



OIA 17-E-0496

23 November 2017

Email: fyi-request-6785-373b800d@requests.fyi.org.nz

Dear Mr Ham,

Thank you for your Official Information Act request to the Department of Conservation, dated 2 November 2017. You requested the following:

*'A complete list of all permit conditions for Marine Mammal tourism permits in the Bay of Islands.
What the punishments for non-compliance for Skippers and Companies are, and what the process is in the event of a suspected infraction including any appeals process.'*

Your questions and the responses are listed below:

1. *A complete list of all permit conditions for Marine Mammal tourism permits in the Bay of Islands:*

See Attachments 1, 2, 3 and 4.

2. *What the punishments for non-compliance for Skippers and Companies are:*

The offence for non-compliance with a marine mammal permit is Section 23(1) of the Marine Mammals Protection Act 1978:

23 Offences and penalties

(1) Every person commits an offence who—

- (a) acts in contravention of or fails to comply in any respect with any notice, direction, restriction, requirement, or condition given, made, or imposed under this Act;

The maximum penalty for this offence is a fine not exceeding \$10,000.00.

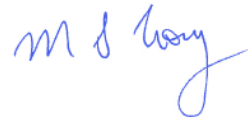
3. *What the process is in the event of a suspected infraction including any appeals process.*

When there is a reported infringement against the Marine Mammals Protection Regulations, the Bay of Islands Pewhairangi office investigates any complaint it receives from third parties, or any observations of potential non-compliance made by its staff.

Such investigations involve identifying the alleged offender and establishing whether an offence has occurred. This process may involve interviewing or requesting a written statement from alleged offenders and or/permit holders.

There is no appeal process in the legislation if a permit is terminated, but there is an appeal process in the Criminal Procedure Act 2011 if a person is convicted of an offence.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Marie Long', with a stylized flourish at the end.

Marie Long
Director - Planning, Permissions and Land