

# Resource Management Tracker Analytics

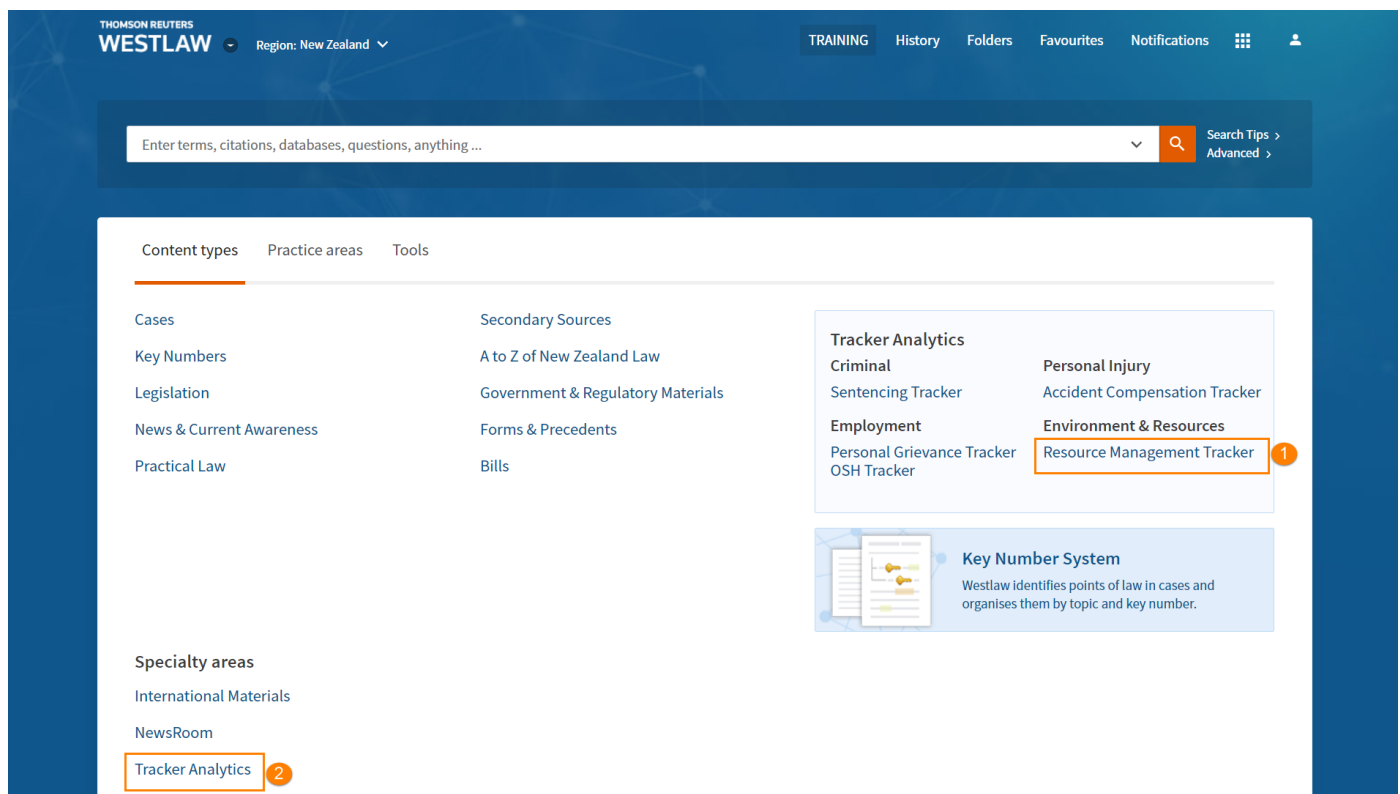
Resource Management Tracker is a comprehensive searchable collection of resource management prosecution sentencing decisions, allowing users to conduct specialised research based on the specific details of Resource Management Act prosecutions and their outcomes.

