cost - Manual

1 Jul 2024	10859	7006	Employee Entitlements	172.05	-	1 Jul 2024	Steve McCartney
1 Jul 2024	10859	1995	Vehicle Fuel	-	172.05	1 Jul 2024	Steve McCartney
Total				172.05	172.05		

ID 10858 Till balance 30/06/2024 - Manual

1 Jul 2024	10858	4532	Eftpos transactions	180.00	-	1 Jul 2024	Steve McCartney
1 Jul 2024	10858	3003	Fish Licence Secretary Sales	-	127.83	1 Jul 2024	Steve McCartney
1 Jul 2024	10858	4970	Sundry	-	52.17	1 Jul 2024	Steve McCartney
Total				180.00	180.00		

ID 9996 Jacob Smyth - transfer of vehicle private use cost - Manual

3 Jun 2024	9996	7006	Employee Entitlements	83.50	-	17 Jun 2024	Steve McCartney
3 Jun 2024	9996	1995	Vehicle Fuel	-	83.50	17 Jun 2024	Steve McCartney
Total				83.50	83.50		

ID 9995 Jacob Smyth - transfer of vehicle private use cost - Manual

17 Jun 2024	9995	7006	Employee Entitlements	137.28	-	17 Jun 2024	Steve McCartney
17 Jun 2024	9995	1995	Vehicle Fuel	-	137.28	17 Jun 2024	Steve McCartney
Total				137.28	137.28		

ID 9925 Till balance 31/05/2024 - Manual

4 Jun 2024	9925	4532	Eftpos transactions	98.26	-	4 Jun 2024	Steve McCartney
------------	------	------	---------------------	-------	---	------------	-----------------

DATE	JOURNAL ID	ACCOUNT CODE	ACCOUNT	DEBIT	CREDIT	POSTED DATE	POSTED BY
4 Jun 2024	9925	3013	Game Licence Secretary Sales	-	120.87	4 Jun 2024	Steve McCartney
4 Jun 2024	9925	3014	Game Licence Refunds & Complimentaries	22.61	-	4 Jun 2024	Steve McCartney
Total				120.87	120.87		

ID 9700 Till balance 30/04/2024 - Manual

1 May 2024	9700	4532	Eftpos transactions	457.39	-	1 May 2024	Steve McCartney
1 May 2024	9700	4966	Sale of Books, Maps and DVD's	-	6.09	1 May 2024	Steve McCartney
1 May 2024	9700	3013	Game Licence Secretary Sales	-	451.30	1 May 2024	Steve McCartney
Total				457.39	457.39		

ID 9559 Jacob Smyth - transfer of vehicle private use cost - Manual

31 Mar 2024	9559	7006	Employee Entitlements	283.04	-	5 Apr 2024	Steve McCartney
31 Mar 2024	9559	1995	Vehicle Fuel	-	283.04	5 Apr 2024	Steve McCartney
Total				283.04	283.04		

ID 9552 Till balance 31/03/2024 - Manual

4 Apr 2024	9552	4532	Eftpos transactions	1,620.00	-	4 Apr 2024	Steve McCartney
4 Apr 2024	9552	3003	Fish Licence Secretary Sales	-	133.04	4 Apr 2024	Steve McCartney
4 Apr 2024	9552	3013	Game Licence Secretary Sales	-	52.17	4 Apr 2024	Steve McCartney
4 Apr 2024	9552	4531.1	Fishing offences Diversion Scheme	-	1,650.00	4 Apr 2024	Steve McCartney
4 Apr 2024	9552	3004	Fish Licence Refunds & Complimentaries	589.57	-	4 Apr 2024	Steve McCartney
4 Apr 2024	9552	3003	Fish Licence Secretary Sales	-	589.57	4 Apr 2024	Steve McCartney
4 Apr 2024	9552	7004	GST	215.21	-	4 Apr 2024	Steve McCartney
Total				2,424.78	2,424.78		

ID 9513 Jacob Smyth - transfer of vehicle private use cost - Manual

29 Feb 2024	9513	7006	Employee Entitlements	150.15	-	28 Mar 2024	Steve McCartney
29 Feb 2024	9513	1995	Vehicle Fuel	-	150.15	28 Mar 2024	Steve McCartney
Total				150.15	150.15		

ID 9512 Jacob Smyth - transfer of vehicle private use cost - Manual

31 Jan 2024	9512	7006	Employee Entitlements	265.98	-	28 Mar 2024	Steve McCartney
31 Jan 2024	9512	1995	Vehicle Fuel	-	265.98	28 Mar 2024	Steve McCartney
Total				265.98	265.98		

ID 9322 Till balance 29/02/2024 - Manual

29 Feb 2024	9322	4532	Eftpos transactions	2,494.10	-	1 Mar 2024	Steve McCartney
29 Feb 2024	9322	3003	Fish Licence Secretary Sales	-	257.39	1 Mar 2024	Steve McCartney
29 Feb 2024	9322	1974	Bank Charges	-	22.22	1 Mar 2024	Steve McCartney

DATE	JOURNAL ID	ACCOUNT CODE	ACCOUNT	DEBIT	CREDIT	POSTED DATE	POSTED BY
29 Feb 2024	9322	4531.1	Fishing offences Diversion Scheme	-	2,550.00	1 Mar 2024	Steve McCartney
29 Feb 2024	9322	7004	GST	335.51	-	1 Mar 2024	Steve McCartney
Total				2,829.61	2,829.61		

ID 9321 Till balance 31/01/2024 - Manual

31 Jan 2024	9321	4532	Eftpos transactions	926.96	-	1 Mar 2024	Steve McCartney
31 Jan 2024	9321	3003	Fish Licence Secretary Sales	-	879.13	1 Mar 2024	Steve McCartney
31 Jan 2024	9321	4966	Sale of Books, Maps and DVD's	-	47.83	1 Mar 2024	Steve McCartney
Total				926.96	926.96		

