



**Local Government (Infringement  
Fees for Offences—Navigation  
Bylaws for Port Taranaki and its  
Approaches 2009) Regulations  
2012**

Jerry Mateparae, Governor-General

**Order in Council**

At Wellington this 17th day of September 2012

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—Navigation Bylaws for Port Taranaki and its Approaches 2009) Regulations 2012.
- 2 Commencement**  
These regulations come into force on 1 November 2012.
- 3 Interpretation**
- (1) In these regulations, unless the context otherwise requires, **provision** means a provision of the Taranaki Regional Council Navigation Bylaws for Port Taranaki and its Approaches 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 Local Government Act 1974.
  - (2) The infringement fee for an offence referred to in subclause (1) is the 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**  
**Taranaki Regional Council Navigation**  
**Bylaws for Port Taranaki and its**  
**Approaches 2009**

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<b>Provision</b>	<b>Description of offence</b>	<b>Fee (\$)</b>
cl 2.1.1	Failing to comply with Maritime Rules Part 91	150
cl 2.4.3	Exceeding 5 knots in Reserved Area A	150
cl 2.6.3	Causing small craft to enter Reserved Area C without permission of Harbourmaster	150
cl 2.6.4	Jumping, diving, or swimming from or off any wharf or jetty in Reserved Area C without permission of Harbourmaster	150
cl 2.8.1	Failing to stop small vessel on demand of Harbourmaster or Honorary Enforcement Officer or, having stopped, failing to comply with further instructions or give correct name and address	200
cl 2.10.1	Swimming, diving, or playing on or near boat ramp or jetty, or in location or manner that creates dangerous situation or impedes vessel access	150
cl 2.11.1	Approaching within specified range of large vessel	150

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**Schedule 2**

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**Form of notice for Taranaki Regional  
Council Navigation Bylaws for Port  
Taranaki and its Approaches 2009  
infringement offences**

Form

Taranaki Regional Council Navigation Bylaws  
for Port Taranaki and its Approaches 2009  
infringement offence notice

*Section 699A, Local Government Act 1974*

Notice No:

**Enforcement authority**

*[Specify enforcement authority.]*

**Person served**

Full name:

Full address:

Telephone number(s):

Date of birth:

Gender:

Occupation:

Maritime document No (if applicable):

**Alleged infringement offence(s) details**

Date:

Time:

Place:

Vessel name:

Vessel description:

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Schedule 2

Form—*continued*

For each offence, specify the following:

Bylaw offence provision	Offence	Infringement fee payable (\$)
1		
2		
3		

**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*] at the following address: [*specify address of enforcement authority*].

\*Select one.

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 Taranaki 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 (3C)(a) of the Summary Proceedings Act 1957, you enter or have entered into a time-

Form—*continued*

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 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 or within 28 days after the service of the reminder notice, or

Form—*continued*

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 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

Form—*continued*

- (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 page of this notice.

Rebecca Kitteridge,  
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 1 November 2012, specify which breaches of the Taranaki Regional Council Navigation Bylaws for Port Taranaki and its Approaches 2009 are infringement offences for the purposes of section 699A of the Local Government Act 1974.

The regulations also prescribe infringement fees for those infringement offences.

An infringement notice must be in the form set out in *Schedule 2*.

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**Local Government (Infringement Fees  
for Offences—Navigation Bylaws for  
Port Taranaki and its Approaches  
2009) Regulations 2012**

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

Date of notification in *Gazette*: 20 September 2012.

These regulations are administered by the Department of Internal Affairs.

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