

Reprint
as at 7 December 2018



Local Government (Infringement Fees for Offences— Northland Regional Council Navigation Safety Bylaw 2012) Regulations 2012

(SR 2012/341)

Local Government (Infringement Fees for Offences—Northland Regional Council Navigation Safety Bylaw 2012) Regulations 2012: revoked, on 7 December 2018, by regulation 6 of the Maritime Transport (Infringement Fees for Offences—Northland Regional Navigation Safety Bylaw 2017) Regulations 2018 (LI 2018/214).

Jerry Mateparae, Governor-General

Order in Council

At Wellington this 12th day of November 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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Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.
Note 4 at the end of this reprint provides a list of the amendments incorporated.

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—Northland Regional Council Navigation Safety Bylaw 2012) Regulations 2012.

2 Commencement

These regulations come into force on 15 December 2012.

3 Interpretation

- (1) In these regulations, unless the context otherwise requires, **provision** means a provision of the Northland Regional Council Navigation Safety Bylaw 2012.
- (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.

6 Revocation

The Local Government (Infringement Fees for Offences: Northland Regional Council Navigation Safety Bylaw) Regulations 2008 (SR 2008/37) are revoked.

Schedule 1
Infringement offences and fees under Northland Regional Council
Navigation Safety Bylaw 2012

Provision	Description of offence	Fee (\$)
	rr 3, 4	
2.1.1	Failing to carry required personal flotation devices	200
2.1.2	Failing to ensure each person on board wears personal flotation device in prescribed circumstances	200
2.1.3	Failing to wear personal flotation device on manually-powered vessel of less than 6 metres	200
2.1.4	Towing person who is not wearing personal flotation device or being towed without wearing personal flotation device	200
2.2.1	Jumping, diving, swimming, or undertaking related activities in certain areas	100
2.3.1	Operating propulsion system of vessel at wharf or ramp in manner that could damage property, scour bed of waterway, or injure any person	200
2.3.2	Failing to check moorings, tend moorings, or warn persons and vessels in immediate vicinity when testing propulsion system of commercial vessel at wharf	200
2.4.1	Failing to keep anchored or moored vessel in seaworthy condition	200
2.4.2	Failing to move unseaworthy vessel within required time	200
2.4.3	Operating unseaworthy vessel	200
2.5.1	Impeding take off or landing of seaplane	200
2.5.2	Taking off, landing, attempting to take off, or attempting to land aircraft in area not reserved for that purpose	200
2.6.1	Anchoring or mooring vessel in navigable waters such that it may break free, drag anchor, or create hazard	200
2.6.2	Cutting, breaking, or destroying mooring, anchor, or fastening of vessel	200
2.6.3	Failing to securely fasten vessel, or have required watchkeeper on vessel, at wharf or anchor	200
2.7.1	Anchoring or mooring vessel within prohibited anchorage	200
2.7.2	Anchoring vessel so as to create a hazard, obstruct passage of other vessels, or obstruct approach to wharf, pier, jetty, mooring or anchorage	200
2.7.4	Anchoring commercial vessel in prohibited area	200
2.8.1	Obstructing waterway or access to wharf, landing place, boat ramp, slipway, channel, mooring or anchorage	200
2.8.2	Placing obstruction in waterway	200
2.8.3	Leaving equipment extended over side of vessel so as to create hazard to other vessels	200
2.9.1	Failing to comply with accident reporting requirements	200
2.10.1	Securing vessel to navigation aid	200
2.10.2	Damaging, removing, defacing, or interfering with navigation aid or warning	300
2.10.3	Erecting, maintaining or displaying navigation aid, or device that may be used as or taken to be a navigation aid, without the permission of Harbourmaster or the Director of Maritime New Zealand	200
2.11.1	Fitting or using flashing lights, sirens, or other sounds or light signals not prescribed for vessel	200

