

**Local Government (Infringement
Fees for Offences: Queenstown
Lakes District Council (Shotover
River) Bylaw 2009) Regulations
2009**



Governor-General

Order in Council

At Wellington this *14th* day of *December* 2009

His Excellency The Governor General Present:
in Council

Pursuant to section 699A of the Local Government Act 1974, His 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: Queenstown Lakes District Council (Shotover River) Bylaw 2009) Regulations 2009.
- 2 Commencement**
These regulations come into force on the day after the date of their notification in the *Gazette*.
- 3 Interpretation**

 - (1) In these regulations, unless the context otherwise requires,—
Act means the Local Government Act 1974
bylaw means the Queenstown Lakes District Council (Shotover River) Bylaw 2009
Council means the Queenstown Lakes District Council
provision means a provision of the bylaw.
 - (2) The descriptions given in the second column of the table in 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 the table in 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 the table in Schedule 1.

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Schedule 1

5 Infringement notice

Every infringement notice in respect of an infringement of-
fence against a provision specified in the first column of the
table in Schedule 1 must be in the form set out in Schedule 2.

Schedule 1

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**Infringement offences and fees under
Queenstown Lakes District Council
(Shotover River) Bylaw 2009**

Provision	Description of offence	Fee (\$)
5.1	Using a vessel in a restricted zone without a permit granted by the Council or its delegated representative	500
6.2	Operating within a restricted zone contrary to a permit issued under bylaw	500

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Schedule 2

Schedule 2

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**Form of notice for Queenstown Lakes
District Council (Shotover River) Bylaw
2009 infringement offence**

Form

Queenstown Lakes District Council (Shotover
River) Bylaw 2009 infringement notice

Section 699A, Local Government Act 1974

Notice No:

Enforcement authority

[specify]

To *[full name, full address]*

Telephone number:

Occupation:

Date of birth:

Gender:

Marine document No (if applicable):

Alleged infringement offence(s) details

Date:

Time:

Place:

Vessel name:

Vessel description:

For each offence, specify the following:

Bylaw offence provision	Offence	Infringement fee payable (\$)
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Form—*continued*

Time for payment of infringement fee(s)

The infringement fee(s) is/are* payable to the enforcement authority within 28 days after [*date this notice is delivered personally, or served by post*].

*Select one.

To whom payable

The infringement fee(s) is/are* payable to [*specify address of enforcement authority*].

*Select one.

Method of payment

Please present this notice, or a copy of this notice, when making payment.

Cheques or money orders must be made out to [*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 Queenstown Lakes District Council.

Important

Please read the statement of rights below.

Statement of rights

If, after reading this statement, there is anything in it you do not understand, 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.

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Schedule 2

Form—*continued*

Note: If, under section 21(3A) or (3C)(a) of the Summary Proceedings Act 1957, you enter or have entered into a time-to-pay arrangement with an informant 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 may be made at the places indicated on the front page of this notice.

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 a letter to the enforcement authority at the address shown on the front page of this notice 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).

The letter must be signed by you and delivered to the enforcement authority at the address specified in this infringement notice and in a reminder notice in respect of the offence before

Form—*continued*

or within 28 days after the service of the reminder notice, or within such further time as the enforcement authority may allow.

- 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 Unless the enforcement authority decides otherwise, you will be served with a reminder notice if, within 28 days after being served with this notice, you do not—
 - (a) pay the infringement fee; or
 - (b) deliver to the enforcement authority at its address specified in this notice a letter requesting a hearing of the offence.
- 8 Unless the enforcement authority decides not to commence proceedings against you, you will become liable to pay costs in addition to the infringement fee if, within 28 days after being served with a reminder notice, you do not—
 - (a) pay the infringement fee; or
 - (b) deliver to the enforcement authority at its address specified in the reminder notice a letter requesting a hearing of the offence.

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Explanatory note

Form—*continued*

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 full 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 on the front of this notice.

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.


Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on the day after the date of their notification in the *Gazette*, specify which breaches of the Queenstown Lakes District Council (Shotover River) Bylaw 2009 are infringement offences for the purposes of section 699A of the Local Government Act 1974. *Schedule 1* prescribes the infringement fees for those infringement offences. An infringement notice must be in the form set out in *Schedule 2*.

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for Offences: Queenstown Lakes District
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Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*:

These regulations are administered by the Department of Internal Affairs.
