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## **Report 01.820**

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Report to Environment Committee  
from Mike Pryce, Manager, Harbours

## **Wellington Regional Navigation and Safety Bylaws - Infringement Notices**

### **1. Purpose**

To propose the introduction of Infringement Notices and associated fees for breaches of certain navigation and safety bylaws.

### **2. Background**

In December 2000 the Council adopted the Wellington Regional Navigation and Safety Bylaws 2000 under section 684B of the Local Government Act 1974 (LGA). The Council also delegated all its functions, duties and powers in terms of the operation and enforcement of the Bylaws to the Environment Committee (**Attachment 1**).

Separate regulations are required in order to introduce infringement notices and associated fees (s699A, LGA). The Council must ask the Department of Internal Affairs to arrange for the relevant regulations to be made.

### **3. Comment**

#### **3.1 Proposed Maritime Infringement Notices Scheme**

The proposed schedule of offences (relating to specific bylaw breaches) and associated fees is contained in **Attachment 2**. It should be noted that the LGA 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 our 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 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 that will be less likely to be contested.

### 3.2 **Inter-Regional Approach**

It is highly desirable that the Council's infringement offences and associated penalties are consistent with those in other regions. To this end, the offences and fees schedule proposed in **Attachment 2** has been developed in consultation with other regional councils. Similar offences and fees are being considered by Northland Regional Council, Auckland Regional Council, Environment Waikato, and Environment Bay of Plenty. The Maritime Safety Authority has also indicated their support for the proposed infringement offences and levels of fines.

### 3.3 **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. The procedure for issuing notices is contained in **Attachment 3**.

### 3.4. **Reporting**

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

## 4. **Recommendation**

*It is recommended that the Committee:*

1. *receives and notes the contents; and*
2. *requests the Department of Internal Affairs to arrange for the making of regulations to define infringement notice offences and penalties in accordance with **Attachment 2** of this report.*

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