

Version
as at 28 September 2023



**Local Government (Infringement Fees for Offences:
Central Otago District Council Lake Dunstan Navigation
Safety Bylaws 2006) Regulations 2010**
(SR 2010/415)

Local Government (Infringement Fees for Offences: Central Otago District Council Lake Dunstan Navigation Safety Bylaws 2006) Regulations 2010: revoked, on 28 September 2023, by regulation 6 of the Maritime Transport (Infringement Fees for Offences—Otago Regional Council Navigation Safety Bylaw 2020) Regulations 2023 (SL 2023/214).

Anand Satyanand, Governor-General

Order in Council

At Wellington this 15th day of November 2010

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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Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

These regulations are administered by the Department of Internal Affairs.

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Regulations

1 Title

These regulations are the Local Government (Infringement Fees for Offences: Central Otago District Council Lake Dunstan Navigation Safety Bylaws 2006) Regulations 2010.

2 Commencement

These regulations come into force on 16 December 2010.

3 Interpretation

- (1) In these regulations, unless the context otherwise requires,—

Act means the Local Government Act 1974

provision means a provision of the Central Otago District Council Lake Dunstan Navigation Safety Bylaws 2006.

- (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.

Schedule 1

Infringement offences and fees under Central Otago District Council Lake Dunstan Navigation Safety Bylaws 2006

Provision	Description of offence	Fee (\$)
cl 2.1(1)	Failing to carry personal floatation devices on pleasure craft as required	300
cl 2.2(1), (2), (3)	Failing to ensure persons aboard pleasure craft wear floatation device when required	300
cl 2.2(4)	Failing to wear personal floatation device in pleasure craft when requested	300
cl 2.2(6)	Towing person by pleasure craft unless wearing personal floatation device	300
cl 2.3(2)	Allowing person under 15 years old to propel or navigate powered vessel unless supervised	500
cl 2.4(1)	Exceeding speed limit in certain circumstances	300
cl 2.5	Propelling or navigating sailing or pleasure craft so that wake causes unnecessary danger or risk of damage to other vessels or structures or unnecessary danger or risk of harm to other persons	300
cl 2.9(1)	Operating unseaworthy vessel	300
cl 2.10(1)	Obstructing navigation of waterway or access to wharf, mooring, or landing place	300
cl 2.10(2)	Anchoring or mooring so as to create hazard or risk of collision with an other vessel	300
cl 2.10(3)	Placing in waterway obstruction liable to restrict navigation or cause injury	300
cl 2.11(2)	Damaging, removing, defacing, or interfering with buoy, beacon, or other navigational device	300
cl 2.12	Sounding whistle, siren, or horn except in certain circumstances	300
cl 2.13(1)	Failure by master to display flag A when diving in progress	300
cl 2.14(1)	Failing to provide assistance to Harbourmaster to move vessel when required	500
cl 2.15	Failure by master to keep a 200 metre distance from vessel showing flag B or red all round light	300
cl 2.16(1)	Operating vessel in breach of Maritime Rule Part 22 (Collision Prevention)	300
cl 3.1(1)	Towing person, or allowing oneself to be towed, at speed exceeding 5 knots in certain circumstances	300
cl 3.2(1)	Person in charge of vessel failing to recover dropped water skis or similar object	300
cl 3.3(1)	Towing person without person responsible for notifying mishap	300
cl 3.4(1), (2)	Towing or allowing oneself to be towed on water skis or other things between sunset and sunrise	300
cl 4.4(1)	Not using most direct route through access lane	300
cl 4.4(2)	Being towed travelling through an access lane other than by the most direct route	300
cl 4.4(3)	Dangerous use of access lane	300
cl 4.4(4)	Obstructing person using access lane	300

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Provision	Description of offence	Fee (\$)
cl 4.4(5)	Entering, remaining in, or using access lane except for purpose of access lane	300
cl 4.4(6)	Anchoring vessel in access lane or leaving vessels in other places unattended	300
cl 4.4(7)	Deliberately capsizing or swimming in access lane	300
cl 4.4(8)	Fishing from a vessel in access lane	300
cl 4.4(9)	Propelling or navigating vessel in a manner likely to endanger or interfere with activities	300
cl 4.6(1)	Obstructing person using reserved area	300
cl 4.6(2), (3)	Using, entering, or remaining in reserved area except for purpose of reserved area	300
cl 4.6(4)	Failure to comply with conditions of use of reserved area	300
cl 4.6(6)	Propelling or navigating vessel in reserved area in manner likely to endanger or unduly annoy any person using area	300
cl 5.2(1)	Master of vessel failing to ensure proper mooring, berthing, or anchoring of vessel	300
cl 5.2(2)	Master or owner failing to comply with directions of Harbourmaster or enforcement officer to secure vessel	500
cl 5.2(3)	Improper securing of vessel	300
cl 5.2(4)	Abandoning any vessel or property in certain circumstances	300
cl 5.2(5)	Damaging mooring of or fastening that secures any vessel	300
cl 5.2(8)	Leaving vessel secured overnight without permission	300
cl 6.2(2)	Use of temporary reserved area other than for specified purpose	300
cl 8.2(1)	Failure to comply with Harbourmaster's or enforcement officer's direction	500
cl 8.5(1), (2)	Failure to provide Harbourmaster or enforcement officer with information requested	500
cl 9.1(b)	Navigating powered vessel within reserved areas marked swimming only	300
cl 9.3	Failure to comply with stated speed limits	300

Schedule 2
Form of notice for Central Otago District Council Lake Dunstan
Navigation Safety Bylaws 2006 infringement offence

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Form

Central Otago District Council Lake Dunstan Navigation Safety Bylaws 2006
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:

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 (\$)
1		
2		
3		

Time for 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].

To whom payable

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

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 Central Otago District 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.

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 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.

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.

Michael Webster,
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 16 December 2010, specify which breaches of the Central Otago District Council Lake Dunstan Navigation Safety Bylaws 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*.

Issued under the authority of the Legislation Act 2019.
Date of notification in *Gazette*: 18 November 2010.

Notes

1 *General*

This is a consolidation of the Local Government (Infringement Fees for Offences: Central Otago District Council Lake Dunstan Navigation Safety Bylaws 2006) Regulations 2010 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 *Legal status*

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 *Editorial and format changes*

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 *Amendments incorporated in this consolidation*

Maritime Transport (Infringement Fees for Offences—Otago Regional Council Navigation Safety Bylaw 2020) Regulations 2023 (SL 2023/214): regulation 6