



# Local Government (Infringement Fees for Offences: Queenstown Lakes District Waterways Navigation and Safety Bylaw 2003) Regulations 2006

Anand Satyanand, Governor-General

## Order in Council

At Wellington this 18th day of December 2006

Present:

His Excellency the Governor-General in Council

Pursuant to section 699A of the Local Government Act 1974, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

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**Schedule 2**

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**Queenstown Lakes District Waterways Navigation  
and Safety Bylaw 2003 infringement offence  
notice form**

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**Regulations**

**1 Title**

These regulations are the Local Government (Infringement Fees for Offences: Queenstown Lakes District Waterways Navigation and Safety Bylaw 2003) Regulations 2006.

**2 Commencement**

These regulations come into force on 27 December 2006.

**3 Interpretation**

In these regulations, unless the context requires otherwise,—

**Act** means the Local Government Act 1974

**provision** means a provision of the Queenstown Lakes District Waterways Navigation and Safety Bylaw 2003.

**4 Infringement offences and fees**

(1) A breach of a provision specified in the first column of Schedule 1 is an infringement offence against the Act.

(2) The infringement fee for an offence referred to in subclause (1) is the infringement fee specified in relation to that offence in the third column of Schedule 1.

**5 Infringement notices**

Every infringement notice in respect of an infringement offence against a provision specified in the first column of Schedule 1 must be in the form set out in Schedule 2.

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## **Schedule 1**

### **Infringement offences and fees under Queenstown Lakes District Waterways Navigation and Safety Bylaw 2003**

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<b>Provision</b>	<b>Description of offence</b>	<b>Fee (\$)</b>
cl 2.1.1	Permitting a person under 15 years of age to propel or navigate or be in control of a powered vessel	500
cl 2.1.2	Navigating or controlling a vessel without due care and caution and at a speed and manner so as to endanger the lives of or cause injuries to any person	500
cl 2.1.3	Navigating or attempting to navigate a craft while unfit by reason of alcohol, drugs, or sickness	500
cl 2.1.4.1	Failing to carry sufficient life jackets; failing to ensure that every person on board aged 9 or under wears a life jacket at all times	500
cl 2.1.4.3	Failing to ensure that every person on board is wearing a life jacket in dangerous circumstances	500
cl 2.1.5	Embarking or disembarking while craft is under way	500
cl 2.1.6	Creating excessive noise	500
cl 2.2.1.1	Exceeding 5 knots within 50 metres of any other craft, floating structure, or person in or on the water	500
cl 2.2.1.4	Exceeding 5 knots within a reserved area	500
cl 2.2.2	Exceeding 5 knots while any part of a person is extended over the fore part, bow, or side of the craft	500
cl 2.3	Failing to comply with the harbourmaster's instructions as to speed	500
cl 2.4.1	Towing a person from a vessel without a lookout	500
cl 2.4.2	Being towed from a vessel without a lookout	500
cl 2.5.1	Towing a person from a vessel at night or in restricted visibility	500
cl 2.5.2	Being towed from a vessel at night	500
cl 2.6.1	Unreasonably obstructing, or loitering on or near, a public boat launching ramp	500
cl 2.6.2	Obstructing the use of a public jetty	500
cl 2.6.3	Failing to ensure that a vessel, trailer, or vehicle is entirely free of water weed or any similar plant growth or debris	500

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<b>Provision</b>	<b>Description of offence</b>	<b>Fee (\$)</b>
cl 2.7	Wilfully damaging, removing, or interfering with a Council-maintained wharf, navigation markings, or life-saving apparatus	500
cl 2.8.1	Using, as a commercial operator, prohibited areas of the Kawarau River	500
cl 2.8.2	Resting or stopping, as a commercial operator, in prohibited areas of the Kawarau River	500
cl 2.8.3	Failing, when using a craft on the Kawarau River, to give way to craft exiting the Shotover River	500
cl 2.8.4	Operating a powered craft on prohibited parts of the Kawarau River	500
cl 2.8.5	Failing to communicate with other operators on the Lower Shotover River	500
cl 2.8.6	Failing to navigate through the Kawarau Falls control gates in accordance with rules	500
cl 2.8.7	Exceeding 5 knots on specified lakes	500
cl 2.8.8.1	Failing to observe river rules	500
cl 2.8.8.2	Failing to comply with resource consent conditions	500
cl 2.8.8.3	Failing to operate and navigate in accordance with the requirements in Schedule 4 of the Bylaw	500
cl 2.9.1	Towing a water skier or other person in a prohibited area	500
cl 2.10	Failing to report to the harbourmaster the vessel's involvement in a collision, accident, obstruction, or damage	500
cl 2.11.1	Creating a nuisance through the use or control of a craft or the speed of a craft or any item towed or used in conjunction with it	500
cl 2.11.2	Operating a craft dangerously	500
cl 2.12.1	Depositing prohibited materials	500
cl 2.13.1	Leaving a craft sunk, stranded, or abandoned	500
cl 2.15.1	Conducting an organised water activity without a special permit	500
cl 2.16.1	Undertaking a prohibited water-based activity	500
cl 2.17.1	Failing to comply with a maritime rule applicable to a water-based activity the breach of which is an offence	500
cl 3.1.5	Swimming in an access lane	500
cl 3.1.6	Obstructing or improperly using an access lane	500
cl 4.1.1	Erecting a structure on a foreshore without a relevant licence or consent	500
cl 4.7.1	Placing a mooring in any waters without a licence	500

