

**Reprint
as at 18 December 2009**



**Local Government (Infringement
Fees for Offences: Queenstown
Lakes District Waterways
Navigation and Safety Bylaw 2003)
Regulations 2006**

(SR 2006/394)

Local Government (Infringement Fees for Offences: Queenstown Lakes District Waterways Navigation and Safety Bylaw 2003) Regulations 2006: revoked, on 18 December 2009, by regulation 6 of the Local Government (Infringement Fees for Offences: Queenstown Lakes District Navigation Safety Bylaw 2009) Regulations 2009 (SR 2009/412).

Anand Satyanand, Governor-General

Order in Council

At Wellington this 18th day of December 2006

Present:

Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

These regulations are administered by the Department of Internal Affairs.

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: Queenstown Lakes District Waterways Navigation and Safety Bylaw 2003) Regulations 2006.
- 2 Commencement**

These regulations come into force on 27 December 2006.
- 3 Interpretation**

In these regulations, unless the context requires otherwise,—
Act means the Local Government Act 1974
provision means a provision of the Queenstown Lakes District Waterways Navigation and Safety Bylaw 2003.

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 r 4

**Infringement offences and fees under
Queenstown Lakes District Waterways
Navigation and Safety Bylaw 2003**

Provision	Description of offence	Fee (\$)
cl 2.1.1	Permitting a person under 15 years of age to propel or navigate or be in control of a powered vessel	500
cl 2.1.2	Navigating or controlling a vessel without due care and caution and at a speed and manner so as to endanger the lives of or cause injuries to any person	500
cl 2.1.3	Navigating or attempting to navigate a craft while unfit by reason of alcohol, drugs, or sickness	500
cl 2.1.4.1	Failing to carry sufficient life jackets; failing to ensure that every person on board aged 9 or under wears a life jacket at all times	500
cl 2.1.4.3	Failing to ensure that every person on board is wearing a life jacket in dangerous circumstances	500
cl 2.1.5	Embarking or disembarking while craft is under way	500
cl 2.1.6	Creating excessive noise	500

Provision	Description of offence	Fee (\$)
cl 2.2.1.1	Exceeding 5 knots within 50 metres of any other craft, floating structure, or person in or on the water	500
cl 2.2.1.4	Exceeding 5 knots within a reserved area	500
cl 2.2.2	Exceeding 5 knots while any part of a person is extended over the fore part, bow, or side of the craft	500
cl 2.3	Failing to comply with the harbourmaster's instructions as to speed	500
cl 2.4.1	Towing a person from a vessel without a lookout	500
cl 2.4.2	Being towed from a vessel without a lookout	500
cl 2.5.1	Towing a person from a vessel at night or in restricted visibility	500
cl 2.5.2	Being towed from a vessel at night	500
cl 2.6.1	Unreasonably obstructing, or loitering on or near, a public boat launching ramp	500
cl 2.6.2	Obstructing the use of a public jetty	500
cl 2.6.3	Failing to ensure that a vessel, trailer, or vehicle is entirely free of water weed or any similar plant growth or debris	500
cl 2.7	Wilfully damaging, removing, or interfering with a Council-maintained wharf, navigation markings, or life-saving apparatus	500
cl 2.8.1	Using, as a commercial operator, prohibited areas of the Kawarau River	500
cl 2.8.2	Resting or stopping, as a commercial operator, in prohibited areas of the Kawarau River	500
cl 2.8.3	Failing, when using a craft on the Kawarau River, to give way to craft exiting the Shotover River	500
cl 2.8.4	Operating a powered craft on prohibited parts of the Kawarau River	500
cl 2.8.5	Failing to communicate with other operators on the Lower Shotover River	500

Provision	Description of offence	Fee (\$)
cl 2.8.6	Failing to navigate through the Kawarau Falls control gates in accordance with rules	500
cl 2.8.7	Exceeding 5 knots on specified lakes	500
cl 2.8.8.1	Failing to observe river rules	500
cl 2.8.8.2	Failing to comply with resource consent conditions	500
cl 2.8.8.3	Failing to operate and navigate in accordance with the requirements in Schedule 4 of the Bylaw	500
cl 2.9.1	Towing a water skier or other person in a prohibited area	500
cl 2.10	Failing to report to the harbourmaster the vessel's involvement in a collision, accident, obstruction, or damage	500
cl 2.11.1	Creating a nuisance through the use or control of a craft or the speed of a craft or any item towed or used in conjunction with it	500
cl 2.11.2	Operating a craft dangerously	500
cl 2.12.1	Depositing prohibited materials	500
cl 2.13.1	Leaving a craft sunk, stranded, or abandoned	500
cl 2.15.1	Conducting an organised water activity without a special permit	500
cl 2.16.1	Undertaking a prohibited water-based activity	500
cl 2.17.1	Failing to comply with a maritime rule applicable to a water-based activity the breach of which is an offence	500
cl 3.1.5	Swimming in an access lane	500
cl 3.1.6	Obstructing or improperly using an access lane	500
cl 4.1.1	Erecting a structure on a foreshore without a relevant licence or consent	500
cl 4.7.1	Placing a mooring in any waters without a licence	500

