

## Attachment 1: Proposed Navigation and Safety Bylaw – Infringement Offences

*Additional changes are bolded*

Bylaw Provision		Offence Description		Proposed Fine:
2.1	Lifejackets	2.1.1	Not carrying lifejackets as required.	\$100
		<b>2.1.5</b>	<b>Not wearing a lifejacket while being towed.</b>	<b>\$100</b>
		2.1.7	Not wearing lifejackets in accordance with requirements for circumstances where there could be danger or risk to the safety of persons aboard.	<b>\$200</b>
2.2	Swimming and Diving around Wharves	2.2.1	Swimming or diving around wharves where the following are breached:  a) From or within 50 metres of any structure in the commercial port area; or b) Within 50 metres of any wharf or jetty when a vessel is approaching or departing that wharf or jetty.	\$100
		<b>2.2.2</b>	<b>Failing to display flag A when diving around wharves.</b>	<b>\$200</b>
2.3	Use of vessel engine around wharves, ramps	2.3.1	Inappropriate use of propulsion system whilst lying at a wharf.	\$100
		2.3.2	Master failing to take precautions set in 2.3.2 (a), (b), and/or (c).	\$100
2.4	Vessels to be Serviceable or removed	2.4.1	Not keeping vessel in serviceable condition.	\$100
2.5	Seaplanes	2.5	Impeding the passage of a seaplane when it is landing or taking off.	\$200

2.6	Anchoring and Mooring	2.6.1	a) Anchoring vessel so as to obstruct the approach to any wharf, pier or jetty. b) <b>Anchoring so as to create a hazard to other vessels at anchor.</b>	\$100 <b>\$100</b>
		2.6.2	<b>It is an offence to cut, break, destroy, or unlawfully detach:</b>  a) the mooring of any vessel; or b) the fastening securing any vessel lying in, at or near a wharf, dock or landing place.	<b>\$100</b>
		2.6.3	The master or owner failing to provide a safe means of access to the vessel.	<b>\$200</b>
		2.6.4	Failure of the owner or master of a vessel berthed at a wharf to ensure that it is securely fastened at all times. or if required by the Harbourmaster, failure to maintain a person on board to keep watch.	\$100 \$100
		2.7	Prohibited Anchorage	2.7
2.8	Obstructions	2.8.1	Obstructing the access by waters to any wharf, jetty, landing place, boat ramp, slipway, or mooring.	\$100
		2.8.2	<b>Placing any obstruction, including any fishing apparatus, in any waters that is liable to:</b> <b>restrict navigation; or</b> <b>cause loss of life or injury to any person; or</b> c) cause damage to any vessel or any property.	<b>\$200</b>
2.9	Notification of Collisions or Accidents	2.9.1	<b>Failing to notify the Harbourmaster of collision or accident.</b>	<b>\$200</b>
2.10	Navigation Aids	2.10.1	Tying up to navigation aid without the prior written permission of the Harbourmaster.	\$100

		2.10.2	Damaging, removing, defacing or otherwise interfering with any navigation aid or warning.	\$200
		2.10.3	Erecting, maintaining or displaying any beacon, buoy or other device that may be used as, or mistaken for, a recognised navigation aid, without the written permission of the Harbourmaster and the Director of Maritime Safety.	\$200
2.11	Vessels not to sound Whistles.	2.13	Sounding whistle in breach of requirements	\$100
2.12	Use of Distress Signals	<b>2.12.1</b>	<b>A person must not make or permit to be made a distress signal unless in distress.</b>	<b>\$200</b>
3.1	Minimum age for operating powered vessels	3.1.2	It is an offence against this Bylaw for the owner of a powered vessel that is capable of a proper speed exceeding 10 knots to allow any person who is under the age of 15 years to propel or navigate that vessel in contravention of sub clause 3.1.1.	\$100
3.2	Speed of Vessels	3.2.1	Propelling or navigating a vessel (including a vessel towing a person or some object) at a proper speed exceeding 5 knots:  a) within 50 metres of any other vessel, floating structure or person in the water; or b) within either 200 metres of the shore or of any structure; or on the inshore side of any row of buoys marking the limit of a five knot area; or c) within 200 metres of any vessel or floating structure that is flying Flag A.	\$200
		3.2.2	Propelling or navigating a powered vessel at a speed exceeding 5 knots while any person is sitting at or on the fore part or bow of that vessel with any portion of their body extending over the fore part, bow, or side of that vessel.	\$100
		3.2.3	Person causing or allowing himself or herself to be towed by a vessel (whether or not on a water ski, aquaplane, or other towed object) at a speed exceeding 5 knots in any circumstances specified in any of paragraphs (a) to (c) of sub clause 3.2.1.	\$200
		3.2.4	Person in charge continuing onwards after person being towed by that vessel has dropped any water ski without taking action to recover that water ski.	\$100

