



**Local Government (Infringement
Fees for Offences: Southland
Regional Council Navigation
Safety Bylaws 2009) Regulations
2009**

Anand Satyanand, Governor-General

Order in Council

At Wellington this 14th day of December 2009

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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Regulations

- 1 Title**

These regulations are the Local Government (Infringement Fees for Offences: Southland Regional Council Navigation Safety Bylaws 2009) Regulations 2009.
- 2 Commencement**

These regulations come into force on the day after the date of their notification in the *Gazette*.
- 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 2009.
 - (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.

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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: Southland Regional Council Navigation Safety Bylaws) Regulations 2004 (SR 2004/412) are revoked.

Schedule 1

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**Infringement offences and fees under
Southland Regional Council Navigation
Safety Bylaws 2009**

Provision	Description of offence	Fee (\$)
cl 1.1.4	Failing to comply as soon as is reasonably possible with a requirement of the Harbourmaster, an enforcement officer, or an honorary enforcement officer	200
cl 2.1.1	Failing to carry personal flotation devices on recreational craft as required	100
cl 2.1.6	Failing to wear a personal flotation device	100
cl 2.1.7	Failing to ensure a person being towed is wearing a personal flotation device	100
cl 2.2.1	Failing to carry an appropriate means of communication on board a craft	100
cl 2.3.1	Swimming, diving, or jumping around or off wharves, jetties, or other areas designated by the Harbourmaster	100
cl 2.4.1	Operating a propulsion system of a vessel while it is lying at a wharf or unloading, in such a way that it may cause damage	100
cl 2.5.1	Failing to keep an anchored or moored vessel in a seaworthy condition	200
cl 2.5.2	Failing to move, in accordance with direction, an unseaworthy vessel that is a navigation hazard	200
cl 2.5.3	Operating an unseaworthy vessel	200
cl 2.6.1	Impeding the landing or taking off of a seaplane	200

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Provision	Description of offence	Fee (\$)
cl 2.7.1	Failing to adequately anchor, moor, or secure a vessel	100
cl 2.7.2	Cutting, breaking, or destroying moorings or fastenings of a vessel	100
cl 2.8.1	Anchoring or mooring in prohibited anchorage	200
cl 2.8.2	Anchoring a vessel so as to obstruct other vessels or the approach to any commercial wharf, pier, or jetty, or creating a hazard for vessels at anchor, recreational craft, swimmers, or water users	200
cl 2.9.1	Obstructing navigation of a waterway or access to certain places	100
cl 2.9.2	Placing an obstruction in a waterway that is liable to restrict navigation, cause or have the potential to cause loss of life or injury, or cause damage	200
cl 2.9.3	Leaving equipment extended over the side of a vessel so as to cause hazard to another vessel	100
cl 2.10.1	Failing to notify a collision or accident to the Harbourmaster	100
cl 2.10.3	Moving a vessel whose seaworthiness is or may be affected by a collision or accident	200
cl 2.11.1	Securing a vessel to a navigation aid without prior permission of the Harbourmaster	200
cl 2.11.2	Damaging, removing, defacing, or interfering with a navigation aid or warning	200
cl 2.11.4	Erecting, maintaining, or displaying any beacon, buoy, or other device that may be used as, or mistaken for, a navigation aid without prior permission	100
cl 2.12.1	Fitting a vessel with unauthorised flashing lights, sirens, or other sound or light signals	100
cl 2.12.2	Unauthorised use of blue flashing lights	100
cl 2.12.3	Unauthorised use of purple flashing lights	100
cl 2.12.5	Using whistles, sirens, or horns within harbour area	100
cl 2.14.1	Failing to identify a vessel with appropriate markings	100
cl 3.1.2	Allowing a person under the age of 15 years to operate unsupervised a vessel capable of exceeding 10 knots	200
cl 3.2.1	Exceeding 5 knots in certain conditions	200
cl 3.2.2	Exceeding 5 knots while any part of a person is extended over the fore part, bow, or side of a vessel	100