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Schedule 1

<b>Provision</b>	<b>Description of offence</b>	<b>Fee (\$)</b>
cl 4.7.7	Anchoring a vessel so as to obstruct a licensed mooring	500
cl 4.7.11	Leaving a licensed mooring vacant or unattended	500
cl 5.1.1	Operating a commercial vessel without a current licence	500
cl 5.1.4	Failing to carry a commercial vessel licence	500
cl 5.2	Operating a currently licensed commercial vessel that is required to be surveyed under any relevant maritime rule without a safe ship management certificate	500
cl 5.3.1	Operating for hire without a rental vessel licence	500
cl 5.3.4	Failing to carry a rental vessel licence	500
cl 5.4.3	Refuelling a vessel with passengers on board	500
cl 5.6.1	Failing to conform with the parasailing requirements in Schedule 4 of the Bylaw	500
cl 5.6.2	Operating a commercial parasailing operation without a commercial vessel licence	500
cl 6.1.1	Running a commercial rafting trip without a commercial rafting operator's licence	500
cl 6.2.1	Failing to comply with the requirements for operating on rivers graded Grade 3 or above	500
cl 6.3.1	Failing to ensure that all passengers on a commercial rafting trip are not impaired in any way that may be a hazard	500
cl 6.3.2	Failing to designate a shore person for a commercial rafting trip	500
cl 6.3.3	Conducting a commercial rafting trip without adequate back-up	500
cl 6.3.4	Using, or allowing the use of, intoxicating liquor or a controlled drug while involved with a commercial rafting trip	500
cl 6.3.5	Conducting a commercial rafting trip at night	500
cl 6.4.1	Failing to adequately advise passengers on a commercial rafting trip of risks and safety procedures	500
cl 7.1	Operating a commercial flotation device operation without a licence	500
cl 7.5	Operating a commercial flotation device operation without a guide in control	500
cl 7.6	Operating a commercial flotation device operation on a river graded Grade 4 or above	500
cl 7.7	Operating a commercial flotation device operation during prohibited periods	500
cl 7.8	Operating a commercial flotation device operation below the minimum temperature	500

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<b>Provision</b>	<b>Description of offence</b>	<b>Fee (\$)</b>
cl 7.9	Failing to adequately advise and equip participants undertaking a commercial flotation device trip	500
cl 8.3	Failing to provide full name and address to the harbourmaster on request; obstructing the harbourmaster in the exercise of his or her duties under the bylaw or any other relevant legislation	500
cl 8.4	Impersonating a harbourmaster, a deputy harbourmaster, an inspector, or an honorary warden	500

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**Schedule 2**

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**Queenstown Lakes District Waterways Navigation  
and Safety Bylaw 2003 infringement offence  
notice form**

Form  
Infringement offence notice  
*Section 699A, Local Government Act 1974*

(Front page)

Notice no:

**Enforcement authority**

*[specify enforcement authority]*

**To**

Full name:

Full address:

Occupation:

Date of birth:

Maritime document no (if applicable):

**Alleged infringement offence(s) details**

Date:

Time:

Place:

Vessel name:

Vessel description:

<b>Bylaw offence provision</b>	<b>Offence</b>	<b>Infringement fee payable (\$)</b>
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**Time for payment of infringement fee(s)**

The infringement fee(s) is (*or are*) payable within 28 days after  
*[specify date this notice is delivered personally or served by post]*.

Form—*continued*

**To whom payable**

The infringement fee(s) is (or are) payable to [*specify address of enforcement authority*].

**Method of payment**

Please present this notice, or a copy of this notice, when making payment.