Provision	Description of offence	Fee (\$)
cl 4.7.7	Anchoring a vessel so as to obstruct a licensed mooring	500
cl 4.7.11	Leaving a licensed mooring vacant or unattended	500
cl 5.1.1	Operating a commercial vessel without a current licence	500
cl 5.1.4	Failing to carry a commercial vessel licence	500
cl 5.2	Operating a currently licensed commercial vessel that is required to be surveyed under any relevant maritime rule without a safe ship management certificate	500
cl 5.3.1	Operating for hire without a rental vessel licence	500
cl 5.3.4	Failing to carry a rental vessel licence	500
cl 5.4.3	Refuelling a vessel with passengers on board	500
cl 5.6.1	Failing to conform with the parasailing requirements in Schedule 4 of the Bylaw	500
cl 5.6.2	Operating a commercial parasailing operation without a commercial vessel licence	500
cl 6.1.1	Running a commercial rafting trip without a commercial rafting operator's licence	500
cl 6.2.1	Failing to comply with the requirements for operating on rivers graded Grade 3 or above	500
cl 6.3.1	Failing to ensure that all passengers on a commercial rafting trip are not impaired in any way that may be a hazard	500
cl 6.3.2	Failing to designate a shore person for a commercial rafting trip	500
cl 6.3.3	Conducting a commercial rafting trip without adequate back-up	500
cl 6.3.4	Using, or allowing the use of, intoxicating liquor or a controlled drug while involved with a commercial rafting trip	500
cl 6.3.5	Conducting a commercial rafting trip at night	500

Provision	Description of offence	Fee (\$)
cl 6.4.1	Failing to adequately advise passengers on a commercial rafting trip of risks and safety procedures	500
cl 7.1	Operating a commercial flotation device operation without a licence	500
cl 7.5	Operating a commercial flotation device operation without a guide in control	500
cl 7.6	Operating a commercial flotation device operation on a river graded Grade 4 or above	500
cl 7.7	Operating a commercial flotation device operation during prohibited periods	500
cl 7.8	Operating a commercial flotation device operation below the minimum temperature	500
cl 7.9	Failing to adequately advise and equip participants undertaking a commercial flotation device trip	500
cl 8.3	Failing to provide full name and address to the harbourmaster on request; obstructing the harbourmaster in the exercise of his or her duties under the bylaw or any other relevant legislation	500
cl 8.4	Impersonating a harbourmaster, a deputy harbourmaster, an inspector, or an honorary warden	500

Schedule 2
**Queenstown Lakes District Waterways
Navigation and Safety Bylaw 2003**
infringement offence notice form

r 5

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 (\$)
1		
2		
3		

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Form—*continued*

Time for payment of infringement fee(s)

The infringement fee(s) is (or are) payable within 28 days after [*specify 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*], who is a person duly authorised by Queenstown Lakes District Council.

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

(Back page)

Statement of rights

Please read this statement. If there is anything in it that 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

Form—continued

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 place 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 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.

Form—continued

- 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.

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).

Form—*continued*

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,
for Clerk of the Executive Council.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 21 December 2006.

Contents

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 - 2 Status of reprints
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Notes

1 *General*

This is a reprint of the Local Government (Infringement Fees for Offences: Queenstown Lakes District Waterways Navigation and Safety Bylaw 2003) Regulations 2006. The reprint incorporates all the amendments to the regulations as at 18 December 2009, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that have yet to come into force or that contain relevant transitional or savings provisions are also included, after the principal enactment, in chronological order.

2 *Status of reprints*

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 *How reprints are prepared*

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not

included in Acts, and provisions that are repealed or revoked are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

4 *Changes made under section 17C of the Acts and Regulations Publication Act 1989*

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

**5 *List of amendments incorporated in this reprint
(most recent first)***

Local Government (Infringement Fees for Offences: Queenstown Lakes District Navigation Safety Bylaw 2009) Regulations 2009 (SR 2009/412): regulation 6
