



29 March 2023

OC230099

Hon Kiri Allan  
Associate Minister of Transport

Action required by:  
Friday, 28 April 2023

## REQUEST TO MAKE INFRINGEMENT REGULATIONS FOR BREACHES OF NAVIGATION SAFETY BYLAWS - OTAGO REGIONAL COUNCIL

### Purpose

Seek your authority to:

1. issue drafting instructions to the Parliamentary Counsel Office (**PCO**) for infringement regulations relating to the Otago Navigation Safety Bylaw 2020.
2. share PCO's drafts of the infringement regulations with the Otago Regional Council (the **Council**), to ensure these regulations are fit for purpose.

Without these infringement regulations, the only way Otago Regional Council Councils can enforce the Navigation Safety Bylaws is by prosecuting alleged offenders through the District Court.

### Key points

- Navigation safety bylaws allow councils to manage and regulate maritime safety within their waterways. Corresponding infringement regulations support the effective enforcement of these bylaws.
- Without infringement regulations, the only way councils can enforce a bylaw is by prosecuting alleged offenders through the District Court. Prosecution is generally a disproportionate response to the level of offending envisaged by these bylaws. Since the Council currently has no infringement regulations in place, this is the only option available to them currently.
- The Council have requested infringement regulations be made to correspond to their navigation safety bylaw. The proposed infringement offences and fees are consistent with other similar regimes.
- Your authority is needed for the Ministry of Transport to issue drafting instructions to PCO. It is also needed to allow the Ministry to share PCO drafts of the regulations with the Council to ensure the regulations are fit for purpose, as the drafts are legally privileged to the Crown and the Council sits outside the core Crown.

## Recommendations

We recommend you:

- 1 **authorise** the Ministry of Transport to issue drafting instructions to the Parliamentary Counsel Office for the Maritime Transport (Infringement Fees for Offences – Otago Navigation Safety Bylaw 2020) Regulations 2023. Yes No
  
- 2 **authorise** the Ministry of Transport to share the Parliamentary Counsel Office's drafts of the Maritime Transport (Infringement Fees for Offences – Otago Navigation Safety Bylaw 2020) Regulations 2023 with the Otago Regional Council. Yes No



Brendan Booth

**Chief Legal Adviser and Procurement  
Manager**

29 / 03 / 23



Hon Kiri Allan

**Minister of Transport**

17 / 04 / 2023

**Minister's office to complete:**

☐ Approved

☐ Declined

☐ Seen by Minister

☐ Not seen by Minister

☐ Overtaken by events

**Comments**

## Contacts

Name	Telephone	First contact
Brendan Booth, Chief Legal Adviser and Procurement Manager	s 9(2)(a)	✓
Robyn Smith, Deputy Chief Executive, Corporate Services		

## REQUEST TO MAKE INFRINGEMENT REGULATIONS FOR BREACHES OF NAVIGATION SAFETY BYLAWS - OTAGO REGIONAL COUNCIL

### Otago Regional Council have requested infringement regulations

- 1 We have recently received a request from the Otago Regional Council (the Council) to progress infringement regulations relating to their current navigation safety bylaw (attached at Annex Two). The Council have already passed the bylaw, which came into force in September 2020.

*What are navigation safety bylaws and their corresponding infringement regulations?*

- 2 Navigation safety bylaws allow councils to manage and regulate maritime safety within their waterways. Corresponding infringement regulations support the effective enforcement of these bylaws by dissuading breaches and funding the council enforcement of them.
- 3 Without infringement regulations, the only way councils can enforce a bylaw is by prosecuting alleged offenders through the District Court. Prosecution is generally a disproportionate response to the level of offending envisaged by these bylaws.

*Otago Regional Council have updated their navigation safety bylaw*

- 4 In September 2020 under section 33M of the Maritime Transport Act 1994 (the Act), the Council created the Otago Navigation Safety Bylaw 2020.
- 5 The previous bylaw for the Council was the Otago Navigation Safety Bylaw 2019. This bylaw applied to all waters in the Otago Region including the territorial sea and all inland waters apart from (a) the navigable waters in the Queenstown Lakes District Council area and (b) Lake Dunstan (which was administered by Central Otago District Council).
- 6 In 2020, Central Otago District Council transferred the maritime functions, powers and duties for Lake Dunstan back to the Otago Regional Council.
- 7 The 2019 bylaw was replaced by the Otago Navigation Safety Bylaw 2020 (the current bylaw). This change was to incorporate the waters of Lake Dunstan and other minor changes to improve maritime safety around Otago.
- 8 The Council have requested that infringement regulations be made to support their current navigation safety bylaw. Currently the bylaw does not have any corresponding infringement regulations, which limits the enforcement options of the Council.
- 9 We need to repeal the since expired Local Government (Infringement Fees for Offences: Central Otago District Council Lake Dunstan Navigation Safety Bylaws 2006) Regulations 2010, which covered the Lake Dunstan area only when still under control of the Central Otago District Council. We would repeal these regulations as part of the process in creating infringement regulations for the current bylaw.

