

Reprint
as at 3 September 2020



**Resource Management (Infringement Offences)
Regulations 1999**
(SR 1999/359)

Michael Hardie Boys, Governor-General

Order in Council

At Wellington this 11th day of October 1999

Present:

The Right Hon Jenny Shipley presiding in Council

Pursuant to section 360(1)(ba) and (bb) of the Resource Management Act 1991, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, makes the following regulations.

Contents

	Page
1 Title and commencement	2
2 Infringement offences	2
3 Infringement fees	2
4 Infringement notices	2
5 Infringement offence reminder notices	2
Schedule 1	3
Infringement offences and fees	

Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.
Note 4 at the end of this reprint provides a list of the amendments incorporated.

These regulations are administered by the Ministry for the Environment.

Schedule 1A	5
Infringement offences and fees under Resource Management (Stock Exclusion) Regulations 2020	
Schedule 2	7
Form of infringement notice	
Schedule 3	14
Infringement offence reminder notice form	

Regulations

1 Title and commencement

- (1) These regulations may be cited as the Resource Management (Infringement Offences) Regulations 1999.
- (2) These regulations come into force on 1 February 2000.

2 Infringement offences

- (1) Those offences under the Resource Management Act 1991 listed in Schedule 1 are infringement offences for the purposes of sections 343A to 343D of that Act.
- (2) Non-compliance with a provision of the Resource Management (Stock Exclusion) Regulations 2020 listed in Schedule 1A is an infringement offence for the purposes of sections 343A to 343D of the Resource Management Act 1991.

Regulation 2(2): inserted, on 3 September 2020, by regulation 20(2) of the Resource Management (Stock Exclusion) Regulations 2020 (LI 2020/175).

3 Infringement fees

The fee specified in Schedules 1 and 1A for each offence is the infringement fee for that offence.

Regulation 3: amended, on 3 September 2020, by regulation 20(3) of the Resource Management (Stock Exclusion) Regulations 2020 (LI 2020/175).

4 Infringement notices

Every infringement notice issued under section 343C(3) of the Resource Management Act 1991 must be in the form set out in Schedule 2.

Regulation 4: amended, on 10 October 2006, by regulation 4 of the Resource Management (Infringement Offences) Amendment Regulations (No 2) 2006 (SR 2006/267).

5 Infringement offence reminder notices

Every infringement offence reminder notice issued under section 343C(4) of the Resource Management Act 1991 must be in the form set out in Schedule 3.

Regulation 5: added, on 10 October 2006, by regulation 5 of the Resource Management (Infringement Offences) Amendment Regulations (No 2) 2006 (SR 2006/267).

**Schedule 1
Infringement offences and fees**

Offence specified as infringement offence	General description of offence	rr 2(1), 3 Infringement fee for offence (\$)
Section 338(1)(a)	Contravention of section 9 (restrictions on use of land)	300
	Contravention of section 12 (restrictions on use of coastal marine area)	500
	Contravention of section 13 (restriction on certain uses of beds of lakes and rivers)	500
	Contravention of section 14 (restrictions relating to water)	500
	Contravention of section 15(1)(a) and (b) (discharge of contaminants or water into water or onto or into land where contaminant is likely to enter water)	750
	Contravention of section 15(1)(c) and (d) (discharge of contaminants into environment from industrial or trade premises)	1,000
	Contravention of section 15(2) or (2A) (discharge of contaminant into air or onto or into land)	300
Section 338(1)(c)	Contravention of an abatement notice (other than a notice under section 322(1)(c))	750
Section 338(1)(d)	Contravention of a water shortage direction under section 329	500
Section 338(1A)	Contravention of section 15A(1)(a) (dumping of waste or other matter from any ship, aircraft, or offshore installation)	500
Section 338(1B)	Contravention of section 15B(1) and (2) (discharge in the coastal marine area of harmful substances, contaminants, or water from a ship or offshore installation)	500
Section 338(2)(a)	Contravention of section 22 (failure to provide certain information to an enforcement officer)	300
Section 338(2)(c)	Contravention of an excessive noise direction under section 327	500

Offence specified as infringement offence	General description of offence	Infringement fee for offence (\$)
Section 338(2)(d)	Contravention of an abatement notice for unreasonable noise under section 322(1)(c)	750

Schedule 1: amended, on 30 September 2010, by regulation 4 of the Resource Management (Infringement Offences) Amendment Regulations 2010 (SR 2010/280).