ID 8968 Jacob Smyth - transfer of vehicle private use cost - Manual

5 Dec 2023	8968	7006	Employee Entitlements	96.00	-	12 Jan 2024	Steve McCartney
5 Dec 2023	8968	7006	Employee Entitlements	114.44	-	12 Jan 2024	Steve McCartney
5 Dec 2023	8968	7006	Employee Entitlements	100.00	-	12 Jan 2024	Steve McCartney
5 Dec 2023	8968	1995	Vehicle Fuel	-	310.44	12 Jan 2024	Steve McCartney
Total				310.44	310.44		

ID 8966 Jacob Smyth - transfer of vehicle private use cost - Manual

12 Jan 2024	8966	7006	Employee Entitlements	168.95	-	12 Jan 2024	Steve McCartney
12 Jan 2024	8966	1995	Vehicle Fuel	-	168.95	12 Jan 2024	Steve McCartney
Total				168.95	168.95		

ID 8931 Till balance 31/12/2023 - Manual

9 Jan 2024	8931	4532	Eftpos transactions	777.39	-	9 Jan 2024	Steve McCartney
9 Jan 2024	8931	3004	Fish Licence Refunds & Complimentaries	133.04	-	9 Jan 2024	Steve McCartney
9 Jan 2024	8931	3003	Fish Licence Secretary Sales	-	910.43	9 Jan 2024	Steve McCartney
Total				910.43	910.43		

ID 8818 Reversal: Prepayment of Insurance for 23 - Manual

1 Sept 2023	8818	5103	Prepayments and Accrued Income	-	3,975.95	19 Dec 2023	Carmel Veitch
1 Sept 2023	8818	1976	Insurance	3,975.95	-	19 Dec 2023	Carmel Veitch
Total				3,975.95	3,975.95		

ID 8739 Till balance 30/11/2023 - Manual

1 Dec 2023	8739	4532	Eftpos transactions	526.96	-	5 Dec 2023	Steve McCartney
1 Dec 2023	8739	7009	Designated Waters Licence fees	-	4.35	5 Dec 2023	Steve McCartney
1 Dec 2023	8739	3003	Fish Licence Secretary Sales	-	646.96	5 Dec 2023	Steve McCartney
1 Dec 2023	8739	3004	Fish Licence Refunds & Complimentaries	124.35	-	5 Dec 2023	Steve McCartney
Total				651.31	651.31		

DATE	JOURNAL ID	ACCOUNT CODE	ACCOUNT	DEBIT	CREDIT	POSTED DATE	POSTED BY
ID 8518 Till balance 31/10/2023 - Manual							
31 Oct 2023	8518	4532	Eftpos transactions	1,325.22	-	1 Nov 2023	Steve McCartney
31 Oct 2023	8518	4966	Sale of Books, Maps and DVD's	-	13.04	1 Nov 2023	Steve McCartney
31 Oct 2023	8518	7009	Designated Waters Licence fees	-	13.04	1 Nov 2023	Steve McCartney
31 Oct 2023	8518	3003	Fish Licence Secretary Sales	-	1,299.13	1 Nov 2023	Steve McCartney
31 Oct 2023	8518	7004	GST	-	0.01	1 Nov 2023	Steve McCartney
Total				1,325.22	1,325.22		

ID 8488 Till Balance 30/9/2023 - Manual

30 Sept 2023	8488	4532	Eftpos transactions	1,536.52	-	27 Oct 2023	Kate Thompson
30 Sept 2023	8488	3003	Fish Licence Secretary Sales	-	2,792.17	27 Oct 2023	Kate Thompson
30 Sept 2023	8488	3004	Fish Licence Refunds & Complimentaries	133.04	-	27 Oct 2023	Kate Thompson
30 Sept 2023	8488	3004	Fish Licence Refunds & Complimentaries	180.87	-	27 Oct 2023	Kate Thompson
30 Sept 2023	8488	3004	Fish Licence Refunds & Complimentaries	176.52	-	27 Oct 2023	Kate Thompson
30 Sept 2023	8488	3004	Fish Licence Refunds & Complimentaries	137.39	-	27 Oct 2023	Kate Thompson
30 Sept 2023	8488	3004	Fish Licence Refunds & Complimentaries	176.52	-	27 Oct 2023	Kate Thompson
30 Sept 2023	8488	3004	Fish Licence Refunds & Complimentaries	176.52	-	27 Oct 2023	Kate Thompson
30 Sept 2023	8488	3004	Fish Licence Refunds & Complimentaries	137.39	-	27 Oct 2023	Kate Thompson
30 Sept 2023	8488	3004	Fish Licence Refunds & Complimentaries	137.39	-	27 Oct 2023	Kate Thompson
30 Sept 2023	8488	7004	GST	0.01	-	27 Oct 2023	Kate Thompson
Total				2,792.17	2,792.17		

ID 8485 Reversal: Closing accrual 2023-24 POL sales - Manual

1 Sept 2023	8485	3002	Fish Licence Internet Sales (POL)	-	19,333.70	27 Oct 2023	Kate Thompson
1 Sept 2023	8485	3006	Designated Waters Licence Sales - Southland	-	661.08	27 Oct 2023	Kate Thompson
1 Sept 2023	8485	7002	Accruals and Income in Advance	22,994.00	-	27 Oct 2023	Kate Thompson
1 Sept 2023	8485	1633	Public Online Fees Incl GST	53.90	-	27 Oct 2023	Kate Thompson
1 Sept 2023	8485	1634	Public Online Fees - No GST	396.50	-	27 Oct 2023	Kate Thompson
1 Sept 2023	8485	5103	Prepayments and Accrued Income	-	458.48	27 Oct 2023	Kate Thompson

DATE	JOURNAL ID	ACCOUNT CODE	ACCOUNT	DEBIT	CREDIT	POSTED DATE	POSTED BY
1 Sept 2023	8485	7004	GST	-	2,991.14	27 Oct 2023	Kate Thompson
Total				23,444.40	23,444.40		

