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Report 01.792

20 November 2001

File: J/2/1/2

Docs:Rec.HEO

Report to Environment Committee
from Mike Pryce, Manager, Harbours

Appointment of Honorary Enforcement Officers

1. Purpose

The purpose of this report is to request the Committee appoints some Honorary Enforcement Officers to assist with the control of recreational water activities in our regional harbours and coastal waters to:

- advise the Committee of the functions of Honorary Enforcement Officers; and
- recommend to Council the appointment of Honorary Enforcement Officers listed in **Attachment 2** for a period of three years.

2. Background

In the past, the Maritime Safety Authority and Regional Councils appointed Honorary Launch Wardens pursuant to the Water Recreation Regulations and the Harbours Act 1950 respectively to assist in the control of recreational water activities. Together, they provided coverage of all areas of coastal or harbour waters under either Maritime Safety Authority or Regional Council responsibility.

There were hundreds of such officers throughout New Zealand. Many officers acted for both the Maritime Safety Authority and Regional Councils under separate appointments.

Recent legislative changes mean that the positions of Honorary Launch Wardens are now called Honorary Enforcement Officers.

In December 2000 the Council adopted the Wellington Regional Navigation and Safety Bylaws 2000 under section 684B of the Local Government Act 1974 (LGA). The Council also delegated all its functions, duties and powers in terms of the operation and enforcement of the Bylaws to the Environment Committee (**Attachment 1**).

Subclause 5.1 of these Bylaws states that:

The Council may, by resolution, appoint an Honorary Enforcement Officer for the purposes of these Bylaws.

Because the area of coverage for the Wellington Regional Navigation and Safety Bylaws (passed in December 2000) was increased to three nautical miles around the entire regional coastline, the Region's coastal water areas are now able to be administered by the Wellington Regional Council.

3. **The Role of Honorary Enforcement Officers**

Honorary Enforcement Officers provide their time on a voluntary basis to assist in promoting safety on the water. They receive no remuneration or payment. They are not expected to specially patrol the harbour looking for boat owners infringing the regulations, but rather to observe and report during their normal boating or recreational activities. They are not “water police”, although they do have the full support of the Wellington Police Maritime Unit.

Their most important role is to help to educate recreational water users about the various safety rules and regulations. They are often also able to advise about educational courses that are available to improve seamanship and to promote a better awareness of water safety.

With such a wide variety of water sports now available, and with no requirement for licensing, the problem usually encountered is that of complete ignorance of basic safe boating practices and competing/conflicting uses of water space.

During November 2001 we provided a four-hour training course over two weekends for our proposed Honorary Enforcement Officers, and about forty people attended these. The courses explained their roles, the relevant sections of the new bylaws and other legislative changes, and included guidance on approaching and dealing with members of the public. Honorary Enforcement Officer's need be able to handle potentially difficult situations with members of the public with a degree of tact and diplomacy.

In recruiting such people, preference is given to selecting mature, experienced and active recreational water users who are familiar with water safety and its problems and who have usually demonstrated an interest in water safety.

With our increased area of coverage, some of our proposed new appointments include people from the Wairarapa and Kapiti Coasts.

Attachment 2 lists the persons we would like to appoint as Honorary Enforcement Officers for a three year period.

4. **Enforcement Authority**

These officers are appointed under s5.1.3 of the Wellington Navigation and Safety Bylaws under powers given to Council by s650B(1) of the Local Government Act (LGA).

Under s650B(2) of the LGA the powers of Honorary Enforcement Officers are limited to those specified by Council within the limits set in the LGA. It is proposed that these powers should be to:

- issue directions. This is for the purpose of navigation safety only and provides for the Honorary Enforcement Officers to instruct vessels or people to move from one area to another or modify the way in which they are operating their vessels. [LGA. s650C(3)]. It is further recommend that this provision be limited to issue directions only to pleasure craft; and
- require any person (who appears to be in charge of a vessel who they believe has breached a Maritime Rule or bylaw relating to navigation safety) to stop and provide their name and address. Upon receipt of a complaint or a request from the Harbourmaster, Honorary Enforcement Officers may follow up a breach of the Bylaws and require the vessel to stop and provide their name and address. [LGA s650E].

5. Recommendation

It is recommended that the Committee:

- (1) ***appoints*** as Honorary Enforcement Officers for a period of three years the persons listed in ***Attachment 2***, and grant them the powers listed in (4) above.

Report prepared by:

Approved for submission by:

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JANE BRADBURY
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Attachments

1. Minute extract from Wellington Regional Council Meeting, 7 December 2000
2. Appointments for Honorary Enforcement Officers