



Local Government (Infringement Fees for Offences: Wellington Regional Navigation and Safety Bylaws) Regulations 2006

Silvia Cartwright, Governor-General

Order in Council

At Wellington this 27th day of March 2006

Present:

Her Excellency the Governor-General in Council

Pursuant to section 699A(2) 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: Wellington Regional Navigation and Safety Bylaws) Regulations 2006.

2 Commencement

These regulations come into force on 8 May 2006.

3 Interpretation

- (1) In these regulations, unless the context otherwise requires,—
Act means the Local Government Act 1974
provision means a provision of the Wellington Regional Navigation and 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.

6 Revocation

The Local Government (Infringement Fees for Offences: Wellington Regional Navigation and Safety Bylaws) Regulations 2002 (SR 2002/91) are revoked.

Schedule 1

Infringement offences and fees under Wellington Regional Navigation and Safety Bylaws

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Provision	Description of offence	Fee (\$)
cl 2.1.1	Failing to carry lifejackets as required	100
cl 2.1.5	Towing person who is not wearing lifejacket or failing to wear lifejacket while being towed	100
cl 2.1.7	Failing to require persons on board to wear lifejackets where danger or risk to their safety	200
cl 2.2.1	Diving or swimming around wharves or ramps without permission	100
cl 2.2.2	Failing to display flag A when diving or swimming around wharves or ramps	200
cl 2.3.1	Operating propulsion system of vessel at wharf or ramp in way that may cause damage or injury	100
cl 2.3.2	Failing to take specified precautions when testing propulsion system	100
cl 2.4.1	Failing to keep vessel in seaworthy condition	100
cl 2.5	Impeding seaplane when it is landing or taking off	200
cl 2.6.1	Anchoring vessel so as to cause obstruction or hazard	100
cl 2.6.2	Cutting, breaking, destroying, or unlawfully detaching mooring or fastening	100
cl 2.6.3	Failing to provide safe means of access to vessel	200
cl 2.6.4	Failing to ensure vessel securely fastened or to have person keep watch if required	100
cl 2.7	Anchoring in prohibited anchorage	100
cl 2.8.1	Obstructing access by water to wharf, landing place, boat ramp, slipway, or mooring	100
cl 2.8.2	Placing obstruction in water if liable to restrict navigation or cause damage or injury	200
cl 2.9.1	Failing to notify Harbourmaster of collision or accident	200
cl 2.10.1	Tying up to navigation aid or warning without permission	100
cl 2.10.2	Damaging, removing, defacing, or interfering with navigation aid or warning	200
cl 2.10.3	Erecting, maintaining, or displaying navigation aid without permission	200
cl 2.11	Sounding whistle in breach of requirements	100
cl 2.12.1	Making distress signal in breach of requirements	200
cl 3.1.2	Allowing under-aged person to operate powered vessel	100
cl 3.2.1	Exceeding 5 knots close to person, structure, shore, or other vessel	200
cl 3.2.2	Exceeding 5 knots while persons have portion of body extended over side of vessel	100

Provision	Description of offence	Fee (\$)
cl 3.2.3	Exceeding 5 knots while being towed close to person, structure, shore, or other vessel	200
cl 3.2.4	Failing to recover water ski	100
cl 3.2.8	Failing to ensure wake does not cause unnecessary danger or risk of damage to other person, vessel, or structure	200
cl 3.3.1	Failing to show navigation lights from sunset to sunrise or showing other lights in breach of requirements	200
cl 3.3.2	Failing to show navigation lights during day in restricted visibility	200
cl 3.3.3	Showing navigation lights that do not comply with requirements	200
cl 3.7.1	Diving from vessel without flag A being displayed	200
cl 3.7.2	Failing to display flag A while diving from vessel in progress	200
cl 3.8.1	Towing person without lookout	100
cl 3.8.2	Being towed without lookout	100
cl 3.9.1	Towing person between sunset and sunrise	200
cl 3.9.2	Being towed between sunset and sunrise	200
cl 3.10.1	Failing to take most direct route through access lane	100
cl 3.10.3	Proceeding dangerously in access lane	200
cl 3.10.4	Obstructing person in access lane	200
cl 3.10.5	Using access lane improperly	100
cl 3.12.1	Obstructing person in reserved area	200
cl 3.12.2	Using reserved area for purpose other than reserved purpose	200
cl 3.14.1	Placing mooring without licence	100
cl 3.14.10	Disposing of mooring or allowing other vessel to use mooring without permission	100
cl 4.3	Approaching within 200 metres of vessel showing flag B or red all-round light	100
cl 4.6.1	Failing to obtain permit before carrying out hot work	200
cl 4.6.2	Failing to take appropriate precautions when carrying out hot work	200
cl 4.6.3	Commencing hot work without having seen and understood current permit	200
cl 4.6.5	Commencing hot work before Harbourmaster satisfied that conditions of permit met	200
cl 5.3.1	Operating certain commercial vessels without commercial vessel licence	100
cl 5.3.2	Operating certain commercial vessels while commercial licence suspended	100
cl 6.1.1	Failing to call when vessel entering harbour during hours of darkness or restricted visibility, or failing to maintain listening watch	200