The tracker summary outlines the prosecution activity, type of sentence, the role of the defendant, as well as aggravating and mitigating sentencing factors, such as the attitude of the defendant, extent of damage, or nature of the environment affected.

## Where are the Trackers located?

The Trackers are accessible from three locations within Westlaw (New Zealand):

1. Under Tracker Analytics on the home page.
2. Specialty areas > Tracker Analytics on the home page.



3. In the Environment & Resources practice area page, click the Practice areas tab > select Environment & Resources > select Resource Management Tracker from Tools on the right.

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Environmental Handbook

## How to locate a Prosecution Activity

Begin your tracker research by selecting the required prosecution activity from the list provided on the Tracker Analytics page

1. Click **Resource Management** then select a Prosecution Activity type from the drop-down list, e.g., **Discharge to water or onto land in a way that may enter water**.
2. Select **Go**.

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Tracker Analytics

Accident Compensation OSH Personal Grievance Resource Management Sentencing

Prosecution Activity

1 Discharge to water or onto land in a way that may enter water Go 2

Select a prosecution activity

Breach of abatement notice  
Breach of enforcement order  
Coastal marine area  
Discharge from ships  
Discharge to air  
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)  
Restrictions on use of land - breach of s 9(2) (contravenes a regional rule)  
Restrictions on use of land - breach of s 9(3) (contravenes a district rule)  
Restrictions relating to water (taking, damming, or diverting)  
Restrictions to beds of lakes and rivers

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## Navigating the Resource Management Tracker results page

1. **Search within judgments** will search the full text of the cases included in the Tracker results list.
2. **Filter by Category**
  - a. Selecting and applying multiple categories will narrow your results.
  - b. Applying multiple options within a category will expand your results.
3. The **Data Visualisation** provides the ability to see trends quickly relating to the amount of fine imposed in similar prosecutions
4. **Tracker Summaries**

The tracker summaries outline the prosecution activity, type of sentence, the role of the defendant, as well as aggravating and mitigating sentencing factors, such as the attitude of the defendant, extent of damage, or nature of the environment affected.

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Home > Resource Management Tracker > Results

### Discharge to water or onto land in a way that may enter water Analytics

Fine 3

Search within judgments 1

Filter by category 2

Aggravating Factors +

Mitigating Factors +

Industry Sector +

Prosecutor +

Amount of Uplift +

Amount of Reduction +

Date of Breach +

Defendant Role +

Prior Convictions +

Offence Detail +

Plea +

Seriousness of Offending +

24% \$10,001 - \$20,000

Results	Total	Percentage
\$10,001 - \$20,000	229	24%
\$20,001 - \$50,000	222	23%
\$1,001 - \$5000	221	23%
\$5,001 - \$10,000	201	21%
\$0 - \$1,000	38	4%
\$50,001 - \$100,000	37	4%
More than \$100,000	13	1%

### Tracker Summaries (726) 4

1 - 20 > Sort: Date: newest to oldest

1. **Southland Regional Council v Dodds** Judgment  
District Court · 17 August 2021 · [2021] NZDC 16836 · 2021 WL 4033342  
Prosecution Activity: Breach of abatement notice, Discharge to water or onto land in a way that may enter water  
Fine: \$7,000.00
2. **Auckland Council v Fitton** Judgment  
District Court · 26 July 2021 · [2021] NZDC 14651 · 2021 WL 3401088

## Refining results using search

The **Search within judgments** field provides the ability to refine results by keywords related to your client's matter. The search will deliver results where the keywords appear in the full judgment text.

1. Enter the keywords into the search within judgments field, e.g., **hazardous substance**  
Click **search**.  
Note: Boolean connectors and expanders can be used.

