

# Westlaw NZ


## Resource Management Tracker

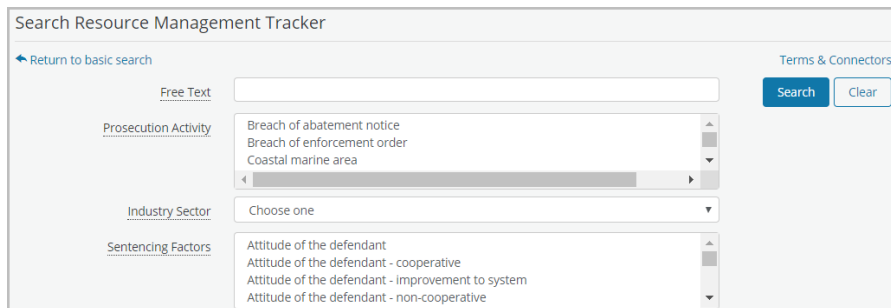
The *Resource Management Tracker* allows searches on a wide range of factors including the defendant's role, aggravating and mitigating factors and uplift or reduction in sentence resulting from these factors.

The *Resource Management Tracker* will help users identify relevant precedents, the impact of previous non-compliance such as abatement notices and infringement notices, the appropriate starting point and the appropriate range for the end for the fine and whether penalties other than fine or other sentencing outcomes are possible options.

*Resource Management Tracker* includes resource management prosecution sentencing decisions cases since the Resource Management Act 1991 came into force on 1 October 1991. The database is regularly updated as new resource management prosecution sentencing decisions become available. Most cases are from the District Court, with appeals to the High Court, Court of Appeal, and Supreme Court.

### Resource Management Tracker Template

To locate the Resource Management Tracker, browse through the Environment and Resources databases down to the *Resource Management Tracker*. To open the template, click on the Blue Title. To find the Case Source information, click on the scope  icon. Resource Management Tracker can be made a Quick Link for One Pass user.



## Resource Management Tracker Fields

Field	Description
Prosecution Activity	<i>Types of breach of the RMA</i>
Industry Sector	<i>Prosecutions by industry</i>
Prosecutor	<i>Names of specific prosecutors</i>
Date of Breach	<i>Prosecutions relating to breaches before 1 October 2009 on or after 1 October 2009 (the date of coming into force of increased penalties under the Resource Management Act 1993)</i>
Election	<i>Prosecutions in which the defendant elected judge alone or jury trial</i>
Defendant Role	<i>Defendants by types of role, e.g. company director or farming company -- dairy</i>
<b>Offence</b>	
<i>Detail</i>	<i>Specific details of an offence</i>
<i>Plea</i>	<i>Defendant's plea – guilty or not guilty or entered no plea</i>
<i>Seriousness of Offending [dairy effluent cases only]</i>	<i>Dairy effluent prosecutions categorised as least serious, moderately serious and more than moderately serious. These levels were confirmed in Waikato Regional Council v GA &amp; BG Chick Ltd (2007) 14 ELRNZ 291(DC)</i>
<i>Outcome</i>	<i>Outcome of a prosecution such as convicted, convicted and discharged, fine or permanent stay</i>
Sentencing Starting Point	<i>Starting point of the sentence</i>
<b>Sentencing Factors</b>	
<i>Aggravating Factors</i>	<i>Aggravating sentencing factors</i>
<i>Amount of Uplift</i>	<i>Percentage amount of uplift resulting from sentencing factors</i>
<i>Mitigating Factors</i>	<i>Mitigating sentencing factors</i>
<i>Amount of Reduction</i>	<i>Percentage amount of reduction resulting from sentencing factors</i>
<b>Prior convictions</b>	<i>Description of defendant's prior convictions</i>
<b>Sentencing</b>	
<i>Type</i>	<i>Type of sentence, e.g. fine, imprisonment, community detention</i>
<i>Amount Awarded</i>	<i>Details of financial penalties, e.g. amount of fine</i>
<i>Non-financial Sentence</i>	<i>Details of non-financial penalties, e.g. period of imprisonment or community detention</i>
<i>Fine Paid To</i>	<i>Party that financial penalty was paid to</i>
<b>Costs/Disbursements</b>	
<i>Type</i>	<i>Types of costs or disbursements awarded, e.g., Court costs, Solicitor fees</i>
<i>Amount Awarded</i>	<i>Financial details of costs or disbursements awarded</i>
<i>Above Scale?</i>	<i>Whether costs awarded were above or below scale</i>
<i>Paid To</i>	<i>The party that the costs or disbursements paid to</i>
<b>Financial Position of Defendant</b>	<i>The effect of the defendant's financial position, e.g. reduction, neutral or uplift</i>

## Search Examples using the Resource Management Template:

Find cases with the below fields populated.

1. Prosecution Activity is "discharge to water or onto land in a way that may enter water"
2. Industry sector is Dairy
3. Sentencing factor- Attitude of Defendant –Cooperative

Search Resource Management Tracker

Return to basic search

Free Text

1 Prosecution Activity: Discharge to land from industrial or trade premises  
Discharge to water or onto land in a way that may enter water  
Obstruction  
Restrictions on use of land - breach of s 9(1) (contravenes a national environmental standard or of a local body's resource consent)

2 Industry Sector: Agriculture - Dairy

3 Sentencing Factors: Attitude of the defendant  
Attitude of the defendant - cooperative  
Attitude of the defendant - improvement to system  
Attitude of the defendant - non-cooperative

Amount of Uplift

Amount of Reduction

Terms & Connectors

Search Clear

4. Open Results by selecting "Resource Management Tracker" Tab.

Bay of Plenty Regional Council v By De Ley

[2016] NZDC 14000  
District Court, Tauranga, 25/7/2016, CRI-2016-070-954, Smith Judge  
Cases, New Zealand (NZ)

Documents:  BriefCase,  Resource Management Tracker,  Brookers Environmental Headnotes,  Judgment Text

Classification: Criminal justice > Sentencing  
Resource management > Offences and penalties > Discharge > Effluent  
Resource management > Offences and penalties > Prosecution  
Resource management > Remedies > Enforcement order

Hit terms in context: 1. Resource Management Tracker  
... and penalties Discharge Effluent Resource management Offences and penalties Prosecution Resource management Remedies Enforcement order Bay of Plenty Regional Council Agriculture - Dairy Discharge to water or onto land in a way that may enter water By De Ley Henry None \$45,000 Nature of the environment affected important Culpability carelessness Attitude of the defendant cooperative Previous convictions none (first offence) 50% Reduction Attitude of the defendant

Bay of Plenty Regional Council v By De Ley

Result Document Term Browse

BriefCase Resource Management Tracker Judgment Text Brookers Environmental Headnotes Cited Documents Related Documents

RESOURCE MANAGEMENT TRACKER

Appeal: No

Prosecution Activity: Discharge to water or onto land in a way that may enter water

Industry Sector(s): Agriculture - Dairy

Date of Breach: On or after 1 October 2009

Prosecutor: Bay of Plenty Regional Council

Election: Judge alone

DEFENDANT: BY DE LEY, HENRY

Role Group:

Role Description:

Starting Point: \$45,000

Sentencing Factors:

Aggravating Factors	Impact
Nature of the environment affected — important	
Culpability — carelessness	