



Report 09.690
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File J/02/01/02

Committee Council
Author Margaret Meek, Policy Analyst

Appointment of enforcement officers and honorary enforcement officers

1. Purpose

To propose that the Council appoint enforcement officers and honorary enforcement officers to carry out duties under the harbours provisions of the Local Government Act 1974 (the Act) and the Wellington Regional Navigation and Safety Bylaws 2003 (the Bylaws).

2. Consideration by Committee

The matters raised in this report were considered by the Regulatory Committee at its meeting on 21 October (Report 09.630 refers). The recommendations contained in this report have been endorsed by the Committee for the Council's consideration and decision.

3. Significance of the decision

The matters for decision in this report do not trigger the significance policy of the Council or otherwise trigger section 76(3)(b) of the Act.

4. Background

4.1 Enforcement officers and honorary enforcement officers

Section 650B of the Act authorises the Council to appoint enforcement officers for the purpose of carrying out the powers, functions and duties specified in Part 39A of the Act.

The Act authorises the Council to appoint honorary enforcement officers. The Act enables the powers, functions and duties of honorary enforcement officers to be specified by the Council.

Greater Wellington's Bylaws require that the Council appoint enforcement officers and honorary enforcement officers.

Existing enforcement officers and honorary enforcement officers are listed in *attachment 1* to this report.

4.2 Powers of honorary enforcement officers

Existing honorary enforcement officers' powers extend to matters concerning pleasure craft and are solely for the purpose of navigation safety.

Their powers are to:

- Issue directions (section 650C(3) of the Act). This is limited to instructing vessels to move from one area to another or to modify the manner in which they are being operated.
- Require persons appearing to be in charge of a vessel to stop and give his or her name and address if:
 - (a) a complaint has been received that there has been a breach of the Wellington Regional Navigation and Safety Bylaws 2003 or a breach of maritime rules involving navigation safety; and
 - (b) on investigation of the complaint, the honorary enforcement officer is of the opinion that there has been a breach of the Bylaws and maritime rules; or
 - (c) the Harbourmaster requests the honorary enforcement officer to do so (subsections (2) and (3) of section 650E of the Act).

5. Comment

5.1 Enforcement officers

It is proposed that the Council appoint the people listed below as enforcement officers to carry out the powers, functions and duties specified in Part 39A of the Act, and to enforce the Bylaws:

- Senior Constable Stuart Main
- Constable Paul Curd
- Constable Peter Comer

The proposed enforcement officers are members of the Police Maritime Unit. This unit has assisted the Council for many years in controlling and regulating water activities in the region. It has a regular presence on the harbour and a fair and reasonable approach to navigation safety.

5.2 Honorary enforcement officers

Honorary enforcement officers provide their time voluntarily to assist in promoting safety on the water. Their role involves observing navigation safety and reporting on it during their own boating or recreational activities.

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

In identifying potential honorary enforcement officers, 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.

It is proposed that the Council appoint the people listed below as honorary enforcement officers and delegate to them the powers, functions and duties identified in section 3.2 above:

- Grant Glendining
- Raukawa Comerford
- Andrew Littleford.

6. Communication

All persons appointed as enforcement officers and honorary enforcement officers will be provided with confirmation of their appointment and their appointment will be recorded in Greater Wellington's delegation manual.

7. Recommendations

That the Council:

1. ***Receives*** the report.
2. ***Notes*** the content of the report.
3. ***Appoints*** the following people as enforcement officers to carry out the powers, functions and duties specified in Part 39A of the Local Government Act 1974 and to enforce the Wellington Regional Navigation and Safety Bylaws 2003:
 - *Senior Constable Stuart Main*
 - *Constable Paul Curd*
 - *Constable Peter Comer.*
4. ***Appoints*** for a period of three years, the following persons as honorary enforcement officers, with the powers outlined in section 3.2 of this report:
 - *Grant Glendining*
 - *Raukawa Comerford*
 - *Andrew Littleford.*

Report prepared by:

Report approved by:

Report approved by:

Margaret Meek
Policy Analyst

Mike Pryce
Harbourmaster

Nigel Corry
Divisional Manager,
Environment Management

Attachment 1: Current enforcement officers and honorary enforcement officers