**Otago Regional Council has produced, in conjunction with the Ministry, proposed infringement offences and fees**

- 10 In conjunction with the Ministry, the Council has produced proposed infringement offences and associated penalty levels. These have been attached at Annex One.
- 11 These proposed infringement regulations and fees have been approved by the Council, but they are a draft and are subject to change as the Council works with the Ministry and PCO. We are required to consult on proposed penalties with the Ministry of Justice.<sup>1</sup> We have done so, resolved the issues raised and edited the proposed offences and penalties accordingly. We will provide the Ministry of Justice with a copy of the regulations once drafted to ensure they are consistent with its expectations.

**The proposed infringement offences and fees are necessary and consistent with other similar regimes**

- 12 We have considered whether the proposed new regime is necessary and consistent with other similar regimes.
- 13 Without these infringement regulations, the only way the Council can enforce the Navigation Safety Bylaws is by prosecuting alleged offenders through the District Court, which carries a maximum penalty of \$500.<sup>2</sup>
- 14 Under the new regime:
- 14.1 the regulations would establish an infringement regime rather than raise the penalties of an existing one
  - 14.2 under section 330 of the Act the Council may set penalties up to \$1000, but the Council is only proposing penalties up to \$500
  - 14.3 the penalties are consistent with navigational safety regimes in neighbouring regions.
- 15 We do not consider there are any risks in you authorising the Ministry to issue drafting instructions to PCO.

**Your authority is required to issue drafting instructions to the Parliamentary Counsel Office**

- 16 Cabinet approval is not required to issue drafting instructions to the Parliamentary Counsel Office (PCO) because the infringement regulations are routine and do not require new policy decisions.<sup>3</sup> You can therefore authorise the Ministry of Transport (the Ministry) to issue drafting instructions for the infringement regulations to PCO without reference to Cabinet.

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<sup>1</sup> [7.34 Cabinet Manual 2017.](#)

<sup>2</sup> Section 33N(3) of the Act.

<sup>3</sup> [7.91\(d\) Cabinet Manual 2017.](#)

**Your authority is required to share PCO drafts outside of the Crown**

- 17 Your authority is needed to share PCO's drafts of the regulations with the Council, as draft regulations are legally privileged to the Crown and the Council is not part of the core Crown.<sup>4</sup> Sharing these drafts is necessary to make sure the regulations are fit for purpose.
- 18 Sharing PCO drafts is done on the basis that the drafts are:
- 18.1 subject to legal professional privilege
  - 18.2 released on an in-confidence basis
  - 18.3 a work in progress
  - 18.4 subject to PCO's quality assurance methods.

**Next steps**

- 19 Once drafts of the infringement regulations have been prepared, we will provide you with the necessary papers for the Cabinet Legislation Committee and Executive Council, to enable the infringement regulations to be made.

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<sup>4</sup> [CO \(19\) 2: Attorney-General's Protocol for Release of Draft Government Legislation outside the Crown | Department of the Prime Minister and Cabinet.](#)