ID 8483 Reversal: Closing accrual 2023-24 AOL sales - Manual

1 Sept 2023	8483	3001	Fish Licence Agent Sales (AOL)	-	25,138.37	27 Oct 2023	Kate Thompson
1 Sept 2023	8483	7008	Salmon Endorsement Card Fee	-	41.60	27 Oct 2023	Kate Thompson
1 Sept 2023	8483	3006	Designated Waters Licence Sales - Southland	-	162.24	27 Oct 2023	Kate Thompson
1 Sept 2023	8483	7009	Designated Waters Licence fees	-	87.36	27 Oct 2023	Kate Thompson
1 Sept 2023	8483	7002	Accruals and Income in Advance	29,244.00	-	27 Oct 2023	Kate Thompson
1 Sept 2023	8483	1631	Commission	1,245.57	-	27 Oct 2023	Kate Thompson
1 Sept 2023	8483	5103	Prepayments and Accrued Income	-	1,432.40	27 Oct 2023	Kate Thompson
1 Sept 2023	8483	7004	GST	-	3,627.60	27 Oct 2023	Kate Thompson
Total				30,489.57	30,489.57		

ID 8206 Reversal: Prepayment of ES community awards funding - Manual

1 Sept 2023	8206	5103	Prepayments and Accrued Income	-	2,000.00	18 Oct 2023	Steve McCartney
1 Sept 2023	8206	1424	Communication with Local Authorities	2,000.00	-	18 Oct 2023	Steve McCartney
Total				2,000.00	2,000.00		

ID 6879 JS monthly vehicle use - Manual

30 Sept 2023	6879	7006	Employee Entitlements	252.11	-	18 Oct 2023	Steve McCartney
30 Sept 2023	6879	1995	Vehicle Fuel	-	252.11	18 Oct 2023	Steve McCartney
Total				252.11	252.11		

ID 6854 Reversal: 9/10th salary owing as at balance date - Manual

1 Sept 2023	6854	7006	Employee Entitlements	21,076.38	-	18 Oct 2023	Steve McCartney
1 Sept 2023	6854	1911	Salaries - Field & Admin	-	20,265.49	18 Oct 2023	Steve McCartney
1 Sept 2023	6854	1914	Kiwisaver Employer Contributions	-	567.63	18 Oct 2023	Steve McCartney
1 Sept 2023	6854	1913	ESCT	-	243.26	18 Oct 2023	Steve McCartney
Total				21,076.38	21,076.38		

ID 6769 Reversal: Transfer Designated waters development cost invoice 1075 to Prepayments - Manual

1 Sept 2023	6769	5103	Prepayments and Accrued Income	-	6,930.76	6 Oct 2023	Steve McCartney
-------------	------	------	--------------------------------	---	----------	------------	-----------------

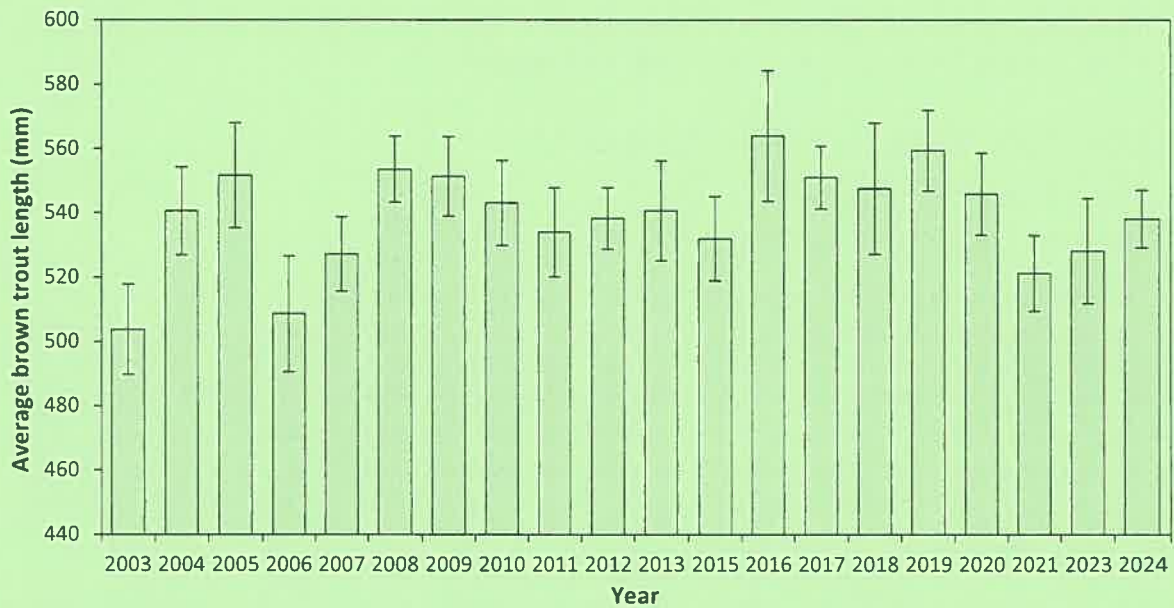
DATE	JOURNAL ID	ACCOUNT CODE	ACCOUNT	DEBIT	CREDIT	POSTED DATE	POSTED BY
1 Sept 2023	6769	1314	Pressure sensitive fisheries	6,930.76	-	6 Oct 2023	Steve McCartney
Total				6,930.76	6,930.76		
Total				114,286.56	114,286.56		