**Filter**

Select multiple

**Search within judgments**

**Filter by category**

**Aggravating Factors** -

- Culpability 643
- Extent of damage 397
- Nature of offending 301
- Prior conduct 273
- Nature of the environment affected 242
- Previous convictions 77
- Financial position of defendant 23
- Attitude of the defendant 18
- Profit realised by offence 18
- Plea 11
- Remorse 6
- No profit realised by offence 1
- Restorative Justice 4

**Mitigating Factors** +

**Industry Sector** +

**Prosecutor** +

**Amount of Reduction** +

**Date of Breach** +

**Defendant Role** +

**Prior Convictions** +

**Offence Detail** +

Home > Resource Management Tracker > Results

### Discharge to water or onto land in a way that may enter water Analytics

**Fine**

Results	Total	Percentage
\$10,001 - \$20,000	229	24%
\$20,001 - \$50,000	222	23%
\$1,001 - \$5000	221	23%
\$5,001 - \$10,000	201	21%
\$0 - \$1,000	38	4%
\$50,001 - \$100,000	37	4%
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**Tracker Summaries (726)**

1 - 20 > Sort: Date: newest to oldest

- Southland Regional Council v Dodds** Judgment

District Court · 17 August 2021 · [2021] NZDC 16836 · 2021 WL 4033342

Prosecution Activity: Breach of abatement notice, Discharge to water or onto land in a way that may enter water

Fine: \$7,000.00
- Auckland Council v Fitton** Judgment

District Court · 26 July 2021 · [2021] NZDC 14651 · 2021 WL 3401088

2. Keywords will be highlighted in yellow in the results list.  
 Note: To alter your search, or run a new one, click **Remove search** and type in the new search terms.

**Filter**

Select multiple

**Search within judgments**

**Filter by category**

**Aggravating Factors** -

- Culpability 37
- Extent of damage 17
- Nature of the environment affected 17
- Nature of offending 14
- Prior conduct 9
- Previous convictions 4
- Plea 1

**Mitigating Factors** +

**Industry Sector** +

**Prosecutor** +

**Amount of Reduction** +

**Date of Breach** +

**Defendant Role** +

**Prior Convictions** +

**Offence Detail** +

Home > Resource Management Tracker > Results

### Discharge to water or onto land in a way that may enter water Analytics

**Fine**

Results	Total	Percentage
\$1,001 - \$5000	14	25%
\$10,001 - \$20,000	12	21%
\$5,001 - \$10,000	11	20%
\$20,001 - \$50,000	7	13%
More than \$100,000	5	9%
\$50,001 - \$100,000	4	7%
\$0 - \$1,000	3	5%

**Tracker Summaries (39)**

1 - 20 > Sort: Date: newest to oldest

- Waikato Regional Council v Paddy Smith Ltd** Judgment

District Court · 27 April 2021 · [2021] NZDC 7266 · 2021 WL 1812608

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

Judgment: ...the material shall not contain any human animal pathogens or hazardous substances); and...
- Canterbury Regional Council v Harrison Spraying Services Ltd** Judgment

District Court · 21 April 2021 · [2021] NZDC 7528 · 2021 WL 1812034

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

Judgment: ...resources 25k56-k5725Environment and natural resources25k56-k57Hazardous substances[2]Environment and natural resources 25k96-k9725Environment andk107Discharge52k106Contaminants

## Refining results using filters

To further refine the results, you can apply a filter or select multiple filters. You may choose to select multiple categories as well as subcategories from the options provided.

In the example below we have refined the results to focus on cases which involved aggravating factors of negligence or carelessness

1. Click on the + sign to expand the **Aggravating factor** filter and expand **Culpability**.
2. Then tick **carelessness** and **high level of carelessness/negligence**

**Filter**

Select multiple

**Search within judgments**

Remove search

**Filter by category**

[Clear all filters](#)

**Aggravating Factors** -

- Culpability 37
- high level of carelessness/negligence 11
- carelessness 8
- deliberate 6
- higher level 6
- lower level 5
- accidental 1
- lower level of deliberateness 1
- Extent of damage 17
- Nature of the environment affected 17
- Nature of offending 14
- Prior conduct 9
- Previous convictions 4
- Plea 1