## Annex One

**Otago Regional Council's proposed infringement fees for offences of the Otago Navigation Safety Bylaw 2020**

Clause of Bylaw	Draft Description	Fee \$
5(3)	Failing to report to the Harbourmaster, within 24 hours, an accident, incident or mishap that occurs on or in waters outside of the Otago Harbour.	300
6(2)	Failing to nominate a person in charge of a vessel.	150
6(3)	Failing to ensure a kill cord is fitted correctly when underway.	300
7(1)	Failing to have sufficient personal floatation devices for each person on board a pleasure craft when in use.	500
7(2)(a)	Failing to ensure personal floatation devices are readily accessible on board the vessel.	300
7(2)(b)	Failing to ensure personal floatation devices are of an appropriate size for each person on board the vessel.	300
7(2)(c)	Failing to ensure personal floatation devices are of an appropriate type for the activity being undertaken.	300
7(2)(d)	Failing to ensure personal floatation devices are in good operative condition.	300
8(1)(e)(i)	Failing to ensure a support vessel carries sufficient personal flotation devices or buoyancy aids of an appropriate type and size for each person on board the vessel and support vessel.	500
9(1)	Failing to ensure persons on a vessel of 6 metres or less in length wear personal flotation devices of an appropriate size at all times.	300
9(5)(a)	Failing to ensure persons wear personal flotation devices of appropriate size in situations of danger or risk as required.	300
9(5)(b)	Failing to ensure persons being towed by a vessel wear personal flotation device of appropriate size.	300
10(2)	Allowing a person under the age of 15 to operate a powered vessel capable of exceeding a speed of 10 knots.	500
11(1)(a)	Failing to ensure a vessel keeps to the starboard (right) side of a river channel.	500
11(1)(b)	Failing to give way to a vessel coming downstream a river when going upstream.	500
11(1)(c)	Operating a vessel on a river when weather conditions make it unsafe to do so.	500
11(1)(d)	Operating a vessel at a speed exceeding 5 knots on any river designated as a Special Speed Zone, a Reserved Area, or an Access Lane.	500
12(1)(a)	Fishing, swimming, jumping, or diving from, or within 50 metres from, a landing place interfering with a vessel.	150

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12(1)(b)	Fishing, swimming, jumping, or diving in a Commercial Port Area without permission of the owner.	150
13(1)	Placing an obstruction in waters, including any fishing apparatus, that is likely to restrict navigation, cause injury or death to any person, or damage to any vessel or property.	500
14(1)	Operating an unseaworthy vessel, except to remove the vessel from the water or to move it to safe area.	300
14(2)	Operating a vessel contrary to advice from the Harbourmaster or an enforcement officer.	500
15 (1)	Failing to display a vessel's identifying name or number in accordance with the identification requirements.	150
16	Erecting, maintaining, or displaying any device that may be used as or mistaken for a navigational aid without prior approval of the Harbourmaster.	150
17(1)(a)	Propelling or navigating a vessel at a speed exceeding 5 knots within 50 metres of any other vessel, raft or person in the water.	500
17(1)(b)	Propelling or navigating vessel at a speed exceeding 5 knots within 200 metres of the shore or of any structure.	300
17(1)(c)	Propelling or navigating vessel at speed exceeding 5 knots within 200 metres of any other vessel or raft that is displaying Flag A of the International Code of Signals (divers flag).	500
17(2)	Exceeding a speed of 5 knots while any part of a person is extended over the fore part, bow, or side of the vessel.	150
17(3)	Being towed at a speed exceeding 5 knots within 50 metres of any other vessel, raft or person in the water.	150
17(3)	Being towed at a speed exceeding 5 knots within 200 metres of the shore or of any structure.	150
17(3)	Being towed at a speed exceeding 5 knots within 200 metres of any other vessel or raft that is flying Flag A of the International Code of Signals (divers flag).	150
17(7)	Navigating a vessel in a manner that is likely to endanger any person or vessel.	500
17(8)	Creating wake or draw off that endangers other vessels, property or persons.	300
19(4)	Failing to operate a vessel in a reserved area in accordance with any condition imposed by the Harbourmaster.	300
19(5)	Entering a reserved area for any other purpose than that permitted by the Harbourmaster.	300
19(6)	Obstructing a person using a reserved area for a purpose permitted by the Harbourmaster.	300
20(2)(a)	Failing to recover a water ski or similar object dropped by a person when towing them by a vessel.	150
20(3)	Towing a person from a vessel at speed exceeding 5 knots without a having lookout aged 10 years or older.	300