Southland Fish & Game Staff report – June-July

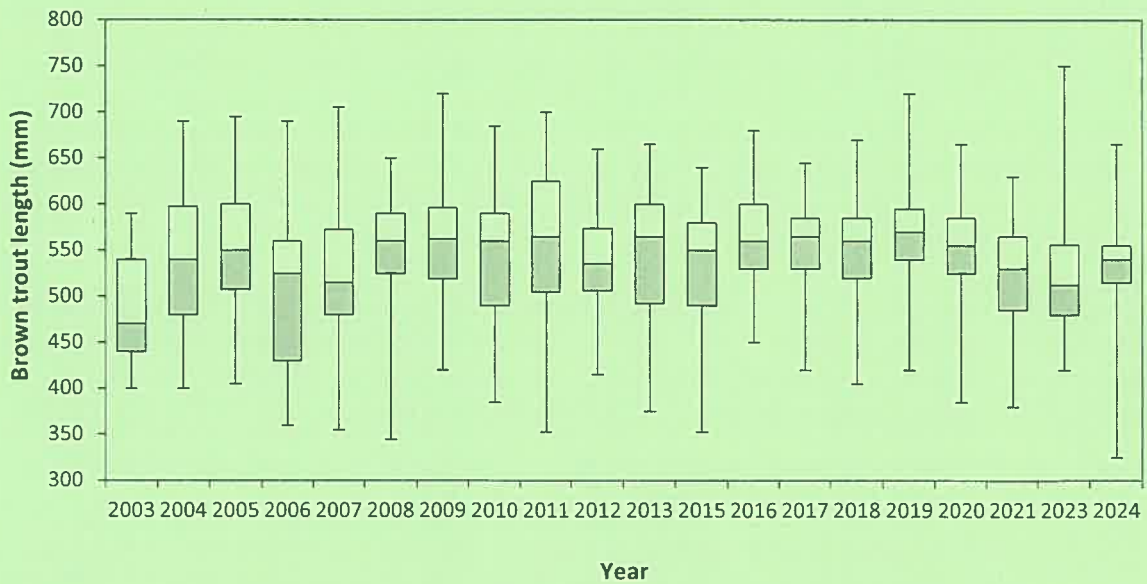
1100 Species Management Projects

1111 Trout Spawning monitoring

Staff captured and measured 105 spawning brown trout from the Waituna Creek. The average trout length was 538mm which is consistent with the long-term average (539mm).



Average brown trout length from Waituna creek. Error bars are 95% Confidence intervals.



Box and whisker plot showing the distribution of brown trout lengths in Waituna Creek.

Liaison with Meridian Energy has begun regarding Upper Waiau rainbow trout spawning and potential for flow management.

1121 Game bird hunter telephone surveys

Staff have been conducting fortnightly hunter harvest surveys to monitor hunter effort and harvest though the season. There has been very little hunting activity over the month of June.

1171 Anglers Notice

Staff have produced an Anglers Notice and worked on providing further information to NZC to supplement discussions on the Sports Fish Licences, Fees, and Forms Notice.

1200 Habitat Protection/ Management

1211 RMA - Plan, policy, pSWALP

Proposed Southland Water and Land Plan

Rule 24 – Diffuse discharges from land use activities

The Environment Court issued its ninth Interim Decision on the proposed Southland Water and Land Plan (pSWLP) on the 19 September 2023. The Decision dealt with outstanding matters before the Environment Court, including Rule 24. Rule 24 permits incidental discharges of contaminants (mainly nutrients, sediment, and microbial), subject to compliance with specified conditions. In response, the Environment Court expressed concern about whether Rule 24 was consistent with s 70 of the RMA. Section 70 requires permitted discharges to comply with a suite of conditions, including the avoidance of significant adverse effects on aquatic life.

High Court appeals on Rule 24 were heard in Christchurch in late October 2023. A reserved decision was issued by the High Court on 9 April 2024. In summary, the decision was largely consistent with joint legal submissions presented for Fish & Game and Forest & Bird, including that:

1. Section 70 applies to both point source and non-point source / diffuse discharges; and
2. Regional Councils cannot give effect to s 70 by simply including rules in their regional plan permitting discharges providing that the criteria in s 70 of the RMA are met. An inquiry as part of the planning process as to what the evidence says about the effects of the class of discharge being considered.

Significantly, the Environment Court had previously extended the opportunity to Environment Southland and other parties to provide evidence that its proposed Rule 24 would ensure that the suite of effects in s 70 did not occur. To date, no evidence has been provided by any party on this point. Instead, Environment Southland has applied for leave to argue the following legal points in the Court of Appeal:

1. The High Court applied the wrong legal test when:
 - a. concluding that replicating the criteria in s 70 of the RMA, and making them conditions of a permitted activity, would not meet the procedural requirements of s 70.

- b. finding that there is a need for an inquiry as part of the planning process as to what the evidence says about the effects of the class of discharge being considered, in circumstances where those very effects are expressly precluded by the rule itself.
2. The High Court erred in its reasoning at paragraph [83] of the Decision that “*Council officers granting resource consents should not be tasked with the very enquiry that section 70 envisages will take place prior to the rule being included in the plan*”, on the basis that as a permitted activity rule it would not require a resource consent.

Fish & Game is currently considering its position in response to Environment Southland’s application, including to apply to have a hearing in the Court of Appeal expediated.

Rule 78 - weed and sediment removal activities

Fish & Game has clearly signalled to Environment Southlands its concerns that no progress has been on the collaborative proposal suggested to advance discussions on Rule 78, including the rule framework and conditions, without the need for a High Court hearing – Fish & Game and Forest & Bird have previously put their joint High Court appeal on Rule 78 on hold at Environment Southland’s invitation to facilitate discussion(s).

Plan Change Tuatahi

Fish & Game staff have remained in contact with Environment Southland staff regarding Plan Change Tuatahi. Plan Change Tuatahi was intended to set limits, targets and methods (for discharges to and abstractions from waterways) that will help achieve hauora, a state of healthy resilience, for waterbodies within a generation. Environment Southland is yet to publicly confirm whether it will proceed with its original plan to notify Plan Change Tuatahi in late 2024, notwithstanding Government proposals to grant a 3-year extension, until 31 December 2027, for regional councils to notify their freshwater plan changes. Fish & Game has written to Environment Southland seeking confirmation of its intention.

Environment Southland – Gravel Management Working Group

Fish & Game staff have participated in further workshops as part of the Gravel Management Working Group convened by Environment Southland. Useful information and advice is being sought by Environment Southland to inform gravel management, including gravel extraction for commercial aggregate and infrastructure, in Southland.

Environment Southland – current planning processes

Staff presented oral submissions to Councillors on Environment Southland’s Proposed 2024 – 2034 Long-term Plan, Regional Climate Change Strategy for Murihiku / Southland (Phase One), and Infrastructure Strategy for Healthy Rivers and Resilient Communities 2024 – 2054.