Schedule 1: amended, on 15 January 2004, by regulation 3 of the Resource Management (Infringement Offences) Amendment Regulations 2003 (SR 2003/385).

Schedule 1A
**Infringement offences and fees under Resource Management (Stock
Exclusion) Regulations 2020**

rr 2(2), 3

Schedule 1A: inserted, on 3 September 2020, by regulation 20(4) of the Resource Management (Stock Exclusion) Regulations 2020 (LI 2020/175).

Infringement offence provision	General description of offence	Infringement fee for offence by natural person (\$)	Infringement fee for offence by non-natural person (\$)	Infringement fee per animal* (\$)
Regulation 9(a)	Non-compliance with regulation 9(a) (failure to exclude dairy cattle from lakes or wide rivers)	2,000	4,000	100
Regulation 9(b)	Non-compliance with regulation 9(b) (failure to comply with water crossing requirements for dairy cattle)	2,000	4,000	100
Regulation 10(a)	Non-compliance with regulation 10(a) (failure to exclude pigs from lakes or wide rivers)	2,000	4,000	100
Regulation 10(b)	Non-compliance with regulation 10(b) (failure to comply with water crossing requirements for pigs)	2,000	4,000	100
Regulation 11(a)	Non-compliance with regulation 11(a) (failure to exclude dairy support cattle from lakes or wide rivers)	2,000	4,000	100
Regulation 11(b)	Non-compliance with regulation 11(b) (failure to comply with water crossing requirements for dairy support cattle)	2,000	4,000	100
Regulation 12(a)	Non-compliance with regulation 12(a) (failure to exclude from lakes or wide rivers beef cattle that intensively graze)	2,000	4,000	100
Regulation 12(b)	Non-compliance with regulation 12(b) (failure to comply with water crossing requirements for beef cattle that intensively graze)	2,000	4,000	100
Regulation 13	Non-compliance with regulation 13 (failure to exclude from lakes or wide rivers deer that intensively graze)	2,000	4,000	100

Infringement offence provision	General description of offence	Infringement fee for offence by natural person (\$)	Infringement fee for offence by non-natural person (\$)	Infringement fee per animal* (\$)
Regulation 14(a)	Non-compliance with regulation 14(a) (failure to exclude beef cattle on low slope land from lakes or wide rivers)	2,000	4,000	100
Regulation 14(b)	Non-compliance with regulation 14(b) (failure to comply with water crossing requirements for beef cattle on low slope land)	2,000	4,000	100
Regulation 15	Non-compliance with regulation 15 (failure to exclude deer on low slope land from lakes and wide rivers)	2,000	4,000	100
Regulation 16	Non-compliance with regulation 16 (failure to exclude stock from natural wetland identified in regional or district plan operative on the commencement date)	2,000	4,000	100
Regulation 17	Non-compliance with regulation 17 (failure to exclude stock from natural wetland supporting threatened species)	2,000	4,000	100
Regulation 18	Non-compliance with regulation 18 (failure to exclude stock on low slope land from natural wetland of 0.05 hectares or more)	2,000	4,000	100

*The infringement fee of \$100 for each animal to which the non-compliance relates must not exceed \$2,000 in any case.

Schedule 2
Form of infringement notice

r 4

(Front)

Infringement notice

Notice No

(Issued under the authority of section 343C(3) of the Resource Management Act 1991)

Enforcement authority: *[specify enforcement authority and its contact details]*

Enforcement officer identification:

To *[full name], [full address], [other identifying details, if known; for example, date of birth]*

You are alleged to have committed an infringement offence against the Resource Management Act 1991, as follows:

Details of alleged infringement offence

Section of Resource Management Act 1991 contravened or provision of Resource Management (Stock Exclusion) Regulations 2020 not complied with:

Nature of infringement:

.....
.....
.....

Location:

Date:

Approximate time:

The fee for this infringement is \$.....

Payment of infringement fee

The infringement fee is payable to the enforcement authority within 28 days after *[date notice is delivered personally or posted]*

The infringement fee is payable to the enforcement authority at *[address at which fee may be paid]*

The contact details of the enforcement authority are as follows:

.....

Payments by cheque should be crossed "Not Transferable".

