



Maritime Transport (Infringement Fees for Offences— Queenstown Lakes District Council Shotover River Bylaw 2015) Regulations 2016

Jerry Mateparae, Governor-General

Order in Council

At Wellington this 21st day of March 2016

Present:

His Excellency the Governor-General in Council

These regulations are made under section 330 of the Maritime Transport Act 1994 on the advice and with the consent of the Executive Council.

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Regulations

1 Title

These regulations are the Maritime Transport (Infringement Fees for Offences—Queenstown Lakes District Council Shotover River Bylaw 2015) Regulations 2016.

2 Commencement

These regulations come into force on 28 April 2016.

3 Interpretation

In these regulations, unless the context otherwise requires,—

Act means the Maritime Transport Act 1994

bylaw means the Queenstown Lakes District Council Shotover River Bylaw 2015

Council means the Queenstown Lakes District Council

provision means provision of the bylaw.

4 Infringement offences and fees

- (1) A breach of a provision specified in the first column of 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 Schedule 1.
- (3) The descriptions given in the second column of Schedule 1 are intended to be only an indication of the content of the provisions they describe, and are not intended to be used in the interpretation of the provisions.

5 Infringement notices

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

6 Revocation

The Local Government (Infringement Fees for Offences: Queenstown Lakes District Council (Shotover River) Bylaw 2009) Regulations 2009 (SR 2009/413) are revoked.

Schedule 1
**Infringement offences and fees under Queenstown Lakes District
Council Shotover River Bylaw 2015**

Provision	Description of offence	Fee (\$)
5.1	Using Shotover River Concession Area without permit	500
6.2	Operating in Shotover River Concession Area contrary to permit	500

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Schedule 2
**Form of notice for Queenstown Lakes District Council Shotover
River Bylaw 2015 infringement offence**

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Form
Queenstown Lakes District Council Shotover River Bylaw 2015 infringement
notice

Section 330, Maritime Transport Act 1994

(Front page)

Notice No:

Enforcement authority

Queenstown Lakes District Council

Address: *[specify address]*

Notice issued by: *[full name]*, Harbourmaster

Person served

Full name:

Address:

Telephone number:

Occupation:

Date of birth:

Maritime document No (if applicable):

Alleged infringement offence(s) details

Date:

Time:

Place:

Vessel name:

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Schedule 2

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Vessel description:

For each offence, specify the following:

Bylaw offence provision	Offence	Infringement fee payable (\$)
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Time for payment of infringement fee(s)

The infringement fee is/fees are* payable within 28 days after [*date this notice is delivered personally, or served by post*].

*Select one.

To whom payable

The infringement fee is/fees are* payable to the enforcement authority at [*specify address of enforcement authority*].

*Select one.

Method of payment

The infringement fee is/fees are* payable to the enforcement authority either online or by cheque.

*Select one.

To pay online, go to [*specify relevant Internet site*]. Online payments must refer to the infringement notice number at the top of this notice and must be made to [*specify account no.*].

Cheques must be made out to the Queenstown Lakes District Council, crossed and marked “Not Transferable”, marked with the infringement notice number at the top of this notice, and sent to the address shown on the front page.

(Back page)

Statement of rights

If there is anything in this statement 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.

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 offence.

Payment

- 2 If you pay the infringement fee for an alleged offence within 28 days after the service of this notice on you, no further enforcement action will be taken for that offence. Payments may be made as 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 in accordance with this notice within 28 days after the service of this notice on you. Late payment or payment made to any other address will not constitute a defence.

Further action

- 4 You may notify the enforcement authority in writing 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 paragraph 5); or
 - (c) admit liability for the offence, but wish to have a court consider written submissions as to penalty or otherwise (refer to paragraph 6).

The notification must be signed by you and given to the enforcement authority within 28 days after the service of this notice on you.

- 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). If the letter is filed with the court, you will not be entitled to make oral submissions to the court.

Non-payment of fee

7 If you do not pay the infringement fee or request a hearing within 28 days after being served with this notice, a reminder notice will be sent to you (unless the enforcement authority decides otherwise).

Queries and correspondence

8 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 at the address shown on the front page.

Michael Webster,
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 28 April 2016, specify which breaches of the Queenstown Lakes District Council Shotover River Bylaw 2015 are infringement offences for the purposes of section 33O of the Maritime Transport Act 1994. *Schedule 1* prescribes the infringement offences and the infringement fees for those infringement offences. An infringement notice must be in the form set out in *Schedule 2*.

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Queenstown Lakes District Council Shotover River
Bylaw 2015) Regulations 2016**

Issued under the authority of the Legislation Act 2012.

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These regulations are administered by the Ministry of Transport.

Wellington, New Zealand:

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