Provision	Description of offence	Fee (\$)
cl 6.1.2	Failing to call when commercial vessel entering harbour during daylight hours or failing to maintain listening watch	200
cl 6.1.3	Transiting harbour entrance during hours of darkness or restricted visibility without ability to communicate with Wellington Harbour Radio	200
cl 6.1.4	Failing to advise of number of people on board passenger vessel or charter vessel	100
cl 6.1.5	Failing to join leading line or leading lights as required	200
cl 6.1.6	Failing to enter pleasure craft into harbour correctly	100
cl 6.1.8	Failing to keep listening watch when transiting entrance	200
cl 6.2.1	Failing to comply with specified requirements for navigating in Wellington Harbour	200
cl 6.2.4	Failing to maintain listening watch on commercial vessel	200
cl 6.2.5	Failing, when exercising pilotage exemption, to inform Wellington Harbour Radio of master's name	200
cl 6.3	Navigating small vessel so as to impede navigation of any vessel of 500 gross tonnage or more	200
cl 6.4.1	Failing to call prior to planned departure	200
cl 6.4.2	Failing to report that berth or anchorage cleared	200
cl 6.4.3	Failing to report that secured at different berth or anchorage	100
cl 6.6	Failing to use specified navigational document in certain parts of Wellington Harbour	200
cl 6.7	Failing to report before entering Evans Bay if height of vessel exceeds 24 metres	200
cl 6.8.1	Exceeding speed limit in Lambton Harbour area	200
cl 6.8.3	Failing to comply with Harbourmaster's instruction not to exceed specified speed	200
cl 6.9	Operating non-commercial vessel in commercial area without permission	100

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Schedule 2
Form for Wellington Regional Navigation and Safety
Bylaws infringement offence notice

Form
Wellington Regional Navigation and Safety Bylaws infringe-
ment offence notice
Section 699A, Local Government Act 1974

Notice No:

Enforcement authority

[Specify enforcement authority]

Person served

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 (\$)**

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.....
.....

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].

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 Wellington Regional Council.

Important: Please read the following statement of rights.

Form—*continued***Statement of rights**

If, after reading this statement, 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 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 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 being served with this notice, no further enforcement action will be taken for that offence. Payments must be made at the address shown 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 being served with 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

Form—*continued*

- (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 you are served with 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.

Form—*continued**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 on the front of this notice.

Rebecca Kitteridge,
Acting for Clerk of the Executive Council.

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 8 May 2006, specify which breaches of the Wellington Regional Navigation and Safety Bylaws 2003 are infringement offences for the purposes of section 699A(2) of the Local Government Act 1974. The regulations also prescribe the infringement fees for those infringement offences. An infringement notice must be in the form set out in *Schedule 2*.

These regulations replace the Local Government (Infringement Fees for Offences: Wellington Regional Navigation and Safety Bylaws)

Regulations 2002 (SR 2002/91), which set out the infringement offences in relation to the Wellington Regional Navigation Safety Bylaws 2000.

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 30 March 2006.

These regulations are administered in the Department of Internal Affairs.