**Mitigating Factors** +

**Industry Sector** +

Home > Resource Management Tracker > Results

### Discharge to water or onto land in a way that may enter water Analytics

**Fine**

24%  
\$10,001 - \$20,000

Results	Total	Percentage
\$10,001 - \$20,000	8	24%
\$1,001 - \$5000	6	18%
\$5,001 - \$10,000	5	15%
\$20,001 - \$50,000	4	12%
\$50,001 - \$100,000	4	12%
More than \$100,000	4	12%
\$0 - \$1,000	3	9%

**Tracker Summaries (19)**

1 - 19      Sort: Date: newest to oldest

- Waikato Regional Council v Paddy Smith Ltd** Judgment

District Court · 27 April 2021 · [2021] NZDC 7266 · 2021 WL 1812608

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

Judgment: ...the material shall not contain any human animal pathogens or **hazardous substances**); and...
- Taranaki Regional Council v Silver Fern Farms Ltd** Judgment

District Court · 24 February 2021 · [2021] NZDC 3430 · 2021 WL 926602

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

Fine: **\$168,750.00**

Judgment:

## Refining results using the interactive data visualisation

1. The interactive data visualisation provides an overview of the level of fine imposed, and the ability to filter results by the level of fine.
2. Select a fine amount and click **Filter** to narrow results.

Home > Resource Management Tracker > Results

### Discharge to water or onto land in a way that may enter water Analytics

Fine 1

Results	Total	Percentage
\$10,001 - \$20,000	8	24%
\$1,001 - \$5000	6	18%
\$5,001 - \$10,000	5	15%
\$20,001 - \$50,000	4	12%
\$50,001 - \$100,000	4	12%
More than \$100,000	4	12%
\$0 - \$1,000	3	9%

2 Filter

**Tracker Summaries (19)**

1 - 19 Sort: Date: newest to oldest

- Waikato Regional Council v Paddy Smith Ltd** Judgment

District Court · 27 April 2021 · [2021] NZDC 7266 · 2021 WL 1812608

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

Judgment:  
...the material shall not contain any human animal pathogens or **hazardous substances**); and...
- Taranaki Regional Council v Silver Fern Farms Ltd** Judgment

District Court · 24 February 2021 · [2021] NZDC 3430 · 2021 WL 926602

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

Fine: \$168,750.00

## Viewing the tracker summary

1. Click on the case title to open the tracker summary.

Discharge to water or onto land in a way that may enter water Analytics

Fine

All > \$10,001 - \$20,000

Results	Total	Percentage
\$10,001 - \$20,000	8	100%

**Tracker Summaries (8)**

1 - 8 Sort: Date: newest to oldest

- Southland Regional Council v White Waters Ltd** 1 Judgment

District Court · 5 October 2017 · [2017] NZDC 22779 · 2017 WL 4863822

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

Fine: \$16,500.00 \$3,125.00 \$6,250.00 \$33,000.00

Judgment:  
...natural resources 25k5625Environment and natural resources25k56-k57**Hazardous substances**25k56Contaminated land...
- Southland Regional Council v Pullar** Judgment

District Court · 14 July 2015 · [2015] NZDC 13587 · 2015 WL 4518120

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

Fine: \$9,640.00 \$18,750.00

- The **tracker summary** outlines the prosecution activity, type of sentence, the role of the defendant, as well as aggravating and mitigating sentencing factors, such as the attitude of the defendant, extent of damage, or nature of the environment affected.
- Click on the **Judgment** link in the case summary to open the full-text judgment in Westlaw (New Zealand).

**Southland Regional Council v White Waters Ltd tracker summary** 2

District Court - 5 October 2017 - [2017] NZDC 22779 - 2017 WL 4863822

**Judgment** 3

Appeal: Yes

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: Southland Regional Council (Environment Southland)

Election: Judge alone

**Defendant: Vemooij, Johannes**

Role Group: Company director

Role Description: Director of White Waters and responsible for managing the dairy operation

Starting Point: \$60,000 for first offence \$12,500 for second offence

Close

## Saving the tracker summary

- The tracker summary can be copied into a Microsoft Word document.

