



6 June 2023

Hon Michael Wood
Minister of Transport

Action required by:
Thursday, 8 June 2023

AIDE MEMOIRE: BACKGROUND TO THE MANAWATŪ RIVER AND TRIBUTARIES INFRINGEMENT FEES FOR OFFENCES

From: Phoebe Moir, Legal Adviser, and Annelies McClure, Principal Solicitor

Summary

- 1 This Aide Memoire provides brief background to the proposed Maritime Transport (Infringement Fees for Offences – Manawatū River and Tributaries Navigation Safety Bylaw 2022) Regulations 2023 (the Regulations).

July 2022: Horizons Regional Council Creates the New Bylaw

- 2 In July 2022, Horizons Regional Council (the Council) created the [Manawatū River and Tributaries Navigation Safety Bylaw 2022](#) (the Bylaw), which replaced the Manawatu River and Tributaries Navigation and Safety Bylaw 2010 (the Previous Bylaw).
- 3 The [Local Government \(Infringement Fees for Offences: Manawatu River and Tributaries Navigation and Safety Bylaw 2010\) Regulations 2010](#) (the Previous Regulations), which provided for infringement offences and fees in relation to the Previous Bylaw, cannot be used because the Previous Bylaw has been replaced by the Bylaw. The Previous Regulations will be revoked by the Regulations.

November 2022-June 2023: Regulations Drafting Process

- 4 Infringement regulations are generally made alongside a Bylaw to ensure that a Bylaw is able to be enforced once it is made. The drafting process has been somewhat delayed due to a late request from the Council, Ministry capacity and the impacts of Cyclone Gabrielle.
- 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 Minister Allan gave approval to issue drafting instructions to PCO without reference to Cabinet under 7.95(d) of the Cabinet Manual because 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.

Further information about the Regulations is outlined in the Speaking Points provided.