Fish & Game advocated that the Long-term Plan is heavily focused on short term spending on engineered river and flood management, i.e. continuation of the existing ‘command and control’ ethos, which is proving environmentally and economically unsustainable. This approach does not accord with advice to Environment Southland about the need for strategic change in the direction of river management over time toward a ‘living with the river’ ethos, particularly given climate change predictions for Southland.

1212 RMA - Consents evaluation

Staff had an informal meeting with Phil Tisch (Milford Opportunities Proposal) ahead of the winding up of the initial stage of the process. It remains for their recommendations on various options to be presented to ministers of Conservation and Tourism (who is also the Associated Minister of Transport) and for them to make their decisions.

There wasn't much more detail for F&G to be made aware of, but the indications are that they have identified greater issues for trail development upstream of Knobs Flat. As such progressing to that point will likely be considered initially.

The opportunity was taken to re-emphasise the values that F&G wanted preserved/maintained in the Eglinton Valley. This included that the practicalities of constructing and maintaining a trail meant that it would need largely to be well-off the river margins.

The point was made that F&G would be concerned should increased visitor presence in the Eglinton bring about proposals for the likes of commercial pack rafting for example. As much as the river belongs to everyone, an activity such as that had the potential to impact anglers' experience.

Instream works	Discharges	Gravel / Rock
<p>Waikaia Gold – Liaison with representatives of mining company about prospective gold mining operation at Waikaka, including potential stream relocation to facilitate a moving pit.</p>	<p>Southland District Council – Application for variation of global stormwater consent to discharge stormwater from Te Anau industrial area to Upukerora River.</p>	<p>Riverton Rural Transport – Application for consent to extract gravel from the mid-Aparaima River.</p> <p>Environmental Management Associates – Application for consent to extract gravel from site adjacent to Mataura River in vicinity of Diamond Peak Road.</p> <p>Fulton Hogan – Application for consent to extract gravel from site adjacent to Mataura River in vicinity of Diamond Peak Road.</p>

1232 Pond/wetland identification and advice

Staff have submitted one application to the GBHT for 2024. This is part of a three-wetland complex near Waimumu. It is a joint venture between Thriving Southland, Westpac Water Care Project, Southland F&G

and the GBHT. Should it go ahead, this will be a significant undertaking and will provide a useful case study/exemplar for Southland's catchment groups.



Staff also surveyed another large wetland site near Wairio. However, due to the relatively high cost of it we have decided to explore co-funding options and consider an application to the GBHT in 2025.

Staff also surveyed two large potential wetlands in the Edendale area, one of approximately 5 hectares and one of 2 hectares.

1241 Waiau River hydro power effects (periphyton, WWP)

The twelfth and final periphyton survey was undertaken on June 21

1300 Participation

1311 Maintain, protect and enhance access.

Brightwater Spring

Staff successfully negotiated the Brightwater covenant, with Bill Gordan signing the final covenant documents last week. The next step is to install the fences, with materials due for delivery within the next two weeks. Staff will establish photo-points and undertake quantitative electrofishing this spring summer to document any changes. Supplementary carex secta planting will also occur.

Staff have begun adding bankside beat boundary markers to the to the upper Mataura beats.

Online access maps have two additional features. 1. Location tracking and 2. Satellite imagery.

A Beat System for the Waikaia River is under development.

Tracks for access to waterways have been completed at Saleyard road (Castlerock) on the Oreti River and Lake Thomas (Te Anau basin). Both have signage upgrades and awaiting an assessment on possibly spraying gorse/broom in the spray season. Track cutting underway for the Monowai River.

Working on a new possible access on Aparima River near Etalvale station.

Damaged signage at accesses in northern Southland repaired in various locations.

1313 Monowai jetty proposal

Progress on the Monowai Jetty has continued - funding applications are on-going.

1314 Pressure sensitive fisheries

Staff engaged with anglers through the Mataura and Waikaia Designated Waters consultation, dedicating substantial time to analysing and interpreting the data. This analysis was then presented to the Council in preparation for their special meeting on June 13th.

Upper Mararoa river occupancy rates for the 2023-24 season, Values are anglers captured fishing on camera per month.

	Mararoa Pool	Boundary Hut	Upper Mararoa Mouth	Usage for the month – all locations combined
October	1	0	*	3%
November	2	0	*	6%
December	0	0	*	0%
January	1	0	6	22%
February	2	0	4	21%
March	0	0	6	19%
April	2	0	5	23%

*Camera malfunction or drained batteries resulted in loss of data.

2023/24 Clinton/Worsley ballot results summary

Period	Date	Worsley		Lower Clinton		Upper Clinton		Total
		Weekday	Weekend	Weekday	Weekend	Weekday	Weekend	
1	Nov 1-Nov 13	3/3	2/2	4/4	2/2	2/4	2/2	15/18
2	Nov 14-Dec 27	3/4	2/2	1/4	1/2	1/4	/2	8/18
3	Nov 28-Dec 11	2/4	2/2	1/4	2/2	1/4	1/2	9/18
4	Dec 12-Dec 25	/4	2/2	/4	/2	1/4	2/2	5/18
5	Dec 26-Jan 8	4/4	2/2	/4	/2	1/4	2/2	9/18
6	Jan 9-Jan 22	2/4	/2	4/4	2/2	2/4	2/2	12/18
7	Jan 23-Feb 5	3/4	2/2	/4	1/2	1/4	2/2	8/18
8	Feb 6-Feb 19	1/4	2/2	1/4	2/2	2/4	2/2	10/18
9	Feb 20-Mar 5	3/4	2/2	3/4	2/2	2/4	2/2	14/18
10	Mar 6-Mar 19	2/4	2/2	2/4	1/2	1/4	2/2	10/18
11	Mar 20-Apr 2	3/4	1/2	1/4	1/2	2/4	/2	8/18
12	Apr 3-Apr 16	2/4	1/2	2/4	1/2	/4	/2	6/18
13	Apr 17-Apr 30	1/4	/2	/4	/2	/4	/2	1/18
14	May 1-May 16	1/4	/2	/4	1/2	/4	/2	2/18
15	17 May-31 May	/4	/2	/4	/2	/4	/2	0/18
<u>Allocation rate</u>		29/60 (48%)	20/30 (66%)	19/60 (31%)	16/30 (53%)	15/60 (25%)	17/30 (56%)	
<u>Season allocation rate</u>		49/90 (54%)		35/90 (39%)		32/90 (35%)		117/270 (43%)

1331 Promote Fish/Hunt via general media

The manager was questioned around compliance, with the reporter proposing to question the justification for warnings being issued to a guide, when others were prosecuted, although this wasn't emphasized in the final story.