		<b>3.2.8</b>	<b>Navigate a pleasure boat while causing a wake that is dangerous to other vessels or persons.</b>	<b>\$200</b>
3.3	Use of lights	<b>3.3.1</b>	<b>Not showing correct navigation lights between sunrise and sunset or showing lights that may be confused with navigation lights.</b>	<b>\$200</b>
		<b>3.3.2</b>	<b>Not showing correct lights during restricted visibility.</b>	<b>\$200</b>
		<b>3.3.3</b>	<b>Showing navigation lights that do not comply with Appendix 1 of Part 22 of the Maritime Rules.</b>	<b>\$200</b>
3.7	Diving from vessels	<b>3.7.1</b>	<b>Diving from a vessel that does not have a clearly visible Flag A (dive flag) displayed.</b>	<b>\$200</b>
		<b>3.7.2</b>	<b>Allowing diving from a vessel that does not have a clearly visible Flag A (dive flag) displayed.</b>	<b>\$200</b>
3.8	Lookout on vessels used for water skiing and towing any person	<b>3.8.1</b>	<b>Person in charge of a vessel using it to tow any person without at least one additional person (an observer) on board who is responsible for immediately notifying the person in charge of every mishap that occurs to the person who is being towed and/or the observer being under 10 years of age.</b>	<b>\$100</b>
		3.8.2	Person causing or allowing himself or herself to be towed by or from any vessel without an observer and/or the observer being under 10 years of age.	\$100
3.9	Water skiing between Sunset & Sunrise	<b>3.9.1</b>	<b>Person operating, between sunset and sunrise, a vessel that is towing any person.</b>	<b>\$200</b>
		3.9.2	Person allowing himself or herself to be towed by a vessel between sunset and sunrise.	\$200
3.10	Conduct in Access Lanes	3.10.1	Person in charge not following the most direct route through the access lane and not keeping to that side of the access lane that lies to the starboard or right side of the vessel.	\$100
		3.10.2	A person being towed that allows himself or herself to be towed by a vessel contravening sub clause 3.10.1.	\$100

		3.10.3	No person within an Access Lane may proceed in any manner that is dangerous in relation to any vessel or other person in the Access Lane.	\$200
		3.10.4	Person obstructing any other person while that other person is using an Access Lane for the purpose for which it has been declared.	\$200
		3.10.5	A person using the access lane for a purpose other than the purpose it was declared.	\$100
3.12	Reserved Area	<b>3.12.1</b>	<b>Person obstructing any other person while that other person is using a Reserved Area for the purpose for which it has been reserved.</b>	<b>\$200</b>
		<b>3.12.2</b>	<b>Person remaining in a reserved area while it is being used for its specified purpose.</b>	<b>\$200</b>
3.13	Special Event	3.13.1	<b>No written permission in accordance with requirements.</b>	<b>\$100</b>
3.14	Moorings	<b>3.14.1</b>	<b>Person placing a mooring in any waters, whether in a mooring area or not, unless a licence issued in accordance with sub clause 3.14.6 of this Bylaw has been obtained from the Council.</b>	<b>\$100</b>
		3.14.5	Person mooring a vessel other than the vessel and belonging to the owner as stated on the licensed mooring.	\$100
		<b>3.16.6</b>	<b>Failure to comply with conditions of the mooring licence.</b>	<b>\$100</b>
		3.14.10	The owner of a licensed mooring contravening sub clause 3.14.10	\$100
4.3	Vessel showing Flag B or all round red light	<b>4.3</b>	<b>Without good reason no vessel shall approach to within 200 metres of a vessel showing flag B or an all round red light</b>	<b>\$100</b>
4.6	Hot Work	<b>4.6.1</b>	<b>A person within Wellington Harbour or commercial areas failing to obtain a Hot Work Permit, as specified in Schedule 4 of this Bylaw, before carrying out welding or flame-cutting operations in or from any position on board the vessel.</b>	<b>\$200</b>

