



**Maritime Transport (Infringement Fees for Offences—
Tasman District Council Consolidated Bylaw, Chapter 5:
Navigation Safety Bylaw 2015) Regulations 2016**

Patsy Reddy, Governor-General

Order in Council

At Wellington this 25th day of October 2016

Present:

Her 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—Tasman District Council Consolidated Bylaw, Chapter 5: Navigation Safety Bylaw 2015) Regulations 2016.

2 Commencement

These regulations come into force on 24 November 2016.

3 Interpretation

(1) In these regulations, unless the context otherwise requires,—

Act means the Maritime Transport Act 1994

bylaw means the Tasman District Council Navigation Safety Bylaw 2015

Council means the Tasman District Council

provision means a provision of the bylaw.

(2) The descriptions given in the second column of Schedule 1 are intended only to be an indication of the content of the provisions they describe, and are not intended to be used in the interpretation of the provisions.

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.

5 Infringement notices

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

6 Regulations revoked

The Local Government (Infringement Fees for Offences: Tasman District Council Consolidated Bylaw, Chapter 5: Navigation Safety) Regulations 2007 (SR 2007/52) are revoked.

Schedule 1

Infringement offences and fees under Tasman District Council Consolidated Bylaw, Chapter 5: Navigation Safety Bylaw 2015

Provision	Description of offence	Fee (\$)
2.2.1	Failure to comply with Maritime Rules Part 22	100
3.3.1	Exceeding 5 knots inshore of 5 knot buoy without reasonable excuse	200
3.3.3	Exceeding 3 knots in specified anchorage during specified period	200
3.4	Propelling or navigating commercial vessel in such a manner that its wake causes unnecessary danger or risk of damage to other vessels or structures or risk of harm to other persons	200
3.7.2	Using reserved area for permitted purpose, but in breach of specified condition	100
3.7.3	Entering, remaining in, or using reserved area, that is being used by 1 or more persons for a permitted purpose, for a purpose other than purpose for which area is reserved	100
3.8.1(a)	Anchoring vessel so as to create hazard to, or be endangered by, vessel on authorised mooring	50
3.8.1(b)	Failure to depart or relocate vessel upon request when anchored so as to create hazard to, or be endangered by, vessel intending to use authorised mooring	100
3.8.2(a)	Placing marker buoy not marked as required	50
3.9.3	Erecting, maintaining, or displaying device that may be mistaken as aid to navigation without Harbourmaster's approval	100
3.9.4	Erecting Type 5 submarine cable or pipeline crossing sign without Harbourmaster's written permission	100
3.10.2	Allowing vessel carrying more than 27 kg of explosives to approach within 200 metres of another vessel in breach of requirements	200
3.13.1	Failure to apply to Harbourmaster to suspend bylaw and reserve area when intending to conduct organised water activity	100
3.15	Operating a board or paddle craft fitted with leash, unless leash fastened to operator's body	50
3.16.1	Swimming, diving, or undertaking related activities, from or within 30 metres of Tarakohe Wharf or Motueka Wharf (or other determined areas) without Harbourmaster's prior consent or without abiding by consent conditions	100
3.16.2	Swimming, diving, or undertaking related activities, near wharf or similar infrastructure or in area reserved as transit lane or for beach access in manner that obstructs vessel	50
3.17.1	Operating vessel propulsion system in specified circumstances in a way that may damage property, scour waterway bed, or injure person	100
3.17.2	Failure of operator of commercial vessel to station crew forward and aft and warn persons and vessels nearby before testing propulsion system	100
3.18.1	Navigating vessel so as to impede seaplane landing or taking off	200
3.18.2	Taking off or landing seaplane in specified area without Harbourmaster's permission	200
3.19	Blowing or sounding vessel whistle, siren, or horn within port, anchoring, or mooring area except as navigation safety signal	100
3.20.1	Anchoring or mooring vessel in prohibited anchorage	100

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**Maritime Transport (Infringement Fees for Offences—
Tasman District Council Consolidated Bylaw, Chapter
5: Navigation Safety Bylaw 2015) Regulations 2016**