1332 Promote fish/hunt magazine, internet & print

Staff have created content for the e-zine Both Barrels and contributed both national and regional articles for the upcoming fish edition of the Fish & Game magazine.

1334 R3 - recruitment, retention, reactivation

Wellbeing study

Staff are collaborating with NZC staff to analyse and document the findings from the national angler wellbeing and mental health survey. This study investigates the relationship between angling and wellbeing/mental health across New Zealand. Preliminary results are promising, indicating a positive relationship between angling and improved wellbeing, alongside reduced psychological distress, depression, and anxiety with increased angling participation. We are in the process of writing up these findings for formal publication.

1400 Communication

1424 Communication with local authorities

Staff provided the Environment Southland Harbourmaster with details, including waypoints, of navigation hazards on lakes Hauroko and Manapouri. In both cases the rocks that can be either just covered or clear of the water, had historically been marked with the correct 'Isolated Danger' marker poles.

ES staff have subsequently placed a temporary marker buoy over the L Hauroko hazard.

Staff will also provide the waypoint of the shallow shoal to the east of the Walker Creek mouth on Lake Monowai which also has lost its Navigation Hazard marking.

Lake Hauroko south of Mary Island



1426 Communication with anglers and hunters

Staff have received and replied to various email, Facebook and phone queries from anglers and hunters.

1427 Communication with other F&G regions

Staff have liaised with both Otago staff and NZFG in relation to suspected poisoning of waterfowl by pasture-applied grass grub spray. In addition to the well-publicised Lake Wanaka incident, there have been two incidents in the Te Anau area. Diazinon is the organophosphate suspected to be the toxin responsible. We are awaiting toxicology results.

Southland staff also worked with other regional and national F&G staff regarding opening weekend compliance.

1428 Fish & Game website maintenance

Additional content has been added to the Southland Game page within the Fish & Game website.

1452 Schools/youth organisations

Staff have delivered salmon ova to Otatara School, Waikaka School and East Gore School to enable their participation in the Fish in Schools programme.

An informal presentation was given to senior Te Anau Scouts outlining Fish and Game responsibilities and field work.

1453 Talks with interest groups

Staff delivered a talk to the Wakatipu Anglers Club about the Council's pressure-sensitive fisheries monitoring programme and the results of the Designated Waters angler consultation.

1500 Compliance and enforcement

1521 Ranger Appointments

Applications for warrant renewals have been completed and provided to NZF&G.

1533 Fiordland compliance & CCD

Staff have completed the didymo presence/absence sampling in Fiordland rivers as part of the CCD contract with DoC.

1900 Administration

1916 Staff training and health & safety

Dwight Grieve completed the Boat Masters qualification and is awaiting official sign off.

**SOUTHLAND FISH & GAME COUNCIL PAYMENT LIST FOR THE MARCH 2024 MEETING.
ACCOUNTS PAID SINCE THE LAST MEETING**

Direct Credits paid:

28/05/2024	Inland revenue	\$14,112.35	GST
31/05/2024	Inland revenue	\$12,782.83	FBT for 12 mths to 31032024.
5/06/2024	Bill Jarvie	\$147.85	Fuel purchase reimbursement - Challenge ranfurly
5/6/224	Aon New Zealand	\$33,356.90	Insurance premium - Annual renewal.
11/06/2024	MA & CM Turner	\$266.00	Travel reimbursement - Cpouncil meeting
13/06/2024	Meridian Energy Ltd	\$412.76	Power - 17 Eye Street.
13/06/2024	Meridian Energy Ltd	\$128.36	Power - Te Anau.
20/06/2024	Fuji Xerox	\$120.12	photocoping
20/06/2024	BDMA Revolution Ltd	\$3,415.50	Satelite map set up, markers,routes, maps
20/06/2024	Seaflex	\$138.00	Mthly charge x 2
20/06/2024	Paul Garbett	\$228.00	reports, prize draw
20/06/2024	Dairy Green Ltd	\$150.94	Brightwater project - update design
20/06/2024	Automotive Solutions	\$2,658.71	New tyres - NUF 117
20/06/2024	Inland revenue	\$17,284.00	PAYE deductions
20/06/2024	Automotive Solutions Ltd	\$327.68	service - toyota KTF247
20/06/2024	Paul Garbett	\$304.00	Data cleaning, ethnicity PDF
20/06/2024	Eastern Fish & game	\$79.18	Xero mthly sub
20/06/2024	Blue Star Group	\$28.23	Maps for schools
20/06/2024	Automotive Solutions	\$45.31	Wiper blade assembly Toyota KTF 247
20/06/2024	Automotive Solutions	\$641.68	Relace Disc rotors - Toyota KTF 247
20/06/2024	Joss Stroud	\$200.00	Cleaning 17 Eye Street
21/06/2024	transfer to BNZ -00 account	\$200,000.00	surplus funds to BNZ on-call account
26/06/2024	Molemap Ltd	\$1,842.30	molemaps 4 staff
28/06/2024	Eyede Solutions	\$139.00	Fish and Game sales
1/07/2024	BNZ	\$0.40	Service fee
4/07/2024	One NZ Group	\$352.89	Cell phones
15/07/2024	Meridian Energy Ltd	\$112.99	power - 178 manapouri Te Anau
15/07/2024	Meridian Energy Ltd	\$483.13	power - 17 Eye Street
20/07/2024	Sally Gepp Barrister	\$4,506.39	SWALP
20/07/2024	Velocitynet	\$244.00	Internet access
20/07/2024	NZC	\$138.00	seaflex mthly sub x 2
20/07/2024	OfficeMax	\$31.58	Stationery
20/07/2024	Environment Southland	\$2,300.00	Sponsorship for Annual awards
20/07/2024	NZ transport Agency	\$36.84	Rego - trailer 1920G
20/07/2024	NZ transport Agency	\$31.09	Rego - trailer 416TA
20/07/2024	Fiordland Marine	\$30.00	Twin sheated wire
20/07/2024	NZ Transport Agency	\$207.77	Rego - MFQ353
20/07/2024	Eastern Fish & Game Council	\$79.18	Xero mthly sub

