

3 July 2024

File Ref: OIAPR127402363-28355

Marie (FYI Org)

By email: fyi-request-27226-be934530@requests.fyi.org.nz

Tēnā koe Marie

Request for information 2024-121

I refer to your request for information dated 11 June 2024, which was received by Greater Wellington Regional Council (Greater Wellington) on 11 June 2024. You have requested the following:

“Could you please provide the following:

- 1. Could you please advise of any investigations and prosecutions by your council under the Maritime Transport Act 1994 in the last 10 years (or timeframe that doesn't invoke the too must work refusal clause).*
- 2. Your internal procedures/manuals and other documents in relation to whether you investigate and prosecute or Maritime New Zealand does.*
- 3. What is your understanding (any agreements or memorandum of understanding with Maritime New Zealand) on decisions and how those decisions are made as to whether you or Maritime NZ investigate recreational boating incidents.*
- 4. Please provide your standard operating procedures for investigating and prosecuting under the Maritime Transport Act 1994 (or general if not specific).*
- 5. Please provide the criteria used to determine if you investigate an recreation boating incident*
- 6. Please provide the code of conduct and conflict of interest policy in relation to your investigators. For example, if a victim and complainant in a recreational boat incident is a friend of one of your investigators or officers, and then they called your officer on a weekend, then went your officers house to complain about the incident and told your officer how angry they were about the other people on board, and their treatment etc...(when police and harbour master were already aware of the incident and choose not to act) would your officer then be able to*

recommend and lead an investigation into the accident including making recommendations to prosecute the people the officers friend was angry at? (This situation did not involve your council, or other councils, but was a situation with an officer from a govt department investigating an incident under the circumstances described). I am not trying to get an opinion, rather demonstrate the angle I am taking regards policies and documents that relate to this and would either allow or disallow that example to happen in your organisation.”

Greater Wellington’s response follows:

1. *Could you please advise of any investigations and prosecutions by your council under the Maritime Transport Act 1994 in the last 10 years (or timeframe that doesn’t invoke the too must work refusal clause).*

No prosecutions have been taken under the Maritime Transport Act 1994 (MTA).

2. *Your internal procedures/manuals and other documents in relation to whether you investigate and prosecute or Maritime New Zealand does.*

There is no formal arrangement in place regarding agreement to take action between ourselves and Maritime NZ. Therefore we are refusing this part of your request under section 17(e) of the Local Government Official Information and Meetings Act 1987 (the Act) on the basis that the document alleged to contain the information does not exist or, despite reasonable efforts, cannot be found.

When refusing a request under section 17(e) of the Act, we are required to first consider consulting you. In this instance, we believe that consulting you would not change the outcome of our decision.

3. *What is your understanding (any agreements or memorandum of understanding with Maritime New Zealand) on decisions and how those decisions are made as to whether you or Maritime NZ investigate recreational boating incidents.*

There is no memorandum of understanding of this decision making. Borth organisations approach this in their own way.

4. *Please provide your standard operating procedures for investigating and prosecuting under the Maritime Transport Act 1994 (or general if not specific).*

Enforcement procedures (this document is overdue for updating) and Compliance model are attached (**Attachments 1 and 2**).

5. *Please provide the criteria used to determine if you investigate an recreation boating incident*

These are contained in **Attachments 1 and 2**.

6. *Please provide the code of conduct and conflict of interest policy in relation to your investigators*

The Council has investigation staff in relation to the Resource Management Act 1991 but no specialised investigators in relation to the MTA. Attached are Greater Wellington Conflict of Interest Policy and Staff Code of Conduct (**Attachments 3 and 4**).

You have provided a very specific set of circumstances that may not be addressed directly by the documents I have sent through. However, as a general rule, we would expect staff to be aware of conflicts such as those you have raised, and these would be reviewed by managers to remove any real or perceived bias or favouritism.

If you have any concerns with the decision(s) referred to in this letter, you have the right to request an investigation and review by the Ombudsman under section 27(3) of the Local Government Official Information and Meetings Act 1987.

Please note that it is our policy to proactively release our responses to official information requests where possible. Our response to your request will be published shortly on Greater Wellington's website with your personal information removed.

Nāku iti noa, nā



Lian Butcher

Kaiwhakahaere Matua Rōpū Taiao | Group Manager Environment