



# Local Government (Infringement Fees for Offences: Southland Regional Council Navigation Safety Bylaws) Regulations 2004

Silvia Cartwright, Governor-General

## Order in Council

At Wellington this 29th day of November 2004

Present:

Her Excellency the Governor-General in Council

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

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## Regulations

### 1 Title

These regulations are the Local Government (Infringement Fees for Offences: Southland Regional Council Navigation Safety Bylaws) Regulations 2004.

## **2 Commencement**

These regulations come into force on 30 December 2004.

## **3 Interpretation**

- (1) In these regulations, unless the context otherwise requires,—  
**Act** means the Local Government Act 1974

**provision** means a provision of the Southland Regional Council Navigation Safety Bylaws 2003.

- (2) The descriptions given in the second column of Schedule 1 are intended only to be an indication of the content of the provisions they describe, and are not intended to be used in the interpretation of the provisions.

## **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

**Schedule 1**

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**Infringement offences and fees under Southland  
Regional Council Navigation Safety Bylaws 2003**

Provision	Description of offence	Fee (\$)
cl 2.1.1	Failing to carry sufficient personal flotation devices on recreational craft	500
cl 2.1.5	Failing to ensure persons on board recreational craft wear personal flotation devices	500
cl 2.2.1	Diving or swimming near wharves or boat ramps	500
cl 2.3.1	Failing to keep vessel in seaworthy condition	500
cl 2.3.4	Operating unseaworthy vessel	500
cl 2.4.1	Impeding landing or taking off of seaplane	500
cl 2.4.2	Failing to broadcast security message prior to taxiing for take off	500
cl 2.5.1	Cutting, breaking, or destroying moorings or fastenings of vessel	500
cl 2.5.2	Failing to ensure safe means of access to vessel	500
cl 2.6.1	Anchoring or mooring within prohibited anchorage	500
cl 2.7.1	Anchoring vessel so as to obstruct other vessels	500
cl 2.7.2	Obstructing access by water to wharf, landing place, boat ramp, slipway, or mooring	500
cl 2.7.3	Placing obstruction in waters if liable to restrict navigation, injure persons, or damage property	500
cl 2.8.1	Failing to report collision of vessels to harbourmaster	500
cl 2.8.3	Moving unseaworthy vessel	500
cl 2.9.1	Tying vessel to navigation aid or warning	500
cl 2.9.2	Damaging, removing, defacing, or interfering with buoy, beacon, or other navigation device	500
cl 2.9.3	Erecting, maintaining, or displaying beacon, buoy, or other device which may be mistaken for a navigation aid	500
cl 2.10.1	Blowing or sounding whistle, siren, or horn	500
cl 2.11.2	Operating vessel not flying Flag A if underwater diver deployed	500
cl 3.1.2	Permitting person under 15 years to propel or navigate vessel	500
cl 3.2.1	Exceeding 5 knots in specified areas	500
cl 3.2.2	Exceeding 5 knots while any part of a person is extended over fore part, bow, or side of vessel	500
cl 3.2.3	Exceeding 5 knots while being towed in specified areas	500
cl 3.2.4	Failing to recover water-ski or similar object	500
cl 3.2.7	Failing to ensure wake does not cause danger or risk of damage to other vessel, person, or structure	500