**UNCLASSIFIED**



**UNCLASSIFIED**

20(3)	Being towed from a vessel at speed exceeding 5 knots without having a lookout aged 10 years or older.	150
20(4)(a)	Towing a person from a vessel between sunset and sunrise.	150
20(4)(b)	Being towed by a vessel between sunset and sunrise.	150
23(1)(a)	Creating wake within 300 metres of any marine mammal.	150
23(1)(b)	Failing to approach whales or dolphins from behind and to the side.	150
23(1)(c)	Circling, obstructing, or cutting through the path of marine mammals.	150
23(1)(d)	Failing to keep a vessel at least 50 metres distance from whales.	150
23(1)(d)	Failing to keep a vessel at least 200 metres distance from any large whale mother and calf or calves.	150
23(1)(e)	Exceeding a speed of 10 knots within 300 metres of any dolphin.	150
24(1)	Anchoring in a Navigational Channel without prior approval from the Harbourmaster.	500
24(2)	Anchoring a vessel in a manner that obstructs moorings or moored vessels.	150
24(3)	Anchoring a vessel within the same or proximate location for longer than 14 days in any six month period without prior approval from the Harbourmaster.	150
24(4)	Leaving an anchored vessel unattended for more than 24 hours.	150
25(1)	Failing to securely anchor or moor a vessel while left unattended.	300
25(2)	Failing to secure a vessel with rope, chain or other means of securing that is fit for purpose.	300
25(3)	Securing a vessel to a structure not fit for that purpose.	300
25(4)	Leaving a vessel or property in a place where it may create a navigational hazard or nuisance, or interfere with the normal use of the waters by other persons.	300
25(5)	Setting a vessel adrift or interfering with a vessel's moorings or fastening.	500
26(1)	Laying or moving a mooring that is not permitted in the Regional Coastal Plan or without a coastal permit.	150
26(2)	Securing a vessel to a mooring that exceeds the length or displacement specified in the coastal permit or in licensing arrangements with the coastal permit owner.	150
26(2)	Securing a vessel to a mooring that fails to meet the required draught specified in the coastal permit or in licensing arrangements with the coastal permit owner.	150
27(1)	Failing to have communication equipment on board a vessel over 6 metres in length.	150
27(2)	Failing to notify Harbour Control when entering or transiting along the Otago Harbour Shipping Channel between sunset and sunrise.	150
27(3)	Failing to notify Harbour Control before navigating a Medium or Large Vessel along the Otago Harbour Shipping Channel.	500

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28(1)	Navigating a vessel within a Moving Prohibited Zone without the approval of the Harbourmaster.	300
29(2)	Manoeuvring within 200 metres of a berthed tanker displaying Flag B.	150
29(3)	Berthing a vessel or coming alongside within 100 metres of a berthed tanker displaying Flag B.	150
29(4)	Manoeuvring within 25 metres of a large vessel without the prior permission of the large vessel or the Harbourmaster.	150

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TE MANATU WAKA MINISTRY OF TRANSPORT

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**Annex Two**

**Otago Navigation Safety Bylaw 2020**

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26 July 2023

Hon Damien O'Connor

**Associate Minister of Transport**

## **AIDE MEMOIRE: BACKGROUND TO THE OTAGO INFRINGEMENT FEES FOR OFFENCES**

**From:** Siany O'Brien, Solicitor

### **Summary**

- 1 This Aide Memoire provides brief background to the proposed Maritime Transport (Infringement Fees for Offences—Otago Regional Council Navigation Safety Bylaw 2020) Regulations 2023 (the Regulations).

### **September 2020: Otago Regional Council Creates the New Bylaw**

- 2 In September 2020, Otago Regional Council (the Council) created the [Otago Navigation Safety Bylaw 2020](#) (the Bylaw), which replaced the Otago Navigation Safety Bylaw 2019 (the Previous Bylaw). There were no infringement offences and fees regulations for the Previous Bylaw.
- 3 The Local Government (Infringement Fees for Offences: Central Otago District Council Lake Dunstan Navigation Safety Bylaws 2006) Regulations 2010 which covered the Lake Dunstan area only, were covered by a separate bylaw made by the Central Otago District Council. These regulations have since expired and will be repealed as part of creating the Regulations. In 2020, Central Otago District Council transferred the maritime functions, powers and duties for Lake Dunstan back to the Otago Regional Council, and the Lake Dunstan area is now covered by the Bylaw and the Regulations.

### **November 2022–July 2023: Regulations Drafting Process**

- 4 Infringement regulations are generally made alongside a bylaw to ensure that a bylaw can be enforced. The offences and infringement fees have been designed to be consistent with other maritime safety regimes in surrounding regions.
- 5 The Council is currently only able to enforce the Bylaw through prosecution in the District Court, which is generally a disproportionate response to the level of offending envisaged. The Regulations will enable the Council to use more proportional infringement fees for the specified offences.
- 6 In April 2023, Associate Transport Minister Allan gave approval to issue drafting instructions to PCO. There was no need for Cabinet approval, as the Regulations are entirely routine and did not require new policy decisions since they are giving effect to the Bylaw already created by the Council (as per 7.95(d) of the *Cabinet Manual*).

