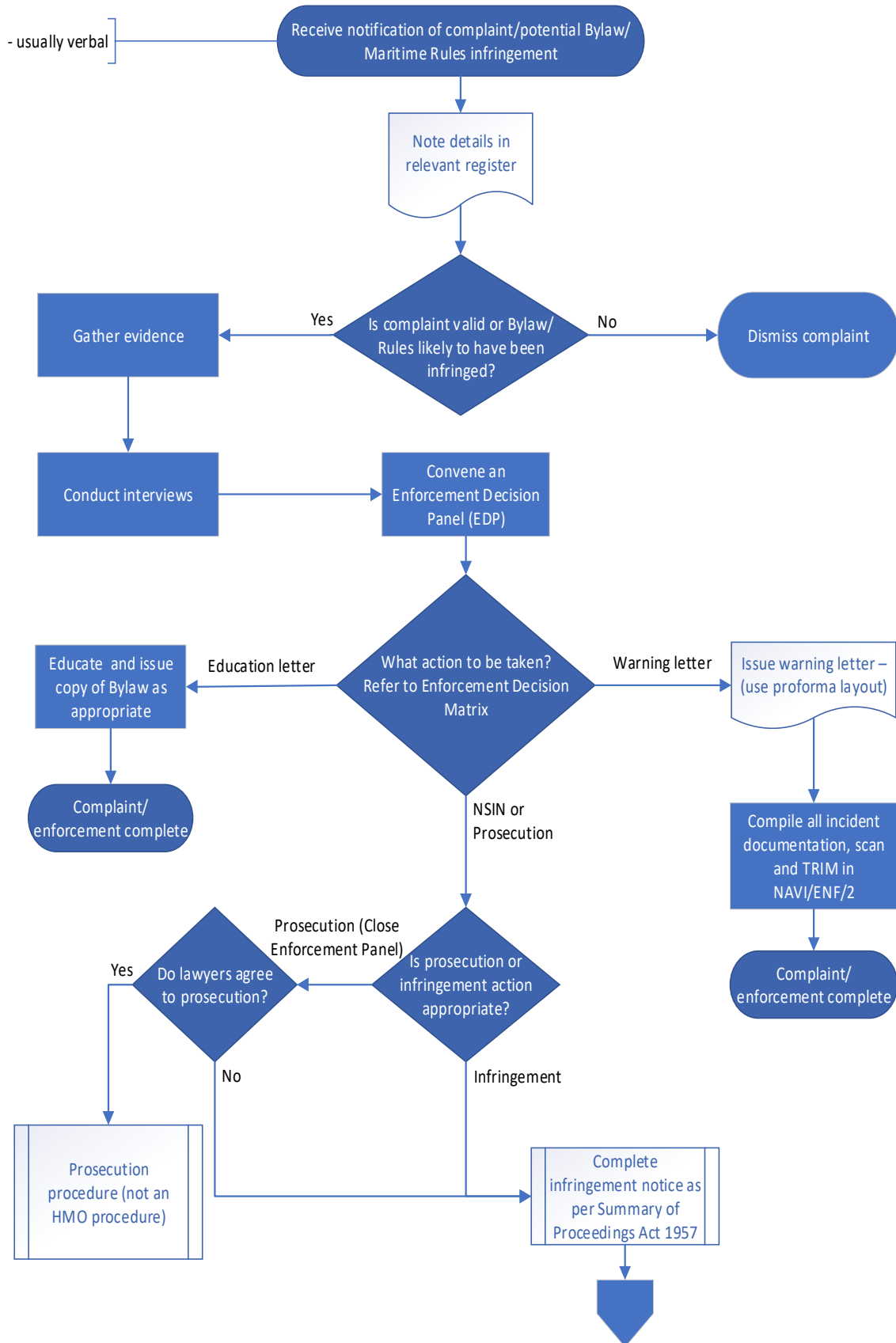
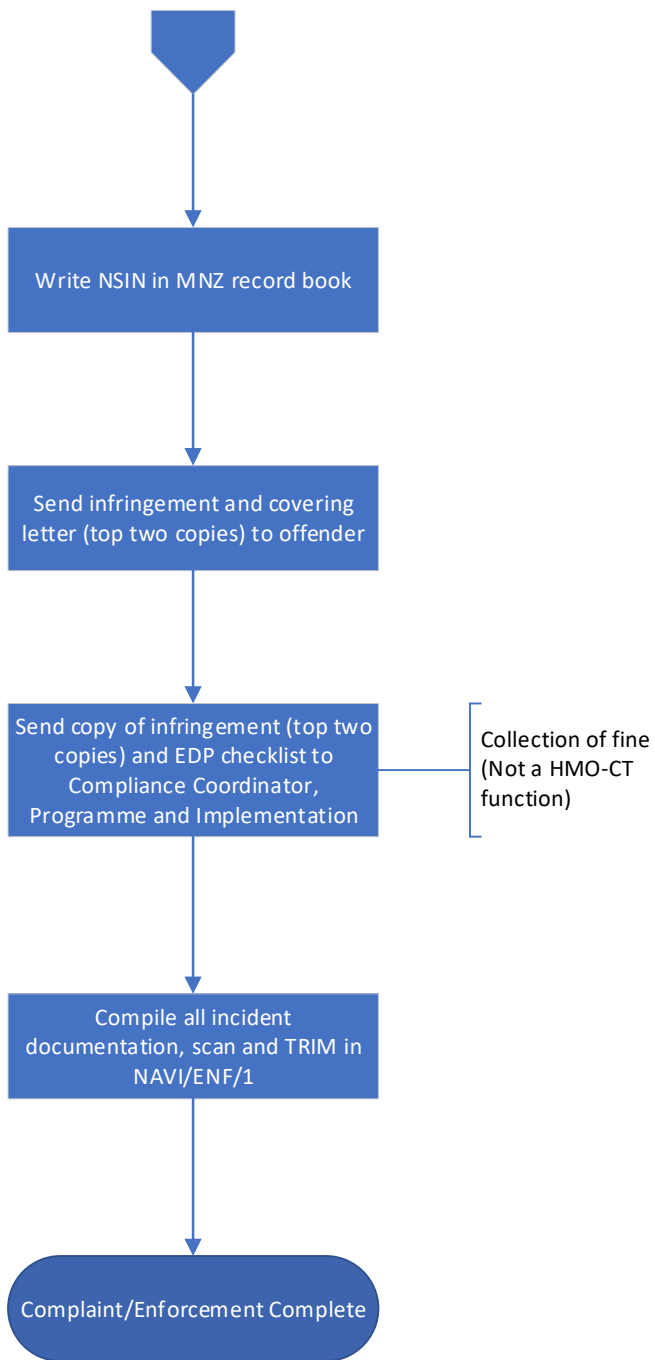