Sub total \$297,363.96

Plus Direct Debits

28/05/2024	Eyede Solutions Ltd	\$519.00	Fish & Game sales	
3/06/2024	One NZ group	\$356.75	Cell phone charges	
10/06/2024	BP Oil NZ Ltd	\$2,430.76	fuel - fleet	
20/06/2024	Velocitynet Ltd	\$244.00	internet access	
20/06/2024	Paymark Ltd	\$21.74	EFTPOS mthly sub	
20/06/2024	Farmlands	\$1,374.84	Fencing materials	
10/07/2024	BP Oil NZ	\$2,016.06	Fuel -fleet	
14/06/2024	BNZ Visa	\$4,522.57	Fresh Choice - milk	2.59
			Mitre 10 Te Anau - wire + connector bullets	24.66
			The Warehouse - drone propellers	76
			Papaerplus Te Anau - stationery	10.78
			NZTA - RUC Dwight's truck	772.44
			Pak n Sav - tea, coffee	19.17
			Fresh Choice - coffee	27.93
			New World Windsor - vouchers Wellbeing study	317.85
			New World Windsor - vouchers Wellbeing study	400
			Hunting & Fishing - gift voucher Wellbeing study	100
			Auckland camera Centre - staff gear allowance	214
			Woolworths - milk	2.5
			Mico Invercargill - pipe/hose fittings TAKF	156.41
			Hell Pizza - Catering Council meeing	181.5
			Clyde Street dairy - milk	3.79
			2Talk Ltd - prepaid call top up	100

Fresh Choice Te Anau - milk	2.59
Pak n Sav - groceries	36.53
The Crown - Zane meeting with Joseph Mooney	118.32
the Coffee bomb -	10
Jaycar - USB lead for dictaphone	19.9
Microsoft - Office 365 mthly sub	217.35
Trademe - ad for sale Toyota ute	299
Jotform - Pressure sensitive fisheries	65.44
Pak n Sav - coffee	24.32
PGG Wrightsons - 75 steel Y posts	749.25
Advance Landscape Systems - beat markers	386.57
2Talk ltd - prepaid calls top up	30
Pak n Sav - milk	2.59
Industry Café - ES meeting	54
Industry café - ES meting	20
Fresh Choice Te Anau - groceries	12.49
Fresh Choice - bleach	7.2
Royal NZ Coastguard - Boatmaster course for Dwight	480
Hunting and Fishing - sinkers	29.96
Windsor New World - bait	4.6

Grand Total	\$308,849.68
--------------------	---------------------

FISHING LICENCE SALES PROGRESS

Current season sales Fish 2023/2024		Current season sales Fish 2022/2023		Complete season sales 21/22	
Category	No Sold	Category	No Sold	Category	No Sold
Whole season adult	2782	Whole season adult	2969	Whole season adult	3350
Whole season Jun	807	Whole season Jun	776	Whole season Jun	710
NR Adult whole season	755	NR Adult whole season	721	NR Adult	777
NR Junior whole season	28	NR Junior whole season	33	NR Junior	7
NR Child	14	NR Child	14	NR Child	0
NR Day Adult	1470	NR Day Adult	1152	NR Day Adult	95
NR Day Junior	31	NR Day Junior	22	NR Day Junior	2
NR Day Child	19	NR Day Child	13	NR Day Child	0
Local Area	279	Local Area	304	Local Area	288
Senior Loyal	562	Senior Loyal	571	Senior Loyal	582
Family	2265	Family	2478	Family	2545
Adult Day	1219	Adult Day	1232	Adult Day	1327
Junior Day	181	Junior Day	144	Junior Day	121
Short Break	404	Short Break	365	Short Break	423
Long Break	41	Long Break	29	Long Break	21
Winter Adult	86	Winter Adult	84	Winter Adult	107
Seaman Salmon Card	193	Seaman Salmon Card	257		
Designated Waters - Res	1800				
Designated Waters - NR	582				
TOTAL	13518	TOTAL	11184	TOTAL	9655
LEQ'S	8896	LEQ'S	8996	LEQ'S	8099

LEQ TARGETS FOR FISH 2023/2024 = 9167

LEQ TARGETS FOR FISH 2022/2023 = 8617

FISH LICENCE LEQ'S ARE 97% OF TARGET. LAST YEAR AT SAME TIME 104.3% OF TARGET

STHLD FISH LICENCE SALES AS AT 4th JULY 2024 ARE DOWN 3.7% ON LAST YEARS SALES AT THE SAME TIME.

NATIONALLY THE FISH LIC SALES ARE DOWN 1.6% ON LAST YEARS SALES TO THE SAME TIME

GAME LICENCE SALES COMPLETE SEASON

Current season Game 2024		Current season Game 2023		Final Game 2022 Sales	
Category	No Sold	Category	No Sold	Category	No Sold
Adult WS	4376	Adult WS	4521	Adult WS	4625
Junior WS	522	Junior WS	488	Junior WS	474
Ad Day	31	Ad Day	30	Ad Day	39
Jun Day	2	Jun Day	1	Jun Day	0
Child WS	182	Child WS	169	Child	182
TOTALS	5113	TOTALS	5209	TOTALS	5320
LEQ'S	4511	LEQ'S	4650	LEQ'S	4847

LEQ TARGETS FOR GAME 2023/24 = 4672

LEQ TARGETS FOR GAME 2022/23 = 4261

GAME LICENCE LEQ'S ARE CURRENTLY 96.5% OF TARGET.