**In Confidence**

Office of the Associate Minister of Transport

Cabinet Legislation Committee

**Maritime Transport (Infringement Fees for Offences – Otago Regional Council Navigation Safety Bylaw 2020) Regulations 2023**

**Proposal**

- 1 This paper proposes that the Cabinet Legislation Committee (the Committee) authorise the submission to the Executive Council of the Maritime Transport (Infringement Fees for Offences – Otago Navigation Safety Bylaw 2020) Regulations 2023 (the Regulations) (**attached**).
- 2 The Regulations specify fees for infringement offences for the corresponding local navigation bylaws.

**Background**

- 3 Navigation safety bylaws allow councils to manage and regulate maritime safety within their waterways. Corresponding infringement regulations support the effective enforcement of these bylaws by dissuading breaches.
- 4 Without infringement regulations, the only way councils can enforce a bylaw is by prosecuting alleged offenders through the District Court. Prosecution is generally a disproportionate response to the level of offending envisaged by these bylaws.
- 5 Otago Regional Council (the Council) passed a new bylaw in September 2020: The Otago Regional Council Navigation Safety Bylaw 2020. The Council have requested that infringement regulations be made to go with this navigation safety bylaw, because currently there are no in force infringement regulations for navigation safety for the Otago Regional Council. Expired infringement regulations for the Lake Dunstan area only (now subsumed into the wider Otago area covered by the 2020 bylaw) will be repealed as part of the Regulations.<sup>1</sup>
- 6 Section 330 of the Maritime Transport Act 1994 empowers the Governor-General, by Order in Council, to make regulations:
  - 6.1 specifying which breaches of navigation bylaws are infringement offences
  - 6.2 prescribing an infringement fee (not exceeding \$1000) for these infringement offences
  - 6.3 prescribing the form of the infringement notice.
- 7 The Regulations are entirely routine and did not require Cabinet approval to make policy decisions.<sup>2</sup>

<sup>1</sup> Local Government (Infringement Fees for Offences: Central Otago District Council Lake Dunstan Navigation Safety Bylaws 2006) Regulations 2010.

<sup>2</sup> 7.95(d), Cabinet Manual 2023.

## Comment

- 8 The Regulations propose to set the infringement fees between \$150 and \$500.
- 9 The Council has designed this navigation safety infringement regime in line with those in surrounding regions. These infringement offences and fees are not materially different from those used by other councils throughout New Zealand.

## Level of infringement fees

- 10 The Ministry of Justice was consulted with under 7.36 of the Cabinet Manual, and its feedback has been incorporated into the Regulations.

## Consultation

- 11 The following departments and agencies were consulted: Otago Regional Council, Ministry of Justice, Maritime New Zealand, and the Department of Internal Affairs.
- 12 The Department of the Prime Minister and Cabinet was informed.
- 13 No issues were raised during consultation.

## Timing and the 28-day rule

- 14 Subject to Cabinet's approval, the Regulations will be notified in the *New Zealand Gazette* (the Gazette) on 31 August 2023 to come into force on 28 September 2023. This will be 28 days after notification in the Gazette.

## Compliance

- 15 The regulations comply with the:
- 15.1 LDAC Guidelines on Process and Content of Legislation (2021 edition), a publication maintained by the Legislation Design and Advisory Committee
  - 15.2 New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993
  - 15.3 principles and guidelines set out in the Privacy Act 2020
  - 15.4 relevant international standards and obligations
  - 15.5 principles of the Treaty of Waitangi.

## Regulatory Impact Analysis

- 16 The Treasury's Regulatory Impact Analysis team has determined that the proposal to make infringement offences and fees under the Otago Regional Council Navigation Safety Bylaw 2020 is exempt from the requirement to provide a Regulatory Impact Statement on the grounds that it has no or only minor impacts on businesses, individuals, and not-for-profit entities.

### Climate Implications of Policy Assessment

- 17 The Climate Implications of Policy Assessment (CIPA) team has been consulted and confirms that the CIPA requirements do not apply to this proposal as the threshold for significance is not met.

### Certification by Parliamentary Counsel

- 18 Parliamentary Counsel Office has certified the Regulations as being in order for submission to the Executive Council.

### Publicity

- 19 The Regulations will be notified in the *Gazette*.

### Proactive Release

- 20 I intend to proactively release this Paper within 30 business days of final decisions being taken by Cabinet, subject to any redactions appropriate under the Official Information Act 1982.