.....
Signature of enforcement officer

Important
Please read summary of rights printed overleaf

Summary of rights

Note: If, after reading this summary, you do not understand anything in it, you should consult a lawyer immediately.

Payment

- 1 If you pay the infringement fee within 28 days after the service of this notice, no further action will be taken against you in respect of this infringement offence. Payments should be made to the enforcement authority at the address shown on the front of this notice.

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 3 and 4 below 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.

Further action

- 2 If you wish to raise any matter relating to circumstances of the alleged offence, you should do so by writing a letter and delivering it to the enforcement authority at the address shown on the front of this notice within 28 days after the service of a reminder notice in respect of the offence.
- 3 If you deny liability and wish to request a hearing in the District Court in respect of the alleged offence, you must, within 28 days after the service of a reminder notice in respect of the offence, deliver to the enforcement authority at the address shown on the front page of this notice a letter requesting a court hearing in respect of the offence. The enforcement authority will then, if it decides 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.
Note: If the court finds you guilty of the offence, costs will be imposed in addition to any penalty.
- 4 If you admit liability in respect of the alleged offence but wish to have the court consider submissions as to penalty or otherwise, you must, within 28 days after the service of a reminder notice in respect of the offence, deliver to the enforcement authority at the address shown on the front page of this notice a letter requesting a hearing in respect of the offence **and** in the same letter admit liability in respect of the offence **and** set out the submissions that you would

wish to be considered by the court. The enforcement authority will then, if it decides to commence court proceedings in respect of the offence, file your letter with the court. There is no provision for an oral hearing before the court if you follow this course of action.

Note: Costs will be imposed in addition to any penalty.

Non-payment of fee

- 5 If you do not pay the infringement fee and do not deliver a letter requesting a hearing within 28 days after the service of this notice, you will be served with a reminder notice (unless the enforcement authority decides otherwise).
- 6 If you do not pay the infringement fee and do not deliver a letter requesting a hearing in respect of the alleged infringement offence within 28 days after the service of the reminder notice, you will become liable to pay **costs in addition to the infringement fee** (unless the enforcement authority decides not to commence court proceedings against you).

Defence

- 7 You will have a complete defence against proceedings relating to the alleged offence if the infringement fee is paid to the enforcement authority at the address shown on the front page of this notice within 28 days after the service of a reminder notice in respect of the offence. Late payment or payment made to any other address will not constitute a defence to proceedings in respect of the alleged offence.
- 8 (1) This paragraph describes a defence additional to the one described in paragraph 7. This defence is available if you are charged with an infringement offence against any of sections 9, 12, 13, 14, and 15 of the Resource Management Act 1991.
- (2) You must prove either of the following to have the defence:
- (a) that—
- (i) the action or event to which the infringement notice relates was necessary for the purposes of saving or protecting life or health, or preventing serious damage to property, or avoiding an actual or likely adverse effect on the environment; and
 - (ii) your conduct was reasonable in the circumstances; and
 - (iii) you adequately mitigated or remedied the effects of the action or event after it occurred; or
- (b) that—
- (i) the action or event to which the infringement notice relates was due to an event beyond your control, including natural disaster, mechanical failure, or sabotage; and
 - (ii) you could not reasonably have foreseen or provided against the action or event; and

- (iii) you adequately mitigated or remedied the effects of the action or event after it occurred.
 - (3) Subparagraph (2) does not apply unless—
 - (a) you deliver a written notice to the enforcement agency; and
 - (b) in the notice, you—
 - (i) state that you intend to rely on subparagraph (2)(a) or (b); and
 - (ii) specify the facts that support your reliance on subparagraph (2)(a) or (b); and
 - (c) you deliver the notice—
 - (i) within 7 days after you receive the infringement notice; or
 - (ii) within a longer period allowed by a District Court.
 - (4) If you do not comply with subparagraph (3), you may ask the District Court to give you leave to rely on subparagraph (2)(a) or (b).
- 8A (1) This paragraph describes a defence additional to those described in paragraphs 7 and 8. This defence is available if—
- (a) you are—
 - (i) a principal; or
 - (ii) an employer; or
 - (iii) the owner of a ship; and
 - (b) you may be liable for an offence alleged to have been committed by—
 - (i) your agent; or
 - (ii) your employee; or
 - (iii) the person in charge of your ship.
- (2) If you are a natural person, including a partner in a firm, you must prove either of the following to have the defence:
- (a) that you—
 - (i) did not know, and could not reasonably be expected to have known, that the offence was to be, or was being, committed; and
 - (ii) took all reasonable steps to remedy any effects of the act or omission giving rise to the offence; or
 - (b) that you took all reasonable steps to—
 - (i) prevent the commission of the offence; and
 - (ii) remedy any effects of the act or omission giving rise to the offence.
- (3) If you are not a natural person (for example, you are a body corporate), you must prove either of the following to have the defence:

- (a) that—
 - (i) neither the directors (if any) nor any person involved in your management knew, or could reasonably be expected to have known, that the offence was to be, or was being, committed; and
 - (ii) you took all reasonable steps to remedy any effects of the act or omission giving rise to the offence; or
 - (b) that you took all reasonable steps to—
 - (i) prevent the commission of the offence; and
 - (ii) remedy any effects of the act or omission giving rise to the offence.
- 8B (1) This paragraph describes a defence additional to the defences described in paragraphs 7, 8, and 8A. This defence is available if you are charged with an infringement offence against section 15A(1)(a) of the Resource Management Act 1991 (relating to dumping waste or other matter in the coastal marine area from a ship, aircraft, or offshore installation).
- (2) In order to have the defence, you must prove all of the following in relation to the act or omission that is alleged to constitute the offence:
- (a) that the act or omission was necessary—
 - (i) to save or prevent danger to human life; or
 - (ii) to avert a serious threat to any ship, aircraft, or offshore installation; or
 - (iii) in the case of *force majeure* caused by stress of weather, to secure the safety of any ship, aircraft, or offshore installation; and
 - (b) that the act or omission was a reasonable step to take in all the circumstances; and
 - (c) that the act or omission was likely to result in less damage than would otherwise have occurred; and
 - (d) that the act or omission was taken or omitted in such a way that the likelihood of damage to human or marine life was minimised.
- 8C (1) This paragraph describes a defence additional to the defences described in paragraphs 7, 8, 8A, and 8B. This defence is available if you are charged with an infringement offence against section 15B(1) or (2) of the Resource Management Act 1991 (relating to certain discharges of a harmful substance, a contaminant, or water in the coastal marine area from a ship or offshore installation).
- (2) You must prove either of the following to have the defence:
- (a) that the harmful substance, contaminant, or water was discharged for the purpose of securing the safety of a ship or an offshore

- installation, or for the purpose of saving life and that the discharge was a reasonable step to effect that purpose; or
- (b) that the harmful substance, contaminant, or water escaped as a consequence of damage to a ship or its equipment or to an offshore installation or its equipment, and—
- (i) such damage occurred without your negligence or deliberate act; and
- (ii) as soon as practicable after that damage occurred, all reasonable steps were taken to prevent the escape of the harmful substance, contaminant, or water or, if any such escape could not be prevented, to minimise any escape.

Queries/correspondence

- 9 When writing 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 it (if this notice sets out more than 1 offence and you are not paying all the infringement fees for all the alleged offences); **and**
- (d) Your full address for replies (if you are not paying all the infringement fees for all the alleged offences).

Full details of your rights and obligations are set out in sections 340 to 343D of the Resource Management Act 1991 and section 21 of the Summary Proceedings Act 1957.

Note: All payments, all queries, and all correspondence regarding this infringement must be directed to the enforcement authority at the address shown.

Schedule 2: amended, on 3 September 2020, by regulation 20(5) of the Resource Management (Stock Exclusion) Regulations 2020 (LI 2020/175).

Schedule 2: amended, on 30 September 2010, by regulation 5(2)(a) of the Resource Management (Infringement Offences) Amendment Regulations 2010 (SR 2010/280).

Schedule 2: amended, on 30 September 2010, by regulation 5(2)(b) of the Resource Management (Infringement Offences) Amendment Regulations 2010 (SR 2010/280).

Schedule 2: amended, on 30 September 2010, by regulation 5(3)(a) of the Resource Management (Infringement Offences) Amendment Regulations 2010 (SR 2010/280).

Schedule 2: amended, on 30 September 2010, by regulation 5(3)(b) of the Resource Management (Infringement Offences) Amendment Regulations 2010 (SR 2010/280).

Schedule 2: amended, on 30 September 2010, by regulation 5(4)(a) of the Resource Management (Infringement Offences) Amendment Regulations 2010 (SR 2010/280).