Enforcement Decision Process and Checklist





Navigation Safety Enforcement Decision Team Checklist

Date: 20 th May 2024	ECan Decision Team Leader:	Enforcement Decision Team (minimum of two team members – must include one Harbourmaster warrant holder)
Resource Consent Applicable: Y/N	Complaint: Y/N	RHM:
File Ref (TRIM):	Other:	HM/DHM/NSO:
		EO:
		Other:

Alleged Offender Details:

Contact Name: Phoebe O’Farrell	Address (Postal):
Phone:	Cell Phone:
Email:	Date of Birth:

Other Alleged Offender Details:

Contact Name:	Address (Postal):
Phone:	Cell Phone:
Email:	Date of Birth:

Incident Details:

Date & Time:	Location:
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Details of Incident (expand overleaf as required):

Previous enforcement(s) against main party:

Evidence: Photos & Observations Verbal or Written Confession Samples & Records (attach)

Consideration:

Is there a clear party against which enforcement can be taken?	Y N
Is there clear evidence indicating that an offence was committed?	Y N
Can we prove that the offence was caused by this/these parties?	Y N

Effects (NSIN = Navigational Safety Infringement Notice)	Offence – Inadvertent or Unforeseen (Unlikely to Recur)	Offence – Deliberate or Negligence (Likely to Recur)	Failure to Act on Previous Advice
Nil Actual or Potentially Minor	Education Letter	Warning Letter or NSIN	Warning Letter or NSIN
Actual Minor or Potentially Moderate	Warning Letter or NSIN	Warning Letter or NSIN	Warning Letter & NSIN or Prosecution
Actual Moderate or Potentially Major	Warning Letter or NSIN	Warning Letter & NSIN or Prosecution	Prosecution
Actual Major or Potential On-Going	Warning Letter & NSIN or Prosecution	Prosecution	Prosecution

Supplementary Information for Enforcement Decision Team Checklist:	
Alleged Offender (additional information):	
Origin of Incident/Complaint:	
Contact Name:	Address (Postal):
Phone:	Cell Phone:
Email:	
Other Considerations:	
Possible Offences – Bylaws/Collision Regulations/Other:	
Enforcement Recommendation:	
Final Assessment Confirmation: Does the Enforcement Decision Team & Regional HM agree that:	
Is the option selected appropriate (not too excessive, not too minor)?	Y N
Is the option selected sufficient to be a deterrent?	Y N
Reviewed by ECan Solicitor* (prosecutions): Yes /No Date: Comments:	Not Required
Signature of Enforcement Decision Team:	

Sample text for Formal Warning – insert final text into most current ECan letter template.