**Southland Regional Council v White Waters Ltd tracker summary**

District Court - 5 October 2017 - [2017] NZDC 22779 - 2017 WL 4863822

**Judgment**

Appeal: Yes

Prosecution Activity: Discharge to water or onto land in a way that may enter water 1

Industry Sector(s): Agriculture - Dairy

Date of Breach: On or after 1 October 2009

Prosecutor: Southland Regional Council (Environment Southland)

Election: Judge alone

**Defendant: Vemooij, Johannes**

Role Group: Company director

Role Description: Director of White Waters and responsible for managing the dairy operation

Starting Point: \$60,000 for first offence \$12,500 for second offence

Copy Ctrl+C

Copy link to highlight

Search Google for "Southland Regional Council v White Waters Ltd..."

Print... Ctrl+P

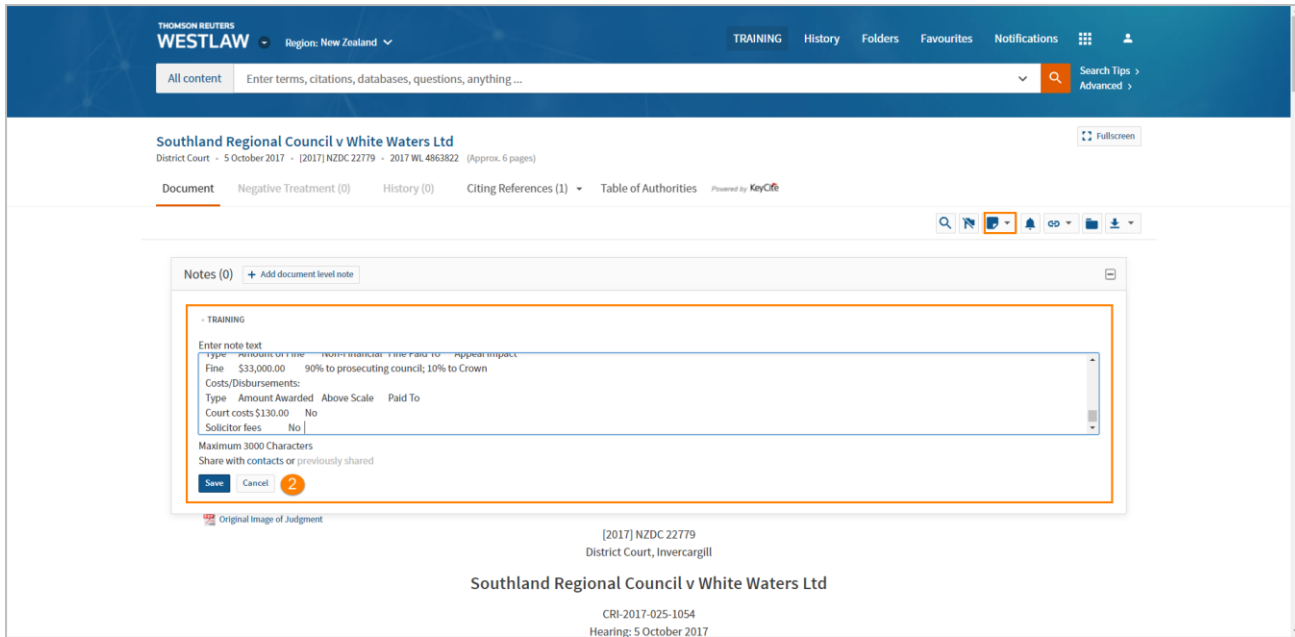
Get image descriptions from Google

Inspect

Close

Sort: Date: newest to oldest

- To download the tracker summary and full text judgment in one document, copy the text and paste it as an annotation into the full text judgment.



3. You can then print or download the full text judgment and include your annotations.