### Recommendations

- 21 I recommend that the Committee:
- 21.1 **note** that the Maritime Transport (Infringement Fees for Offences – Otago Regional Council Navigation Safety Bylaw 2020) Regulations 2023 (the Regulations) will allow Otago Regional Council to effectively enforce the Otago Regional Council Navigation Safety Bylaw 2020, which came into force on 14 September 2020.
  - 21.2 **authorise** the submission of the Regulations to the Executive Council.
  - 21.3 **note** that the Regulations will come into force on 28 September 2023.

Authorised for lodgement

Hon Damien O'Connor  
**Associate Minister of Transport**



## Cabinet Committee Background Information and Talking Points

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

**Paper Title:** *Maritime Transport (Infringement Fees for Offences – Otago Regional Council Navigation Safety Bylaw 2020) Regulations 2023*

**Portfolio:** *Transport*

**Officials Attending:**

- *Siany O'Brien, 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 – Otago Regional Council Navigation Safety Bylaw 2020) Regulations 2023.

These Regulations:

- have been requested to be made by Otago Regional Council to support the effective enforcement of Otago Regional Council's Navigation Safety Bylaw 2020;
- specify which breaches of the Bylaw are infringement offences for the purposes of section 330 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 28 September 2023.



## 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 Otago region (apart from the navigable waters in the Queenstown Lakes District Council (QLDC) area, which are administered by that council).
- The Regulations would dissuade breaches of the Bylaw, which supports the Otago Regional Council's effective management and regulation of maritime safety.
- Without the infringement offences and fees set by the Regulations, the Council has no proportional means of enforcing the Bylaw, 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, the Regulations will establish an infringement regime rather than replace one. The Council has based the proposed regime off similar maritime safety infringement regimes in the surrounding regions.
- Besides the waters in Queenstown which are covered by QLDC, the only previous regulations for maritime safety in the Otago region covered the Lake Dunstan area only and have expired. The Lake Dunstan area is now subsumed into the wider Otago region covered by the current Bylaw.
- The Regulations repeal the expired Local Government (Infringement Fees for Offences: Central Otago District Council Lake Dunstan Navigation Safety Bylaws 2006) Regulations 2010.

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

- The Regulations propose to set the infringement fees between \$150 and \$500.
- These infringement fees are similar to those used by other councils and are well below the maximum fee of \$1,000 set out in section 330 of the Maritime Transport Act 1994.
- 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 Otago Regional Council, Maritime New Zealand and the Department of Internal Affairs. No 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.



# Cabinet Legislation Committee

## Minute of Decision

*This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.*

### Maritime Transport (Infringement Fees for Offences Otago Regional Council Navigation Safety Bylaw 2020) Regulations 2023

Portfolio                      Transport

On 24 August 2023, the Cabinet Legislation Committee:

- 1        **noted** that the Maritime Transport (Infringement Fees for Offences – Otago Regional Council Navigation Safety Bylaw 2020) Regulations 2023 (the Regulations) allow Otago Regional Council to effectively enforce the Otago Regional Council Navigation Safety Bylaw 2020, which came into force on 14 September 2020.
- 2        **authorised** the submission to the Executive Council of the Maritime Transport (Infringement Fees for Offences—Otago Regional Council Navigation Safety Bylaw 2020) Regulations 2023 [PCO 25521/8.0],
- 3        **noted** that the Regulations come into force on 28 September 2023.

Rebecca Davies  
Committee Secretary

**Present:**

Hon Grant Robertson (Chair)  
Hon Damien O'Connor  
Hon Andrew Little  
Hon David Parker  
Hon Barbara Edmonds  
Hon Rachel Brooking  
Hon Jo Luxton

**Officials present from:**

Office of the Prime Minister  
Officials Committee for LEG



# Cabinet

## Minute of Decision

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### Report of the Cabinet Legislation Committee: Period Ended 25 August 2023

On 28 August 2023, Cabinet made the following decisions on the work of the Cabinet Legislation Committee for the period ended 25 August 2023:

Out of Scope

LEG-23-MIN-0163

**Maritime Transport (Infringement Fees for  
Offences Otago Regional Council Navigation  
Safety Bylaw 2020) Regulations 2023**  
Portfolio: Associate Transport

CONFIRMED

Out of Scope

Out of Scope



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Rachel Hayward  
Secretary of the Cabinet

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