



Southland District Council (Stewart Island/Rakiura Visitor Levy—Infringement Fee and Form) Regulations 2014

Jerry Mateparae, Governor-General

Order in Council

At Wellington this 26th day of May 2014

Present:
His Excellency the Governor-General in Council

Pursuant to section 14 of the Southland District Council (Stewart Island/Rakiura Visitor Levy) Empowering Act 2012, 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 Southland District Council (Stewart Island/Rakiura Visitor Levy—Infringement Fee and Form) Regulations 2014.

2 Commencement

These regulations come into force on 1 July 2014.

3 Interpretation

In these regulations, **Act** means the Southland District Council (Stewart Island/Rakiura Visitor Levy) Empowering Act 2012.

4 Infringement offence and fee

A breach of section 7(1) of the Act is an infringement offence for which the infringement fee is \$250.

5 Form

An infringement notice for a breach of section 7(1) of the Act must be in the form set out in the Schedule.

Schedule

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Form of infringement notice

Form

Infringement notice

*Section 11, Southland District Council (Stewart
Island/Rakiura Visitor Levy) Empowering Act 2012*

Southland District Council

Notice No:

Enforcement officer: [*name or number*]

Address for correspondence and queries:

To

Full name:

Full address:

Date of birth*:

Occupation*:

Gender*:

Telephone number*:

*These particulars must be specified only if known.

Alleged infringement offence(s) details

The offence is one against *section 7(1)(a)/*section 7(1)(b) of the Southland District Council (Stewart Island/Rakiura Visitor Levy) Empowering Act 2012, which relates to evading payment of a levy imposed on visitors to Stewart Island/Rakiura.

*Select one.

Date:

Time:

Day of week:

Place where alleged infringement offence committed:

Act or omission that you are alleged to have committed:

Infringement fee payable

The amount of the infringement fee for the offence is \$250.

Form—*continued*

Payment of infringement fee(s)

The infringement fee is payable to the Southland District Council within 28 days after [*specify earliest date notice is delivered personally or posted*] at the following address: [*address*].

The infringement fee may be paid by any of the following methods [*specify payment options*].

Date:

Signature of enforcement officer:

Information

If there is anything in these notes you do not understand, you should consult a lawyer.

Payment

- 1 If you pay the infringement fee within 28 days after the service of this notice, no further enforcement action will be taken against you. Payments should be made to the Southland District Council at the address for payment specified in this notice.

Defence

- 2 You will have a complete defence against proceedings relating to an alleged offence if the infringement fee is paid to the Southland District Council and received at the address specified for payment within 28 days after the service of a reminder notice in respect of the alleged offence.
- 3 Late payment, or payment made to any other address, will not constitute a defence to proceedings in respect of the alleged offence.

Form—*continued***Further action**

- 4 You must write to the Southland District Council at the address specified for correspondence and queries if you wish to do any of the following things:
- (a) raise any matter relating to the circumstances of an alleged offence for consideration by the enforcement authority; or
 - (b) deny liability for the alleged offence and request a court hearing; or
 - (c) admit liability for the alleged offence, but have a court consider written submissions as to penalty or otherwise.
- 5 You have a right to request a hearing. If you deny liability for the alleged offence and request a hearing, the Southland District Council will serve you with a notice of hearing that sets out the place and time at which the matter will be heard by the court (unless the Council decides not to start court proceedings).
- Note:** If the court finds you guilty of the offence, costs will be imposed in addition to any penalty.
- 6 A request for a hearing must—
- (a) be in writing and signed by you; and
 - (b) be delivered to the Southland District Council at the address for correspondence shown in this notice; and
 - (c) be delivered within 28 days after you have been served with a reminder notice.
- 7 If you admit liability for the alleged offence but want the court to consider your submissions as to penalty or otherwise, you should, in your letter to the Southland District Council,—
- (a) request a hearing; and
 - (b) admit liability for the offence; and
 - (c) set out the written submissions you wish to be considered by the court.

The Southland District Council will then file your letter with the court (unless the Council decides not to start court proceedings). There is no provision for an oral hearing before the court if you follow this course of action.

Note: Costs will be imposed in addition to any penalty.

Form—*continued*

Consequences of taking no action

- 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 you have been served with this notice, you will (unless the Southland District Council decides otherwise) be served with a reminder notice.
- 9 If you do not pay the infringement fee and do not request a hearing in respect of the alleged infringement offence within 28 days after the service of the reminder notice, you will become liable to pay **costs in addition to the infringement fee** (unless the Southland District Council decides not to commence court proceedings against you).
- 10 All payments, queries, and correspondence regarding this infringement notice must be directed to the Southland District Council at the address for correspondence shown in this notice. When writing or making payment of an infringement fee, please indicate—
- (a) the date of the alleged infringement offence; and
 - (b) the infringement notice number; and
 - (c) your full name and address for replies.

Further information

Further details of your rights and obligations are set out in section 21 of the Summary Proceedings Act 1957.

Michael Webster,
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 1 July 2014, prescribe the infringement fee for breaching section 7(1)(a) or (b) of the South-

land District Council (Stewart Island/Rakiura Visitor Levy) Empowering Act 2012, which relate to evading payment of a levy imposed on visitors to Stewart Island/Rakiura. The fee is \$250. The regulations also prescribe the infringement notice to be issued under section 11 of that Act.

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 29 May 2014.
These regulations are administered by the Department of Internal Affairs.
