



Cabinet Committee Background Information and Talking Points

Cabinet Committee: *Cabinet Legislation Committee (LEG)*

Paper Title: *Maritime Transport (Infringement Fees for Offences – Manawatū River and Tributaries Navigation Safety Bylaw 2022) Regulations 2023*

Portfolio: *Transport*

Officials Attending:

- *Annelies McClure, Principal Solicitor, Ministry of Transport*
- *Phoebe Moir, Legal Adviser, Ministry of Transport*

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 – Manawatū River and Tributaries Navigation Safety Bylaw 2022) Regulations 2023.

These Regulations:

- have been requested to be made by Horizons Regional Council to support the effective enforcement of Horizons Regional Council's Manawatū River and Tributaries Navigation Safety Bylaw 2022;
- specify which breaches of the Bylaw are infringement offences for the purposes of section 33O of the Maritime Transport Act; 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 13 July 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 the Manawatū River and its tributaries.
- The Regulations would dissuade breaches of the Bylaw, which supports the Council's effective management and regulation of maritime safety.
- Without the infringement offences and fees set by the Regulations, the Council would have no proportional means of enforcing the Bylaw, which increases the risk of non-compliance.¹

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.

What changes have been made from the previous Regulations?

- The Regulations revoke the Local Government (Infringement Fees for Offences: Manawatu River and Tributaries Navigation and Safety Bylaw 2010) Regulations 2010.
- The proposed new Regulations include minor changes in wording and five new infringement offences.
- These new infringement offences relate to wearing of personal flotation devices, registration of personal water craft (jet skis) and obstruction of reserved areas.

Why are the fees set at the levels chosen?

- The Regulations propose to set the infringement fees between \$200 and \$300.
- These infringement fees are similar to those used by other councils and are well below the maximum fee of \$1,000 set out at section 330 of the Maritime Transport Act.
- The Ministry of Justice was consulted on these fees. It did not raise any concerns and noted that the fees reflect the lower relative gravity of the offending.

What consultation was conducted?

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

¹ 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.