Cheques or money orders must be made out to [*specify enforcement authority*] and must be crossed and marked not transferable or account payee only.

Issued by: [*full name*], who is a person duly authorised by Queenstown Lakes District Council.

**Important:** Please read the statement of rights printed over the page.

(Back page)

**Statement of rights**

Please read this statement. If there is anything in it that you do not understand, you should consult a lawyer immediately.

- 1 This notice sets out 1 or more alleged infringement offences. Each offence that is identified by a number is a separate infringement offence. You may decide what to do in respect of each alleged offence individually, and may act in the same way in respect of all alleged offences or in different ways in respect of different alleged offences, as set out below.

**Note:** If, under section 21(3A) or (3C)(a) of the Summary Proceedings Act 1957, you enter or have entered into a time-to-pay arrangement with an informant in respect of an infringement fee payable by you, paragraphs 4(b) and (c), 5, and 6 do not apply and you are not entitled either to request a hearing to deny liability or to ask the Court to consider any submissions (as to penalty or otherwise) in respect of the infringement.



Form—*continued*

*Payments*

- 2 If you pay the infringement fee for an alleged offence within 28 days of the service on you of this notice, no further enforcement action will be taken for that offence. Payments must be made at the place indicated on the front page of this notice.

*Defence*

- 3 You have a complete defence against proceedings for an alleged offence if the infringement fee for that offence has been paid to the enforcement authority at the address shown on the front page of this notice within 28 days after service on you of a reminder notice. Late payment or payment made to any other address will not constitute a defence.

*Further action*

- 4 You may write to the enforcement authority at the address shown on the front page of this notice if you wish to—
- (a) raise any matter relating to the circumstances of an alleged offence for consideration by the enforcement authority; or
  - (b) deny liability for the offence and request a court hearing (refer to paragraphs 5 and 9); or
  - (c) admit liability for the offence, but wish to have a court consider written submissions as to penalty or otherwise (refer to paragraphs 6 and 9).

Any such letter must be personally signed.

- 5 If you deny liability for the offence and request a hearing, the enforcement authority will, unless it decides not to commence court proceedings in respect of the offence, serve you with a notice of hearing setting out the place and time at which the matter will be heard by the Court.
- 6 If you admit liability for the offence, but wish the Court to consider your submissions as to penalty or otherwise, you must, in your letter to the enforcement authority,—
- (a) request a hearing; and
  - (b) admit liability; and

Form—*continued*

- (c) set out the written submissions that you wish the Court to consider.

The enforcement authority will then file your letter with the Court (unless it decides not to commence court proceedings in respect of the offence). There is no provision for an oral hearing before the Court if you follow this course of action.

*Non-payment of fee*

- 7 If you do not pay the infringement fee and do not request a hearing in respect of an alleged offence within 28 days after the service on you of this notice, you will (unless the enforcement authority decides otherwise) be served with a reminder notice.
- 8 If you do not pay the infringement fee and do not request a hearing in respect of the alleged offence within 28 days after being served with the reminder notice, you will become liable to pay costs in addition to the infringement fee unless the enforcement authority decides not to commence proceedings against you.

*Queries and correspondence*

- 9 When writing to the enforcement authority or making payment of an infringement fee, please indicate—
- (a) the date of the infringement offence; and
  - (b) the infringement notice number; and
  - (c) the identifying number of each alleged offence and the course of action you are taking in respect of each alleged offence (if this notice sets out more than 1 offence and you are not paying all the infringement fees for the alleged offences); and
  - (d) your full address for replies (if you are not paying all the infringement fees for the alleged offences).

If it is not clear which alleged offence any payment relates to, your payment may be treated as relating to the alleged offences in the order in which they are set out on the front of this notice.

Form—*continued*

**Note:** All queries and correspondence regarding the infringement offence(s) must be directed to the enforcement authority named in this notice at the address shown.

Rebecca Kitteridge,  
for Clerk of the Executive Council.

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**Explanatory note**

*This note is not part of the regulations, but is intended to indicate their general effect.*

These regulations specify which breaches of the Queenstown Lakes District Waterways Navigation and Safety Bylaw 2003 are infringement offences for the purposes of section 699A of the Local Government Act 1974. They also prescribe the infringement fees for those infringement offences. An infringement notice must be in the form set out in *Schedule 2*.

The regulations come into force on 27 December 2006.

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Issued under the authority of the Acts and Regulations Publication Act 1989.  
Date of notification in *Gazette*: 21 December 2006.  
These regulations are administered by the Department of Internal Affairs.

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