Date

Name

Address



Formal Warning

Dear XXX,

On 28th November 2022, whilst in Lyttelton harbour, the white RHIB you were master of was observed exceeding 5 knots within 200 metres of the shore and 50 metres of another vessel, this breaches Maritime Rules Part 91.6(1)(a) and (b).

A breach of this rule can result in a \$200 infringement or \$2000 maximum penalty for each offence.

OR

On 6th February 2023, whilst in Lyttelton Harbour, the yacht XXXX you were the master of did impede the bulk carrier Hebe Harmony, this breaches part 91.16 of the Maritime Transport Act.

A breach of this rule can result in a \$200 infringement or \$2000 maximum penalty for each offence.

OR

On 28th December 2015 at 1125am, whilst on Lake Ruataniwha, you were observed by one of our enforcement officers on a boat under 6 metres in length not wearing life jackets.

The Navigation Safety Bylaws 2010, 2.1 refers.

A breach of this bylaw can result in a \$150 infringement for each person failing to wear the lifejacket, and also a \$300 fine for the skipper for failing to ensure passengers are wearing them.

With consideration to your assistance in the incident investigation, on this occasion we will not take further action on the xxx charges other than record your details should another breach occur.

Please ensure before entering any Canterbury region waterway, you check the appropriate Maritime Rules and Bylaw clauses, so you do not put yourself or others in the position of failing to comply with them.

A useful guide to navigation safety rules is available on the following website:
<https://www.maritimenz.govt.nz/recreational/rules/default.asp>

Sample text for Infringement Notice – insert final text into most current ECan letter template.

Date

Name

Address



Dear vessel operator/owner (or first name if known)

Infringement Notice { xxxx }

Further to earlier {correspondence} {email(s)} {telephone contact},

OR IF NO EARLIER CONTACT

It has been reported to this office that {description of offence, location date and time}.

You have been identified {description how we have done so – eyewitness, boat name, car rego etc}

This is to advise that a decision has been made to issue {an} Infringement Notice {s} for the incident at {location} on {date} at {time}

Attached is an infringement Notice for {this} {these} offence {s}.

As shown on the notice, payment is due within 28 days of the issue of the notice meaning the final date for payment will be {date}.

Text which must be included in for Infringement Notice

What you need to know - Summary of Rights

Please refer to the Summary of Rights on the reverse side of the infringement notice, which sets out the actions available to you. You should be aware that if you request a hearing and you are found guilty, or plead guilty, the Court may impose a penalty which is different from the infringement fees set out in the infringement notice. The penalty imposed by the Court may be more, less or the same as the infringement fee. The penalties which the Court can impose at a hearing are in the case of a company, is a fine of up to \$600, 000 or in the case of an individual, a fine of up to \$300,000 and/or a sentence of community work of not less than 40 hours and not more than 400 hours.

You may pay the fee to Environment Canterbury by direct credit or credit card. Our bank account details are Canterbury Regional Council, a/c 123151 0059468-00. Please reference your name and the Infringement Notice number {xxx}. Please contact our Customer Services on 03 3539007 to pay by credit card.

Yours faithfully (or sincerely if name is known)

{Name}

{Title}

Harbourmaster's Office – Coastal Team

AMENDMENT RECORD

<i>Date</i>	<i>Reason for Amendment</i>	<i>Person Amending</i>	<i>New version No.</i>
<i>03Sep21</i>	<i>Reviewed and amendment record table added</i>	<i>IF</i>	<i>2.1</i>
<i>01Oct21</i>	<i>Embedded Visio flowchart added</i>	<i>IF</i>	<i>2.2</i>
<i>12Aug22</i>	<i>Corrected typos; added ref in flowchart to Maritime Rules; changed "Accidental" to "Inadvertent" in flowchart and checklist to remove potential confusion with accident's common meaning relating to a type of incident.</i>	<i>IF</i>	<i>2.3</i>
<i>29May23</i>	<i>Added in sample Warning and Infringement Letters to be used as a template on the most current ECan Letter Template. On infringement letter the Summary of Rights and Publication paragraphs must be included as requested by Sandra O'Donnell</i>	<i>TJ</i>	<i>2.4</i>
<i>31Jul23</i>	<i>Annual Review – no changes</i>	<i>TJ</i>	<i>2.5</i>
<i>29Jan24</i>	<i>Changed the panel from must be Regional Harbourmaster to a Harbourmaster warrant holder following team discussion with GH, GM, TJ. Ensures availability for an EDP</i>	<i>TJ</i>	<i>2.6</i>
<i>5Feb24</i>	<i>Changed the wording of the checklist to align with the matrix after discussion with GH, GM, TJ. Also removed the text regarding publication, as this not the type of infringement this applies to</i>	<i>TJ</i>	<i>3</i>