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<b>Provision</b>	<b>Description of offence</b>	<b>Fee (\$)</b>
cl 3.3.1	Towing a person without a person responsible for notifying a mishap	500
cl 3.3.2	Being towed without a person on board responsible for notifying a mishap	500
cl 3.4.1	Towing a person between sunset and sunrise	500
cl 3.4.2	Being towed between sunset and sunrise	500
cl 3.5.1	Failing to navigate access lane by most direct route and on starboard side	500
cl 3.5.2	Failing to travel through access lane by most direct route and on starboard side of lane while being towed	500
cl 3.5.3	Proceeding dangerously in access lane	500
cl 3.5.4	Obstructing person using access lane	500
cl 3.5.5	Using access lane other than for declared purpose	500
cl 3.7.1	Obstructing person using reserved area	500
cl 3.9.1	Failing to moor in accordance with regional plans	500
cl 3.9.3	Anchoring vessel so as to obstruct authorised mooring	500
cl 3.10.1	Failing to comply with Maritime Rule 22 (Collision Prevention)	500
cl 4.1.1	Moving or loading explosives without permission of harbourmaster	500
cl 4.2.2	Operating vessel within 200 m of vessel carrying or loading explosives	500
cl 4.2.3	Operating vessel carrying explosives within 200 m of another vessel	500
cl 4.4.2(a)	Berthing or mooring other than in place specified by harbourmaster	500
cl 4.4.2(c)	Failing to ensure vessel carrying cargo of bulk oil has sufficient motive power	500
cl 4.6.1	Failing to obtain permit before carrying out hot work	500
cl 4.6.2	Failing to take precautions before carrying out hot work	500
cl 4.6.4	Commencing hot work before harbourmaster satisfied requirements of permit met	500
cl 4.7.1	Failing to ensure vessel securely fastened and, if required by harbourmaster, person on board to keep watch	500
Sch 2, para 2.1.1(a)	Failing to keep to starboard (right) side of river channel	500
Sch 2, para 2.1.1(b)	Failing, if going upstream on river, to give way to vessel coming downstream	500
Sch 2, para 2.1.1(c)	Operating vessel on river when weather conditions make it unsafe to do so	500

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Schedule 1

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<b>Provision</b>	<b>Description of offence</b>	<b>Fee (\$)</b>
Sch 10, para 6.2.1	Failing to call Stewart Island Maritime Radio prior to entering Freshwater River	500
Sch 10, para 6.4.2	Failing to call Stewart Island Maritime Radio prior to departing downstream to sea from Department of Conservation Hut	500
Sch 10, para 6.4.3	Failing to call Stewart Island Maritime Radio to advise that boat clear of Freshwater River	500
Sch 10, para 6.4.3	Operating boat on Freshwater River without maintaining a listening watch	500
Sch 10, para 6.4.5	Operating water taxi on Freshwater River in excess of 5 knots before being clear of other boats	500
Sch 10, para 6.4.6	Operating a boat in excess of 5 knots if no reply heard from Stewart Island Maritime Radio	500
Sch 10, para 6.8.1	Failing to keep jet boat noise to a reasonable level	500

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**Schedule 2**  
**Southland Regional Council Navigation Safety**  
**Bylaws Infringement Offence Notice**

*Section 699A, Local Government Act 1974*

Notice No:

**Enforcement authority**

[Specify enforcement authority.]

**Person served**

Name: [full name]

Address:

Occupation:

Date of birth:

Maritime document No (if applicable):

**Alleged infringement offence(s) details**

Date:

Time:

Place:

Vessel name:

Vessel description:

Bylaw offence  
provision

Offence

Infringement fee  
payable (\$)

1

2

3

**Payment of infringement fee(s)**

The infringement fee(s) is (or are) payable to the enforcement authority within 28 days after [date this notice is delivered personally, or served by post] at the following address: [specify address of enforcement authority].

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

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

Issued by: [full name], being a person duly authorised by the Southland Regional Council.

**Important:** Please read the following statement of rights:

## Statement of rights

If, after reading this statement, you do not understand anything in it, 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 section 21(3C)(a) of the Summary Proceedings Act 1957, you enter or have entered into a time-to-pay arrangement with the enforcement authority 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.

### *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 address indicated above.

### *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 above 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
  - (c) set out the written submissions 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 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 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 above.

**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.

Diane Morcom,  
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, which come into force on 30 December 2004, specify which breaches of the Southland Regional Council Navigation Safety Bylaws 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*.

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Issued under the authority of the Acts and Regulations Publication Act 1989.  
Date of notification in *Gazette*: 2 December 2004.  
These regulations are administered in the Department of Internal Affairs.

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