Schedule 2: amended, on 30 September 2010, by regulation 5(4)(b) of the Resource Management (Infringement Offences) Amendment Regulations 2010 (SR 2010/280).

Schedule 2: amended, on 30 September 2010, by regulation 5(5)(a) of the Resource Management (Infringement Offences) Amendment Regulations 2010 (SR 2010/280).

Schedule 2: amended, on 30 September 2010, by regulation 5(5)(b) of the Resource Management (Infringement Offences) Amendment Regulations 2010 (SR 2010/280).

Schedule 2: amended, on 30 September 2010, by regulation 5(6) of the Resource Management (Infringement Offences) Amendment Regulations 2010 (SR 2010/280).

Schedule 2: amended, on 30 September 2010, by regulation 5(7) of the Resource Management (Infringement Offences) Amendment Regulations 2010 (SR 2010/280).

Schedule 2: amended, on 30 September 2010, by regulation 5(8) of the Resource Management (Infringement Offences) Amendment Regulations 2010 (SR 2010/280).

Schedule 2: amended, on 30 September 2010, by regulation 5(9) of the Resource Management (Infringement Offences) Amendment Regulations 2010 (SR 2010/280).

Schedule 2: amended, on 30 September 2010, by regulation 5(10)(a) of the Resource Management (Infringement Offences) Amendment Regulations 2010 (SR 2010/280).

Schedule 2: amended, on 30 September 2010, by regulation 5(10)(b) of the Resource Management (Infringement Offences) Amendment Regulations 2010 (SR 2010/280).

Schedule 2: amended, on 30 September 2010, by regulation 5(11) of the Resource Management (Infringement Offences) Amendment Regulations 2010 (SR 2010/280).

Schedule 2: amended, on 10 October 2006, by regulation 6(a) of the Resource Management (Infringement Offences) Amendment Regulations (No 2) 2006 (SR 2006/267).

Schedule 2: amended, on 10 October 2006, by regulation 6(b) of the Resource Management (Infringement Offences) Amendment Regulations (No 2) 2006 (SR 2006/267).

Schedule 2: amended, on 10 October 2006, by regulation 6(c) of the Resource Management (Infringement Offences) Amendment Regulations (No 2) 2006 (SR 2006/267).

Schedule 2: amended, on 1 June 2006, by regulation 3(1) of the Resource Management (Infringement Offences) Amendment Regulations 2006 (SR 2006/100).

Schedule 2: amended, on 1 June 2006, by regulation 3(2) of the Resource Management (Infringement Offences) Amendment Regulations 2006 (SR 2006/100).

Schedule 2: amended, on 1 June 2006, by regulation 3(3) of the Resource Management (Infringement Offences) Amendment Regulations 2006 (SR 2006/100).

Schedule 2: amended, on 1 June 2006, by regulation 3(4) of the Resource Management (Infringement Offences) Amendment Regulations 2006 (SR 2006/100).

Schedule 2: amended, on 1 June 2006, by regulation 3(5) of the Resource Management (Infringement Offences) Amendment Regulations 2006 (SR 2006/100).

Schedule 2: amended, on 1 June 2006, by regulation 3(6) of the Resource Management (Infringement Offences) Amendment Regulations 2006 (SR 2006/100).

Schedule 3
Infringement offence reminder notice form

r 5

Schedule 3: added, on 10 October 2006, by regulation 7 of the Resource Management (Infringement Offences) Amendment Regulations (No 2) 2006 (SR 2006/267).

Form

Infringement offence reminder notice

Section 343C(4), Resource Management Act 1991

(Front page)

Notice No:

Enforcement authority: [specify enforcement authority and its contact details]

Enforcement officer identification:

To [full name], [full address], [other identifying details, if known; for example, date of birth]

You are alleged to have committed an infringement offence against the Resource Management Act 1991, as follows:

Details of alleged infringement offence

Section of Resource Management Act 1991 contravened or provision of Resource Management (Stock Exclusion) Regulations 2020 not complied with:

Nature of infringement:
.....
.....
.....

Location:

Date:

Approximate time:

The fee for this infringement is: \$

Payment of infringement fee

The infringement fee was payable to the enforcement authority within 28 days after [date infringement notice was delivered personally or posted]

The infringement fee remains payable to the enforcement authority at [full address at which fee may be paid]

The contact details of the enforcement authority are as follows:
.....

