



## Cabinet Committee Background Information and Talking Points

**Cabinet Committee:** Cabinet Legislation Committee (LEG)

**Paper Title:** *Maritime Transport (Infringement Fees for Offences – Tairāwhiti Navigation Safety Bylaw 2024) Regulations 2025*

**Portfolio:** Transport

**Officials Attending:**

- *Annelies McClure, Principal Solicitor, Ministry of Transport*

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**The following points are the ones you should make if you are constrained for time:**

I seek LEG's approval to authorise the submission to the Executive Council of the Maritime Transport (Infringement Fees for Offences – Tairāwhiti Navigation Safety Bylaw 2024) Regulations 2025.

These Regulations:

- have been requested to be made by the Gisborne District Council to support the effective enforcement of the Council's Tairāwhiti Navigation Safety Bylaw 2024;
- specify which breaches of the Bylaw are infringement offences for the purposes of section 33O of the Maritime Transport Act 1994; and
- prescribe infringement fees for those infringement offences.

I recommend the Regulations be made. A waiver of the 28-day rule is not sought. The Regulations are drafted to come into force on 25 December 2025.

MINISTRY OF TRANSPORT RELEASED BY MANATŪ WAKA

## Detailed Talking Points:

### *Why are these Regulations needed?*

- The Bylaw aims to minimise the risk of fatalities, injuries, nuisances, accidents, collisions and damage on all waters in the Gisborne area.
- The monetary penalties specified in the Regulations are designed to dissuade breaches of the Bylaw and support the Gisborne District Council's effective management and regulation of maritime safety.
- Without the infringement offences and fees set by the Regulations, the Council has no means of enforcing the Bylaw in a proportional way, which increases the risk of non-compliance.<sup>1</sup>

### *What policy approval was given for these Regulations?*

- Drafting of the Regulations was authorised without reference to Cabinet in accordance with 7.95(d) of the Cabinet Manual 2023 as the Regulations are entirely routine and did not require new policy decisions.

### *Have changes been made from previous regulations?*

- The Council currently has no regulations to enforce the Bylaw, so the Regulations will establish an infringement regime, rather than replace one. The Council has based the proposed regime on similar maritime safety infringement regimes in surrounding regions.
- The Regulations will repeal the expired Local Government (Infringement Fees for Offences: Gisborne District Navigation Safety Bylaws 2012) Regulations 2015.

### *Why are the fees set at the levels chosen?*

- The Regulations propose to set the infringement fees between \$50 and \$1,000.
- The infringement fees are generally similar to those used by other councils. There are 6 infringement offences in the Regulations, each of which have fees of \$1,000 prescribed, being the maximum amount prescribed by section 33O of the Maritime Transport Act 1994. This fee is designed to deter acts or omissions that could result in more serious damage or harms, such as anchoring in prohibited areas.
- The Ministry of Justice was consulted on these fees and its feedback was incorporated.

### *What consultation was conducted?*

- In addition to the Ministry of Justice, the Ministry of Transport consulted the Gisborne District Council, Maritime New Zealand and the Department of Internal Affairs. No substantive issues were raised during consultation.

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<sup>1</sup> Note on 'proportional': the only current enforcement option is prosecution through the District Court, which is generally not a proportional response to the level of offending envisaged by the Bylaw.