



# **Local Government (Infringement Fees for Offences: Waikato Regional Council Navigation Safety Bylaw) Regulations 2006**

Anand Satyanand, Governor-General

## **Order in Council**

At Wellington this 4th day of September 2006

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: Waikato Regional Council Navigation Safety Bylaw) Regulations 2006.

### 2 Commencement

These regulations come into force on the 28th day after the date of their notification in the *Gazette*.

### 3 Interpretation

In these regulations, unless the context requires otherwise,—

**Act** means the Local Government Act 1974

**provision** means a provision of the Waikato Regional Council Navigation Safety Bylaw 2006.

### 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: Environment Waikato Navigation Safety Bylaw) Regulations 2002 (SR 2002/419) are revoked.

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## Schedule 1

### Infringement offences and fees under Waikato Regional Council Navigation Safety Bylaw

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Provision	Description of offence	Fee (\$)
<i>Behavioural offences</i>		
cl 2.8	Anchoring or mooring a vessel within a prohibited anchorage	100
cl 2.10	Failing to notify the harbourmaster of a collision or accident	100
cl 2.15	Preventing an enforcement officer from carrying out functions; failing to provide information	100
cl 3.5	Causing, by wake, unnecessary danger, risk of damage, or harm	100
cl 3.6	Engaging in inappropriate conduct in an access lane	100
cl 3.8	Obstructing others lawfully using a reserved area; using a reserved area unlawfully	100
cl 4.7	Using an unregistered personal water-craft	100
<i>Safety offences</i>		
cl 2.1	Carrying no, or not enough, personal flotation devices on a recreational craft; using a recreational craft if a person on board or being towed should be wearing a personal flotation device and is not	200
cl 2.2	Swimming or diving around wharves	200
cl 2.3	Using vessel's engine around wharves and ramps	200
cl 2.4	Mooring an unseaworthy or unserviceable vessel in navigable waters; failing to remove if directed an unseaworthy or unserviceable vessel from navigable waters	200
cl 2.5	Impeding the landing or taking off of a seaplane; operating a seaplane without the harbourmaster's permission	200
cl 2.6	Failing to adequately moor or secure a vessel	200
cl 2.7	Failing to observe duties with respect to moorings	200
cl 2.9	Obstructing waterways or access to waterways	200
cl 2.11	Damaging buoys, navigation aids, or signage	200
cl 2.13	Operating a vessel in breach of Maritime Rule 22 (Collision prevention—lights and shapes)	200
cl 3.1	Permitting under-aged driving of powered vessels	200

<b>Provision</b>	<b>Description of offence</b>	<b>Fee (\$)</b>
cl 3.2	Exceeding a speed of 5 knots in designated areas	200
cl 3.3	Waterskiing or towing without a lookout	200
cl 3.4	Waterskiing or towing between sunset and sunrise	200

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**Schedule 2**

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**Waikato Regional Council Navigation Safety Bylaw  
infringement offence notice form**

Form  
Infringement offence notice  
*Section 699A, Local Government Act 1974*

(Front page)

Notice no:

**Enforcement authority**

*[specify enforcement authority]*

**To**

Full name:

Full 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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1

2

3

**Time for payment of infringement fee(s)**

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

**To whom payable**

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

Form—*continued*

**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*], who is a person duly authorised by Environment Waikato.

**Important:** Please read the statement of rights printed over the page.

(Back page)

**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-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 place indicated on the front page of this notice.

Form—*continued*

*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).

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 that 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.

Form—*continued**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 to the enforcement authority 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.

Martin Bell,  
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 specify which breaches of the Waikato Regional Council Navigation Safety Bylaw 2006 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*.

The regulations come into force on the 28th day after the date of their notification in the *Gazette*.

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Issued under the authority of the Acts and Regulations Publication Act 1989.  
Date of notification in *Gazette*: 7 September 2006.  
These regulations are administered by the Department of Internal Affairs.

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