



Report 05.501
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File J/01/02/03

Committee Environment Committee
Author Mike Pryce Regional Harbourmaster

Wellington Regional Navigation and Safety Bylaws Revised Infringement Notices

1. Purpose

To request the Department of Internal Affairs to produce new infringement notice regulations that reflects the changes in the Council's navigation and safety bylaws.

2. Significance of the decision

The matters in this report do not trigger the significance policy of the Council or otherwise trigger section 76(3)(b) of the Local Government Act 2002.

3. Background

In November 2001, Council approved an application to the Department of Internal Affairs for Infringement Notices for breaches of the Wellington Regional Navigation and Safety Bylaws 2000.

In December 2003, Council approved revised Wellington Regional Navigation and Safety Bylaws. These contained some additional bylaws and some slight modifications to make bylaws consistent with Maritime Rule 91. It would be beneficial from an enforcement and education role to be able to issue infringement notices under these new bylaws. This requires a revised set of Infringement Regulations that incorporates existing and new infringement offences.

4. Comment

The revised proposed schedule of offences (relating to specific bylaw breaches) and associated fees are contained in Attachment 1. The additional proposed changes are in bold.

4.1 Proposed maritime infringement notices

The proposed schedule of offences (relating to specific bylaw breaches) and associated fees are contained in Attachment 1. It should be noted that the Local Government Act 1974 provides for an infringement fee level of up to \$1,000 for each offence. However, this report seeks a more modest fee regime, similar to that used on roads.

Fees of \$100 (for behavioural offences) and \$200 (for safety infringements) are considered to be appropriate. Officers consider that if the fee level is set too high, it will increase the likelihood of the matter going to Court, which would undermine the efficacy of an infringement system. Smaller fees, on the other hand, will still provide an effective reminder but will be less likely to be contested.

4.2 Issue of notices

The Harbourmaster, Enforcement Officers (excluding Honorary Enforcement Officers) and officers of the Police Maritime Unit may issue infringement notices in accordance with section 699C of the LGA.

4.3 Reporting

The issue of Infringement Notices will be reported to the Council by way of the Divisional Manager's Report to the Environment Committee.

5. Communication

The boating public will be made aware of the changes in a wide variety of media.

6. Recommendations

That the Committee recommend that the Council:

1. ***Requests the Department of Internal Affairs to make regulations to define new and existing infringement notice offences and penalties in accordance with **Attachment 1** of this report.***

Report prepared by:

Report approved by:

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Attachment 1: Proposed Navigation and Safety Bylaw – Infringement Offences