Provision	Description of offence	Fee (\$)
2.11.5	Sounding whistle, siren, or horn of vessel in harbour area	200
2.12.1	Failing within harbour limits to have helmsman when using automatic steering device, or failing to ensure main engine or anchor is immediately available for required use	300
2.12.2	Failing to have an agreed passage plan for transiting harbours, or to carry sufficient bridge crew to carry out plan, or to give due consideration to composition of bridge crew	300
2.12.3	Small vessel impeding navigation of large vessel within harbour limits	300
2.13.2	Carrying out activity in flagged area other than for intended purpose	200
2.14.1	Allowing anything to escape or be discharged from vessel that could create a danger to navigation or safety	300
2.15.1	Immobilising main engines of large vessel without permission of Harbourmaster	300
3.1.1	Person under 15 taking charge, propelling or navigating power-driven vessel without supervision	200
3.1.2	Allowing person under 15 to be in charge of, propel, or navigate power-driven vessel without supervision	200
3.2.1	Propelling or navigating vessel at speed of more than 5 knots in prescribed circumstances	200
3.2.2	Propelling or navigating vessel at speed of more than 5 knots while any part of a person is extended over side of vessel	200
3.2.3	Allowing oneself to be towed at speed of more than 5 knots in prescribed circumstances	200
3.2.4	Failing to recover or make visible object dropped by person being towed	200
3.3.1	Failing to ensure wake of craft does not cause unnecessary danger to vessels, structures, or people	200
3.4.1	Towing person at speed of more than 5 knots without required lookout	200
3.4.2	Allowing oneself to be towed at speed of more than 5 knots without required lookout	200
3.5.1	Towing water skier between sunset and sunrise	200
3.5.2	Water skier allowing himself or herself to be towed between sunset and sunrise	200
3.7.1	Propelling, navigating, or manoeuvring vessel in access lane other than on starboard side and by most direct route	200
3.7.2	Water skier travelling or allowing object to travel in access lane other than on starboard side and by most direct route	200
3.7.3	Proceeding in access lane in dangerous manner	300
3.7.4	Obstructing person using access lane for its declared purpose	200
3.7.5	Entering, remaining in, or using access lane while it is being used for its prescribed purpose	200
3.10.1	Failing to assess conditions or consider safety of persons, objects, and vessels before exceeding 5 knots in speed uplifting area	200
3.10.2	Proceeding in dangerous manner in speed uplifting area	300
3.10.3	Propelling, navigating, manoeuvring, or towing in speed uplifting area other than on starboard side (or anti-clockwise direction)	200
3.10.4	Obstructing person using speed uplifting area for its declared purpose	200
3.14.1	Obstructing person using reserved area for reserved purpose	200

Provision	Description of offence	Fee (\$)
3.14.2	Entering, remaining, or using reserved area while it is being used for its reserved purpose	200
3.17.1	Allowing small vessel to impede navigation of large vessel in pilotage area or harbour	300
3.18.1	Failing to properly display Flag A, or keep within 200 metres of divers, when dive operations are in progress	200
3.18.2	Diving without ensuring that Flag A is properly displayed	200
3.18.3	Diver failing to remain within 200 metres of displayed Flag A	200
3.19.1	Failing to properly display registration number on personal water craft	200
3.19.2	Failing to register personal water craft	200
3.20.1	Operating vessel for hire or reward without required licence	200
4.1.1	Placing mooring in waters without mooring licence	200
4.1.4	Failing to provide council with prescribed details for vessel occupying mooring, or mooring larger or different vessel without council approval	200
4.3.2	Failing to properly maintain swing or pile moorings or comply with mooring guidelines	200
4.4.1	Securing vessel to moored vessel in manner likely to restrict navigation, endanger life, cause injury, or cause damage to property	200
4.4.2	Mooring vessel without approval of mooring owner	200
5.1.1	Failing to remain within explosives anchorage when not underway, or when loading or unloading explosives	200
5.2.1	Failing to display Flag B by day or all-round red light by night when carrying, loading, or unloading explosives	300
5.2.2	Allowing vessel to approach within 200 metres of another vessel that is carrying, loading, or unloading explosives	200
5.2.3	Allowing vessel carrying explosives to approach within 200 metres of another vessel that is in harbour or at anchorage	200
5.3.1	Failing to display Flag B by day or all-round red light by night on oil tanker arriving at or remaining in harbour	300
5.4.1	Failing to comply with International Safety Guide for Oil Tankers and Terminals (ISGOTT) while in harbour	300
5.4.2	Berthing or mooring oil tanker otherwise than at place approved for bulk oil discharges	200
5.5.1	Allowing oil tanker to lie within 30 metres of another vessel	200
5.6.1	Failing to obtain hot work permit before carrying out hot work operations in harbour or commercial area	200
5.6.2	Carrying out hot work operations without complying with certain requirements	200
5.7.1	Transferring hazardous goods between sunset and sunrise except in certain circumstances	300

Schedule 2
Form of notice for Northland Regional Council Navigation Safety
Bylaw 2012 infringement offences

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Form

Northland Regional Council Navigation Safety Bylaw 2012 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:

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 Northland 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-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 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 to the infringement 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 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.

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 15 December 2012, specify which breaches of the Northland Regional Council Navigation Safety Bylaw 2012 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*.

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 15 November 2012.

Reprints notes

1 *General*

This is a reprint of the Local Government (Infringement Fees for Offences—Northland Regional Council Navigation Safety Bylaw 2012) Regulations 2012 that incorporates all the amendments to that regulation as at the date of the last amendment to it.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

Maritime Transport (Infringement Fees for Offences—Northland Regional Navigation Safety Bylaw 2017) Regulations 2018 (LI 2018/214): regulation 6