

**Reprint
as at 18 December 2009**



**Local Government (Infringement
Fees for Offences: Southland
Regional Council Navigation
Safety Bylaws) Regulations 2004**

(SR 2004/412)

Local Government (Infringement Fees for Offences: Southland Regional Council Navigation Safety Bylaws) Regulations 2004: revoked, on 18 December 2009, by regulation 6 of the Local Government (Infringement Fees for Offences: Southland Regional Council Navigation Safety Bylaws 2009) Regulations 2009 (SR 2009/411).

Silvia Cartwright, Governor-General

Order in Council

At Wellington this 29th day of November 2004

Present:

Her Excellency the Governor-General in Council

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.

Pursuant to section 699A of the Local Government Act 1974, Her 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: Southland Regional Council Navigation Safety Bylaws) Regulations 2004.
- 2 Commencement**

These regulations come into force on 30 December 2004.
- 3 Interpretation**
 - (1) In these regulations, unless the context otherwise requires,—
Act means the Local Government Act 1974
provision means a provision of the Southland Regional Council Navigation Safety Bylaws 2003.
 - (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
Southland Regional Council Navigation
Safety Bylaws 2003

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Provision	Description of offence	Fee (\$)
cl 2.1.1	Failing to carry sufficient personal flotation devices on recreational craft	500
cl 2.1.5	Failing to ensure persons on board recreational craft wear personal flotation devices	500
cl 2.2.1	Diving or swimming near wharves or boat ramps	500
cl 2.3.1	Failing to keep vessel in seaworthy condition	500
cl 2.3.4	Operating unseaworthy vessel	500
cl 2.4.1	Impeding landing or taking off of seaplane	500
cl 2.4.2	Failing to broadcast security message prior to taxiing for take off	500
cl 2.5.1	Cutting, breaking, or destroying moorings or fastenings of vessel	500
cl 2.5.2	Failing to ensure safe means of access to vessel	500
cl 2.6.1	Anchoring or mooring within prohibited anchorage	500
cl 2.7.1	Anchoring vessel so as to obstruct other vessels	500
cl 2.7.2	Obstructing access by water to wharf, landing place, boat ramp, slipway, or mooring	500
cl 2.7.3	Placing obstruction in waters if liable to restrict navigation, injure persons, or damage property	500

Provision	Description of offence	Fee (\$)
cl 2.8.1	Failing to report collision of vessels to harbourmaster	500
cl 2.8.3	Moving unseaworthy vessel	500
cl 2.9.1	Tying vessel to navigation aid or warning	500
cl 2.9.2	Damaging, removing, defacing, or interfering with buoy, beacon, or other navigation device	500
cl 2.9.3	Erecting, maintaining, or displaying beacon, buoy, or other device which may be mistaken for a navigation aid	500
cl 2.10.1	Blowing or sounding whistle, siren, or horn	500
cl 2.11.2	Operating vessel not flying Flag A if underwater diver deployed	500
cl 3.1.2	Permitting person under 15 years to propel or navigate vessel	500
cl 3.2.1	Exceeding 5 knots in specified areas	500
cl 3.2.2	Exceeding 5 knots while any part of a person is extended over fore part, bow, or side of vessel	500
cl 3.2.3	Exceeding 5 knots while being towed in specified areas	500
cl 3.2.4	Failing to recover water-ski or similar object	500
cl 3.2.7	Failing to ensure wake does not cause danger or risk of damage to other vessel, person, or structure	500
cl 3.3.1	Towing a person without a person responsible for notifying a mishap	500
cl 3.3.2	Being towed without a person on board responsible for notifying a mishap	500
cl 3.4.1	Towing a person between sunset and sunrise	500
cl 3.4.2	Being towed between sunset and sunrise	500
cl 3.5.1	Failing to navigate access lane by most direct route and on starboard side	500
cl 3.5.2	Failing to travel through access lane by most direct route and on starboard side of lane while being towed	500
cl 3.5.3	Proceeding dangerously in access lane	500
cl 3.5.4	Obstructing person using access lane	500
cl 3.5.5	Using access lane other than for declared purpose	500
cl 3.7.1	Obstructing person using reserved area	500
cl 3.9.1	Failing to moor in accordance with regional plans	500

Provision	Description of offence	Fee (\$)
cl 3.9.3	Anchoring vessel so as to obstruct authorised mooring	500
cl 3.10.1	Failing to comply with Maritime Rule 22 (Collision Prevention)	500
cl 4.1.1	Moving or loading explosives without permission of harbourmaster	500
cl 4.2.2	Operating vessel within 200 m of vessel carrying or loading explosives	500
cl 4.2.3	Operating vessel carrying explosives within 200 m of another vessel	500
cl 4.4.2(a)	Berthing or mooring other than in place specified by harbourmaster	500
cl 4.4.2(c)	Failing to ensure vessel carrying cargo of bulk oil has sufficient motive power	500
cl 4.6.1	Failing to obtain permit before carrying out hot work	500
cl 4.6.2	Failing to take precautions before carrying out hot work	500
cl 4.6.4	Commencing hot work before harbourmaster satisfied requirements of permit met	500
cl 4.7.1	Failing to ensure vessel securely fastened and, if required by harbourmaster, person on board to keep watch	500
Sch 2, para 2.1.1(a)	Failing to keep to starboard (right) side of river channel	500
Sch 2, para 2.1.1(b)	Failing, if going upstream on river, to give way to vessel coming downstream	500
Sch 2, para 2.1.1(c)	Operating vessel on river when weather conditions make it unsafe to do so	500
Sch 10, para 6.2.1	Failing to call Stewart Island Maritime Radio prior to entering Freshwater River	500
Sch 10, para 6.4.2	Failing to call Stewart Island Maritime Radio prior to departing downstream to sea from Department of Conservation Hut	500
Sch 10, para 6.4.3	Failing to call Stewart Island Maritime Radio to advise that boat clear of Freshwater River	500
Sch 10, para 6.4.3	Operating boat on Freshwater River without maintaining a listening watch	500
Sch 10, para 6.4.5	Operating water taxi on Freshwater River in excess of 5 knots before being clear of other boats	500

**Local Government (Infringement Fees for
Offences: Southland Regional Council
Navigation Safety Bylaws) Regulations 2004**

Schedule 1 Reprinted as at
18 December 2009

Provision	Description of offence	Fee (\$)
Sch 10, para 6.4.6	Operating a boat in excess of 5 knots if no reply heard from Stewart Island Maritime Radio	500
Sch 10, para 6.8.1	Failing to keep jet boat noise to a reasonable level	500

Schedule 2
**Southland Regional Council Navigation
Safety Bylaws Infringement Offence
Notice**

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Section 699A, Local Government Act 1974

Notice No:

Enforcement authority

[Specify enforcement authority.]

Person served

Name: *[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		

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]* at the following address: *[specify address of enforcement authority]*.

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 Southland 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 section 21(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 above 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 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 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.

Schedule 2: amended, on 10 October 2006, by regulation 4 of the Local Government (Infringement Fees for Offences: Southland Regional Council Navigation Safety Bylaws) Amendment Regulations 2006 (SR 2006/260).

Diane Morcom,
Clerk of the Executive Council.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 2 December 2004.

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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: Southland Regional Council Navigation Safety Bylaws) Regulations 2004. 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: Southland Regional Council Navigation Safety Bylaws 2009) Regulations 2009 (SR 2009/411): regulation 6

Local Government (Infringement Fees for Offences: Southland Regional Council Navigation Safety Bylaws) Amendment Regulations 2006 (SR 2006/260)