LAST YEAR AT SAME TIME 109% TARGET

STHLD GAME LICENCES AS AT 4th JULY 2024 ARE DOWN 3.0% ON LAST YEARS SALES AT THE SAME TIME

NATIONALLY THE GAME LIC SALES ARE DOWN 2.2% ON LAST YEARS SALES TO THE SAME TIME

Profit and Loss

Fish and Game New Zealand, Southland Region For the year ended 31 August 2024

	2024	2024 BUDGET 2024	VARIANCE TO BUDGET	% OF BUDGET SPENT
REVENUE				
Fish and Game licence sales				
Fish Sales	1,155,301	1,219,610	64,309	95%
Game licence	420,354	438,792	18,438	96%
Non-Resident Licence Levy Revenue	198	-	(198)	-
Designated Waters Licence Sales - Southland	17,708	-	(17,708)	-
Water quality & ecosystem monitoring	-	2,000	2,000	-
Information & Prosecutions	-	5,000	5,000	-
Total Fish and Game licence sales	1,593,561	1,665,402	71,841	96%
Interest				
Interest Public Trust	865	-	(865)	-
Interest Other	7,948	42,769	34,821	19%
Total Interest	8,813	42,769	33,956	21%
Other Income				
Contract Income	9,379	-	(9,379)	-
Fiordland compliance & CCD	-	25,000	25,000	-
Profit on sale of Assets	20,356	-	(20,356)	-
Diversion Scheme Fishing	10,670	-	(10,670)	-
Fine Income (Courts)	905	-	(905)	-
Dept. of Conservation Contracts	6,100	-	(6,100)	-
MLC Fish Pass Management- Meridian	12,235	10,000	(2,235)	122%
MPI - Biosecurity CCD programme	30,000	-	(30,000)	-
NIWA Monitoring	39,046	-	(39,046)	-
Rental - Te Anau Cottage	9,391	-	(9,391)	-
Rent - Office Space Eye St	1,500	1,850	350	81%
Sale of Products	641	-	(641)	-
Eftpos transactions	297	-	(297)	-
Total Other Income	140,519	36,850	(103,669)	381%
Total REVENUE	1,742,893	1,745,021	2,128	100%
EXPENSES				
Outputs				
Species management				
Population monitoring	9,036	20,550	11,514	44%
Harvest assessment	-	2,000	2,000	-
Releases	255	150	(105)	170%
Total Species management	9,290	22,700	13,410	41%
Habitat protection & management				
RMA Consents evaluation	-	50	50	-
RMA Plans & Policy	-	50	50	-

	2024	2024 BUDGET 2024	VARIANCE TO BUDGET	% OF BUDGET SPENT
ES Water & Land Plan Appeal	6,648	-	(6,648)	-
Works & management	-	2,100	2,100	-
Assisted habitat	1,973	110	(1,863)	1,794%
Assessing & monitoring	12	-	(12)	-
Total Habitat protection & management	8,633	2,310	(6,323)	374%
Angler & Hunter participation				
Access	19,452	58,500	39,048	33%
Other Publications	1,186	5,400	4,214	22%
Pressure sensitive fisheries	14,682	400	(14,282)	3,671%
Training & R3	3,150	1,500	(1,650)	210%
Total Angler & Hunter participation	38,470	65,800	27,330	58%
Public interface				
Communication	4,388	1,200	(3,188)	366%
Public promotions	-	130	130	-
Visitor facilities	495	300	(195)	165%
Fish in schools programme	186	605	419	31%
Total Public interface	5,070	2,235	(2,835)	227%
Compliance				
Ranging	1,321	1,250	(71)	106%
Ranger training	-	3,600	3,600	-
Compliance	5,288	4,700	(588)	113%
Total Compliance	6,609	9,550	2,941	69%
Licensing				
Commission	63,764	95,607	31,843	67%
Total Licensing	63,764	95,607	31,843	67%
Council				
Council meetings	3,526	9,500	5,974	37%
Total Council	3,526	9,500	5,974	37%
Planning & reporting				
Mngt Plan	-	1,000	1,000	-
Reporting	9,245	12,000	2,755	77%
National Liaison	278	1,500	1,222	19%
Total Planning & reporting	9,523	14,500	4,977	66%
Total Outputs	144,886	222,202	77,316	65%
Overheads				
Employee related costs				
Salaries and wages	602,984	738,350	135,366	82%
Fringe Benefit Tax	12,783	5,000	(7,783)	256%
ACC Levy	-	1,300	1,300	-
Staff training & other expenses	7,265	9,600	2,335	76%
KiwiSaver contributions	23,863	-	(23,863)	-
Total Employee related costs	646,894	754,250	107,356	86%

	2024	2024 BUDGET 2024	VARIANCE TO BUDGET	% OF BUDGET SPENT
Other expenses				
Communications & Consumables	12,374	14,400	2,026	86%
Field equipment	1,150	4,500	3,350	26%
General	34,773	29,606	(5,167)	117%
Office equipment	2,910	9,000	6,090	32%
Office premises	17,809	19,700	1,891	90%
Vehicles	36,213	35,234	(979)	103%
Total Other expenses	105,229	112,440	7,211	94%
Total Overheads	752,123	866,690	114,567	87%
Depreciation	33,805	15,164	(18,641)	223%
Salaries Minor Adj Xero Payrol Conversion	486	-	(486)	-
Total EXPENSES	931,300	1,104,056	172,756	84%
Operating Surplus/(Deficit)	811,593	640,965	(170,628)	127%
Less other Expenses				
NZ Fish & Game Levy	(602,392)	(803,189)	(200,798)	75%
Total Less other Expenses	(602,392)	(803,189)	(200,798)	75%
NET SURPLUS/(DEFICT)	209,201	(162,224)	(371,425)	-129%