Payments by cheque should be crossed "Not Transferable".

.....
Signature of enforcement officer

Service details

(To be provided for filing in court)

Infringement notice served by *[method of service]* on *[date of service]* Reminder notice served by *[method of service]* at *[full address of service]* on *[date of service]*

Important

Please read the summary of rights printed on the next page.

Summary of rights

Note: Please read this summary. If you do not understand it, you should consult your lawyer immediately.

- 1 You have not paid the infringement fee described on the front page, or asked for a hearing, within 28 days after you were served with the infringement notice. That is why you have been served with this reminder notice.
- 2 You will become liable to pay **costs in addition to the infringement fee** if—
 - (a) you do not pay the infringement fee within 28 days after you are served with this reminder notice; and
 - (b) you do not deliver a letter requesting a hearing to the enforcement authority within 28 days after you are served with this reminder notice; and
 - (c) the enforcement authority decides to bring court proceedings against you.
- 3 (1) This defence is available if you are charged with an infringement offence against any of sections 9, 12, 13, 14, and 15 of the Resource Management Act 1991.
(2) You must prove either of the following to have the defence:
 - (a) that—
 - (i) the action or event to which the infringement notice relates was necessary for the purposes of saving or protecting life or health, or preventing serious damage to property, or avoiding an actual or likely adverse effect on the environment; and
 - (ii) your conduct was reasonable in the circumstances; and
 - (iii) you adequately mitigated or remedied the effects of the action or event after it occurred; or
 - (b) that—
 - (i) the action or event to which the infringement notice relates was due to an event beyond your control, including natural disaster, mechanical failure, or sabotage; and

- (ii) you could not reasonably have foreseen or provided against the action or event; and
 - (iii) you adequately mitigated or remedied the effects of the action or event after it occurred.
 - (3) Subparagraph (2) does not apply unless—
 - (a) you deliver a written notice to the enforcement agency; and
 - (b) in the notice, you—
 - (i) state that you intend to rely on subparagraph (2)(a) or (b); and
 - (ii) specify the facts that support your reliance on subparagraph (2)(a) or (b); and
 - (c) you deliver the notice—
 - (i) within 7 days after you receive the infringement notice; or
 - (ii) within a longer period allowed by a District Court.
 - (4) If you do not comply with subparagraph (3), you may ask the District Court to give you leave to rely on subparagraph (2)(a) or (b).
- 4 (1) This paragraph describes a defence additional to the one described in paragraph 3. This defence is available if—
 - (a) you are—
 - (i) a principal; or
 - (ii) an employer; or
 - (iii) the owner of a ship; and
 - (b) you may be liable for an offence alleged to have been committed by—
 - (i) your agent; or
 - (ii) your employee; or
 - (iii) the person in charge of your ship.
- (2) If you are a natural person, including a partner in a firm, you must prove either of the following to have the defence:
 - (a) that you—
 - (i) did not know, and could not reasonably be expected to have known, that the offence was to be, or was being, committed; and
 - (ii) took all reasonable steps to remedy any effects of the act or omission giving rise to the offence; or
 - (b) that you took all reasonable steps to—
 - (i) prevent the commission of the offence; and
 - (ii) remedy any effects of the act or omission giving rise to the offence.

- (3) If you are not a natural person (for example, you are a body corporate), you must prove either of the following to have the defence:
- (a) that—
 - (i) neither the directors (if any) nor any person involved in your management knew, or could reasonably be expected to have known, that the offence was to be, or was being, committed; and
 - (ii) you took all reasonable steps to remedy any effects of the act or omission giving rise to the offence; or
 - (b) that you took all reasonable steps to—
 - (i) prevent the commission of the offence; and
 - (ii) remedy any effects of the act or omission giving rise to the offence.
- 4A (1) This paragraph describes a defence additional to the defences described in paragraphs 3 and 4. This defence is available if you are charged with an infringement offence against section 15A(1)(a) of the Resource Management Act 1991 (relating to dumping waste or other matter in the coastal marine area from a ship, aircraft, or offshore installation).
- (2) In order to have the defence, you must prove all of the following in relation to the act or omission that is alleged to constitute the offence:
- (a) that the act or omission was necessary—
 - (i) to save or prevent danger to human life; or
 - (ii) to avert a serious threat to any ship, aircraft, or offshore installation; or
 - (iii) in the case of *force majeure* caused by stress of weather, to secure the safety of any ship, aircraft, or offshore installation; and
 - (b) that the act or omission was a reasonable step to take in all the circumstances; and
 - (c) that the act or omission was likely to result in less damage than would otherwise have occurred; and
 - (d) that the act or omission was taken or omitted in such a way that the likelihood of damage to human or marine life was minimised.
- 4B (1) This paragraph describes a defence additional to the defences described in paragraphs 3, 4, and 4A. This defence is available if you are charged with an infringement offence against section 15B(1) or (2) of the Resource Management Act 1991 (relating to certain discharges of a harmful substance, a contaminant, or water in the coastal marine area from a ship or offshore installation).
- (2) You must prove either of the following to have the defence:

- (a) that the harmful substance, contaminant, or water was discharged for the purpose of securing the safety of a ship or an offshore installation, or for the purpose of saving life and that the discharge was a reasonable step to effect that purpose; or
 - (b) that the harmful substance, contaminant, or water escaped as a consequence of damage to a ship or its equipment or to an offshore installation or its equipment, and—
 - (i) such damage occurred without your negligence or deliberate act; and
 - (ii) as soon as practicable after that damage occurred, all reasonable steps were taken to prevent the escape of the harmful substance, contaminant, or water or, if any such escape could not be prevented, to minimise any escape.
- 5 If you pay all the infringement fees for all the alleged offences described in the infringement notice in a lump sum, please provide a note of—
- (a) the infringement notice number; and
 - (b) the date of each infringement offence; and
 - (c) the identifying number of each offence.
- 6 If you do not pay all the infringement fees for all the alleged offences described in the infringement notice in a lump sum, please provide a note of—
- (a) the offences you are paying fees for; and
 - (b) the offences you are not paying fees for; and
 - (c) what you are doing about the offences you are not paying fees for; and
 - (d) your full address for replies.

Full details of your rights and obligations are set out in sections 340 to 343D of the Resource Management Act 1991 and section 21 of the Summary Proceedings Act 1957.

Note: All payments, all queries, and all correspondence about this infringement must be directed to the enforcement authority at the address shown.

Schedule 3: amended, on 3 September 2020, by regulation 20(6) of the Resource Management (Stock Exclusion) Regulations 2020 (LI 2020/175).

Schedule 3: amended, on 30 September 2010, by regulation 6(2) of the Resource Management (Infringement Offences) Amendment Regulations 2010 (SR 2010/280).

Schedule 3: amended, on 30 September 2010, by regulation 6(3) of the Resource Management (Infringement Offences) Amendment Regulations 2010 (SR 2010/280).

Schedule 3: amended, on 30 September 2010, by regulation 6(4) of the Resource Management (Infringement Offences) Amendment Regulations 2010 (SR 2010/280).

Schedule 3: amended, on 30 September 2010, by regulation 6(5) of the Resource Management (Infringement Offences) Amendment Regulations 2010 (SR 2010/280).

Schedule 3: amended, on 30 September 2010, by regulation 6(6)(a) of the Resource Management (Infringement Offences) Amendment Regulations 2010 (SR 2010/280).

Reprinted as at
3 September 2020

**Resource Management (Infringement Offences)
Regulations 1999**

Schedule 3

Schedule 3: amended, on 30 September 2010, by regulation 6(6)(b) of the Resource Management (Infringement Offences) Amendment Regulations 2010 (SR 2010/280).

Schedule 3: amended, on 30 September 2010, by regulation 6(7) of the Resource Management (Infringement Offences) Amendment Regulations 2010 (SR 2010/280).

Marie Shroff,
Clerk of the Executive Council.

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 14 October 1999.

Reprints notes

1 *General*

This is a reprint of the Resource Management (Infringement Offences) Regulations 1999 that incorporates all the amendments to those regulations as at the date of the last amendment to them.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

Resource Management (Stock Exclusion) Regulations 2020 (LI 2020/175): regulation 20
Resource Management (Infringement Offences) Amendment Regulations 2010 (SR 2010/280)
Resource Management (Infringement Offences) Amendment Regulations (No 2) 2006 (SR 2006/267)
Resource Management (Infringement Offences) Amendment Regulations 2006 (SR 2006/100)
Resource Management (Infringement Offences) Amendment Regulations 2003 (SR 2003/385)