Schedule 1

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Provision	Description of offence	Fee (\$)
3.20.2	Anchoring or mooring within 25 metres of nominal line between pair of Type 5 submarine crossing signs or place where such crossing shown on nautical chart	200
3.21.2	Failure to take all practicable steps to minimise damage to fouled submarine cable or pipeline	200
3.21.2	Failure to notify Harbourmaster, without delay, of fouled submarine cable or pipeline	200
3.22.1	Failure of master of vessel to report specified occurrence to Harbourmaster within 24 hours	200
3.22.3	Moving damaged vessel after specified incident, unless exception applies	200
3.23.1	Operating recreational vessel in contravention of CPC compliance placard or equivalent alternative	100
3.23.2	Continuing to operate recreational vessel after being advised by Harbourmaster that vessel is overloaded or unstable, unless Harbourmaster satisfied with operation	200
3.24	Discharging or dropping, or allowing to be discharged or dropped, any cargo or other thing into water from any vessel, structure, or land that may constitute danger to maritime safety (without permission of Harbourmaster)	100
3.25.1	Undertaking specified prohibited activity within prohibited zone	100
4.1.1	Placing mooring or berth in coastal marine area or any waterway without coastal permit or other authorisation under Tasman Resource Management Plan	200
4.3.1	Interfering with vessel mooring line or cable without authorisation of master or owner	200
4.4.1	Master or owner of vessel not keeping anchored or moored vessel in serviceable and operational condition without Harbourmaster's prior written approval	200
4.5.2	Failing to ensure lights of marine farm or other structure are operational during hours of darkness	200
4.5.3(c)	Having, on inspection, a structure or maritime facility that poses a danger to navigation	100
4.5.4	Erecting or installing structure within 25 metres of nominal line between pair of Type 5 submarine crossing signs or submarine cable or pipeline shown on nautical chart without Harbourmaster's written approval	200
5.1.1(a)	Operating commercial service or offering rental vessels without licence from Council	200
5.1.8(b)	Breach of term or condition of licence to operate commercial service or offer rental vessels	100
6.3.1(b)	Failure, refusal, or neglect to comply with lawful direction of Harbourmaster or Enforcement Officer or person acting under their authority	200
6.3.1(c)	Obstructing, impeding, delaying, hindering, or deceiving Harbourmaster, Enforcement Officer, or Police constable	200
7.1.1(a)	Entering on, berthing at, or otherwise using wharf, boat ramp, slipway, or other maritime facility that has been closed by Council without consent of Authorised Council Officer	200
7.1.2(a)	Failure by person on wharf, ramp, or maritime facility or using any mooring or anchorage to promptly follow instructions of Authorised Council Officer	200

**Maritime Transport (Infringement Fees for Offences—
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5: Navigation Safety Bylaw 2015) Regulations 2016**

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Schedule 1

Provision	Description of offence	Fee (\$)
7.1.2(b)	Obstructing traffic on wharf or in shed, or vessel movements, without approval of Harbourmaster or Enforcement Officer	200
7.1.4	Using or occupying maritime facility in contravention of Tasman District Council signage	100
7.2.2(a)	Landing, placing, or leaving goods on wharf without permission of Authorised Council Officer	200
7.2.5(d)	Causing or allowing fuel oil or lubricating oil to be transferred between fixed or mobile fuel transfer facility ashore and vessel without Tier-1 site Oil Spill Contingency Plan	200
7.2.6(a)	Placing or leaving decaying goods on wharf or in store	200
7.2.10(a)	Failure to declare trans-shipping of cargo, goods, merchandise, or other material to Harbourmaster within 24 hours or other agreed period	200
7.2.11	Failure of master of vessel to notify specified person of chargeable berth or chargeable transfer of passengers within 24 hours	100
7.3.1(b)	Erecting, installing, removing, or altering any cable, pipeline, structure, sign, or mooring on land or seabed, in manner that might affect other vessels, without giving Harbourmaster at least 14 days' written notification in advance	100
7.3.1(c)	Erecting, installing, removing, or altering any cable, pipeline, structure, sign, or mooring on land or seabed without approval of specified Council officer	100
7.5.2(b)	Leaving vessel on shoreward side of floating jetty at Mapua unattended and not in state of readiness for longer than 30 minutes	50
7.5.2(d)	Mooring a vessel in excess of 10 metres length at floating jetty at Mapua without prior approval of Harbourmaster	100
7.5.2(e)	Berthing a vessel overnight at floating jetty at Mapua without prior approval of Harbourmaster	100
7.5.2(f)	Berthing vessel at Mapua inspection grid other than in specified circumstances	100
7.5.2(g)	Berthing vessel at Mapua inspection grid without taking specified precautions	100
7.5.2(h)	Berthing at Mapua wharf for more than 7 consecutive days without prior written approval of Harbourmaster	50
7.5.3(a)	Berthing at Riwaka wharf for more than 7 consecutive days without prior written approval of Harbourmaster	50
7.5.3(b)	Occupying overnight vessel moored at Riwaka wharf without prior approval of Harbourmaster	50
7.6.1(a)	Sleeping overnight aboard vessel occupying or berthed at maritime facility without prior approval of Authorised Council Officer	50
7.6.1(b)	Failing to comply with condition of approval for overnight stay at maritime facility	50
7.6.1(e)	Discharging specified contaminant into Coastal Marine Area from vessel occupying or berthed at maritime facility	200

Schedule 2
Form for Tasman District Council Consolidated Bylaw, Chapter 5:
Navigation Safety Bylaw 2015 infringement offence notice

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Form
Tasman District Council Consolidated Bylaw, Chapter 5: Navigation Safety
Bylaw 2015 infringement offence notice
Section 330, Maritime Transport Act 1994

(Front page)

Notice No:

Enforcement authority

Tasman 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:

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 Tasman 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.

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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 to the enforcement authority 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 24 November 2016, specify breaches of the Tasman District Council Consolidated Bylaw, Chapter 5: Navigation Safety Bylaw 2015 (the **bylaw**) that are infringement offences under the Maritime Transport Act 1994 (the **Act**).

Clause 4 provides that the breaches of the bylaw specified in *Schedule 1* are infringement offences under the Act and that the infringement fees set out in that schedule apply to those breaches.

Clause 5 provides that an infringement notice for the infringement offences created by *clause 4* must be in the form set out in *Schedule 2*.

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 27 October 2016.

These regulations are administered by the Ministry of Transport.