



Report 09.268
Date 13 May 2009
File J/02/01/07

Committee Council
Author Grant Nalder, Harbour Ranger

Revision of the Navigation and Safety Bylaws Infringement Notice Regulations

1. Purpose

To consider the preparation of new infringement notice regulations that reflect the changes in the Council's navigation and safety bylaws.

2. Consideration by Committee

The matters raised in this report were considered by the Regulatory Committee at its 6 May 2009 meeting (Report 09.201 refers). The recommendations contained in this report have been endorsed by the Committee for the Council's consideration and decision.

3. Significance of the decision

The matters for decision 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.

4. Background

Since 2001 Greater Wellington has had regulations in place enabling authorised officers to issue infringement notices for breaches of the Wellington Regional Navigation and Safety Bylaws. The current regulations in force are the Local Government (Infringement Fees for Offences: Wellington Regional Navigation and Safety Bylaws) Regulations 2006 (the Regulations).

The amended version of the 2003 Wellington Regional Navigation and Safety Bylaws were approved in February 2009 and will come into force on 1 July 2009. As a result of changes made to the Bylaws the Regulations will need updating.

5. Comment

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

Some of the changes consist of:

- renumbering to reflect the numbering in the revised Bylaws, these changes are shown in bold italics
- new offences have been added and these are shown in bold; and
- the offences that are to be removed are shown in stuck-out text.

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. This is in common with most other regional councils.

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.

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.

6. Communication

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

7. Recommendations

That Council:

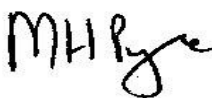
1. ***Receives the report;***
2. ***Notes the content; and***
3. ***Approves a request being made to the Department of Internal Affairs to make regulations to define new and existing infringement notice offences and penalties in accordance with Attachment 1 of this report.***

Report prepared by:



Grant Nalder
Harbour Ranger

Report approved by:



Mike Pryce
Regional Harbourmaster

Report approved by:



Nigel Corry
Divisional Manager, Environment
Management Division