		4.6.2	Failure to take the appropriate precautions whilst hot work operations are being carried out.	\$200
		4.6.3	<b>No person may commence hot work without having seen and understood a current hot work permit issued for that work.</b>	<b>\$200</b>
		4.6.5	Persons commencing before the Harbourmaster is satisfied that requirements of a Hot Work Permit, as specified in Schedule 4 of this Bylaw, have been met in full.	\$200
5.3	Licence	5.3.1	<b>Person operating a vessel that is not subject to Maritime Rules in respect to commercial shipping unless a licence, known as a Safe Operation Licence, has been granted in terms of sub clause 5.3.3.</b>	<b>\$100</b>
		5.3.2	<b>Person operating a vessel granted a Safe Operation Licence while that licence is temporarily suspended by the Harbourmaster in terms of sub clause 5.3.5.</b>	<b>\$100</b>
6.1	Directions for transiting Wellington Harbour entrance	6.1.1	<b>Failure to report a vessels intentions to Wellington Harbour Radio prior to entering Wellington Harbour limits during the hours of darkness or restricted visibility on marine VHF Ch 14 and/or failing to keep a listening watch on marine VHF Ch 14 whilst inside the harbour.</b>	<b>\$200</b>
		6.1.2	A commercial vessel failing to report his vessels intentions to Wellington Harbour Radio prior to entering Wellington Harbour limits during the hours of daylight on marine VHF Ch 14 and/or failing to keep a listening watch on marine VHF Ch 14 whilst inside the harbour.	\$200
		6.1.3	A vessel unable to communicate with Wellington Harbour Radio transiting Wellington Harbour entrance during the hours of darkness or restricted visibility.	\$200
		6.1.4	Any passenger vessels or charter vessels failing to advise Wellington Harbour Radio of the total number of persons on board.	\$100
		6.1.5	An inbound vessel failing to join the leading line at least 2 nautical miles south of the chartered position of Barrett Reef buoy.	\$200

		6.1.6	The master of an inward-bound pleasure craft to keep towards the coast or towards the sides of the main shipping channel.	\$100
		<b>6.1.8</b>	<b>A vessel failing to monitor VHF Ch 14 while transiting the entrance.</b>	<b>\$200</b>
6.2	General directions for navigating in Wellington Harbour	<b>6.2.1</b>	<b>Failing to comply with the directions given in sub clause 6.2.1 (a), (b), (c), (d) and/or (e).</b>	<b>\$200</b>
		6.2.2	A master failing to use all aids to navigation on board the vessel.	\$200
		6.2.3	A master failing to ensure sufficient persons on the bridge to comply with sub clause 6.2.2.	\$200
		<b>6.2.4</b>	<b>Commercial vessels in Wellington harbour failing to maintain a listening watch on VHF Ch14.</b>	<b>\$200</b>
		<b>6.2.5</b>	<b>A vessel with a master exercising pilot exemption certificate failing to notify Beacon Hill of the master's name.</b>	<b>\$100</b>
6.3	Duties of persons in charge of small craft in Wellington Harbour		<b>The Master of a vessel under 500 gross tonnage impeding the navigation of any vessel of 500 gross tonnage or more.</b>	<b>\$200</b>
6.4	Radio reporting procedures for vessels sailing from wharves or anchorages in Wellington Harbour	<b>6.4.1</b>	<b>Failing to notify Wellington Harbour Radio ten minutes prior to vessel's intended departure.</b>	<b>\$200</b>
		6.4.2	Failing to notify Wellington Harbour Radio of a vessel leaving a berth or anchorage and giving the total number of persons aboard.	\$200
		6.4.3	Failing to notify Wellington Harbour Radio of his vessel secured at a different berth or anchorage, or when seaward of the position of Barrett Reef buoy when outward bound.	\$100
6.6	Navigation documents required for Wellington		<b>Navigating in that part of Wellington Harbour between Ward Island and Pencarrow Head, any vessel of 6 metres in length and above failing to carry and consult a current copy of Chart NZ 4633 (or approved electronic equivalent).</b>	<b>\$200</b>

	Harbour			
6.7	Reporting of Vessels' air draught prior to entering Evans Bay		<b>Failure of a vessel with mast or superstructure exceeding 24 meters to inform Wellington Harbour Radio 15 minutes before entering Evans Bay.</b>	<b>\$200</b>
6.8	Speed limits in Lambton Harbour	6.8.1	<b>A master of any vessel exceeding a speed of 12 knots in the Lambton Harbour area (westwards of a line between the Thorndon Container Pile Light and the Carter Fountain).</b>	<b>\$200</b>
		6.8.3	A master of a vessel failing to comply with the harbourmaster's instruction not to exceed a specified speed within the harbour.	\$200
6.9	Restricted areas for non-commercial vessels		<b>Non-commercial vessels entering the restricted commercial areas without permission of the Harbourmaster.</b>	<b>\$100</b>