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Provision	Description of offence	Fee (\$)
cl 3.2.3	Exceeding 5 knots while being towed in specified areas	200
cl 3.2.4	Failing to recover water ski or similar object from the water	100
cl 3.3.1	Towing a person without a person on board responsible for notifying a mishap	200
cl 3.3.2	Causing or allowing oneself to be towed without a person on board responsible for notifying a mishap	200
cl 3.4.1	Towing a person between sunset and sunrise	200
cl 3.4.2	Allowing oneself to be towed between sunset and sunrise	200
cl 3.6.1	Failing to navigate an access lane by the most direct route and on starboard side	100
cl 3.6.2	Failing to travel through an access lane by the most direct route and on the starboard side of the lane while being towed	100
cl 3.6.3	Proceeding dangerously in an access lane	200
cl 3.6.4	Obstructing a person using an access lane	100
cl 3.6.5	Using an access lane otherwise than for declared purpose	100
cl 3.10.1	Obstructing a person while the person is using a reserved area for the purpose for which it was reserved	100
cl 3.12.1	Operating a vessel in breach of Maritime Rule 22 (Collision Prevention)	200
cl 3.13.1	Impeding the navigation of any vessel of 500 gross tonnage or more within a pilotage or harbour area	200
cl 3.14.2	Navigating or stopping a vessel within the moving prohibited zone of any other vessel	200
cl 3.15.1	Failure by a master to display flag A when diving is in operation	200
cl 4.1.1	Moving or loading explosives greater than certain weight without the permission of the Harbourmaster	200
cl 4.2.1	Failing to display a red flag or the flag B or a red light at night on a vessel carrying or intending to load explosives	200
cl 4.2.2	Failing to remain 200 m or more from a vessel carrying or loading explosives as cargo	200
cl 4.2.3	Operating a vessel carrying explosives within 200 m of another vessel	200

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Provision	Description of offence	Fee (\$)
cl 4.3.1	Failing to display the red flag B or a red light at night on an oil tanker	200
cl 4.4	Failure of the master of an oil tanker to observe duties while in port	200
cl 4.5.1	Failing to ensure that an oil tanker does not lie within 30 m of another vessel without the consent of the Harbourmaster	200
cl 4.6	Failing to notify the Harbourmaster of hot work operations or failing to operate in accordance with that notification	200
cl 5.1.1(a)	Failing to keep to starboard (right) side of a river channel	100
cl 5.1.1(b)	Failing, if going upstream on river, to give way to a vessel coming downstream	100
cl 5.1.1(c)	Operating a vessel on river when weather conditions make it unsafe to do so	100
cl 5.6.1	Operating any motorised vessel on South Mavora Lake	100
cl 5.6.2	Operating a hovercraft or personal watercraft on North Mavora Lake	100
cl 8	Operating a vessel at a speed greater than 5 knots in Hall Arm, Doubtful Sound, southwest of the Narrows	100
cl 9	Operating a personal watercraft within 200 m of the shore in Colac Bay	100
cl 10	Operating a personal watercraft within 200 m of the shore at Oreti Beach	100
cl 11	Operating a personal watercraft (or other motorised vessels at speeds greater than 5 knots) within specified areas at Porpoise Bay	100
cl 12.3.1	Operating a vessel for hire or reward not subject to Maritime Rules without a licence	100
Sch 9, para 6.5.2	Operating vessel on Freshwater River in excess of 5 knots within 50 m of any vessel, raft, or person in the water	100
Sch 9, para 6.8.1	Failing to keep jet boat noise to a reasonable level	200

Schedule 2

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**Form of notice for Southland Regional
Council Navigation Safety Bylaws 2009
infringement offence**

Form

Southland Regional Council Navigation Safety
Bylaws infringement offence notice
Section 699A, Local Government Act 1974

Notice No:

Enforcement authority

[Specify enforcement authority.]

To

Full name:

Full address:

Occupation:

Date of birth:

Marine document No (if applicable):

Alleged infringement offence(s) details

Date:

Time:

Place:

Vessel name:

Vessel description:

For each offence, specify the following:

**Bylaw offence
provision**

Offence

**Infringement fee
payable (\$)**

Form—*continued*

Time for payment of infringement fee(s)

The infringement fee(s) is/are* payable to the enforcement authority within 28 days after [*date this notice is delivered personally, or served by post*].

*Select one.

To whom payable

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

*Select one.

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*], being a person duly authorised by the Southland Regional Council.

Important

Please read the statement of rights below.

Statement of rights

If, after reading this statement, there is anything in it 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.

Form—*continued*

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.

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 may be made at the places 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 a letter 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).

The letter must be signed by you and delivered to the enforcement authority at the address specified in this infringement notice and in a reminder notice in respect of the offence before

Form—*continued*

or within 28 days after the service of the reminder notice, or within such further time as the enforcement authority may allow.

- 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 Unless the enforcement authority decides otherwise, you will be served with a reminder notice if, within 28 days after being served with this notice, you do not—
 - (a) pay the infringement fee; or
 - (b) deliver to the enforcement authority at its address specified in this notice a letter requesting a hearing of the offence.
- 8 Unless the enforcement authority decides not to commence proceedings against you, you will become liable to pay costs in addition to the infringement fee if, within 28 days after being served with a reminder notice, you do not—
 - (a) pay the infringement fee; or
 - (b) deliver to the enforcement authority at its address specified in the reminder notice a letter requesting a hearing of the offence.

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 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.

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,
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 the day after the date of their notification in the *Gazette*, specify which breaches of the Southland Regional Council Navigation Safety Bylaws 2009 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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for Offences: Southland Regional
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Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 17 December 2009.

These regulations are administered by the Department of Internal Affairs.
