



# **Maritime Transport (Infringement Fees for Offences— Queenstown Lakes District Council Shotover River Bylaw 2021) Regulations 2021**

Patsy Reddy, Governor-General

## **Order in Council**

At Wellington this 13th day of September 2021

Present:

The Right Hon Jacinda Ardern presiding 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—Queenstown Lakes District Council Shotover River Bylaw 2021) Regulations 2021.

### 2 Commencement

These regulations come into force on 15 October 2021.

### 3 Interpretation

In these regulations, unless the context otherwise requires,—

**Act** means the **Maritime Transport Act 1994**

**bylaw** means the Queenstown Lakes District Council Shotover River Bylaw 2021

**Council** means the Queenstown Lakes District Council

**provision** means a provision of the bylaw.

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

### 5 Infringement notices

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

### 6 Revocation

The Maritime Transport (Infringement Fees for Offences—Queenstown Lakes District Council Shotover River Bylaw 2015) Regulations 2016 (LI 2016/64) are revoked.

**Schedule 1**  
**Infringement offences and fees under Queenstown Lakes District**  
**Council Shotover River Bylaw 2021**

<b>Provision</b>	<b>Description of offence</b>	<b>Fee (\$)</b>
6.1	Using Shotover River Concession Area without permit	500
6.2	Operating in Shotover River Concession Area contrary to permit	500

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**Schedule 2**  
**Form of notice for Queenstown Lakes District Council Shotover  
River Bylaw 2021 infringement offence**

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Form  
Queenstown Lakes District Council Shotover River Bylaw 2021 infringement  
notice

*Section 330, Maritime Transport Act 1994*

(Front page)

Notice No:

**Enforcement authority**

Queenstown Lakes District Council

Address for correspondence: [*specify address*]

Notice issued by: [*full name*], Harbourmaster

**Details of person infringement notice issued to**

Full name:

Full 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 (\$)**

### **Service details**

This infringement notice was served by [*method of service*] on [*date*].

### **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.

### **Method of payment**

The infringement fee is/fees are\* payable to the enforcement authority either online or in person.

\*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 number*].

To pay in person, visit one of the following locations: [*specify address or addresses for payment in person, with a contact number if applicable*].

### ***What you need to know***

If you pay the infringement fee in full as shown above, no further action will be taken. For a more detailed statement of your rights, see the back page onwards. This statement includes—

- what happens if you are late paying the fee or don't pay the fee at all (*see paragraphs 4 to 6*);
- what to do if you want to query this notice (*see paragraphs 8 to 13*).

(Back page)

### ***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.

### **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. Please note that unless you have an arrangement as described in paragraph 3, part payment of an infringement fee is not sufficient to avoid further enforcement action for the offence.

- 3 If the enforcement authority offers the ability to pay an infringement fee by instalments and you enter into an instalment arrangement,—
- (a) the time to pay will be agreed with the enforcement authority;
  - (b) the enforcement action in paragraphs 4 to 6 may be taken if you default on a payment;
  - (c) you can't request a court hearing about the infringement offence (*see* paragraph 12).

#### **What happens if you do not pay on time**

- 4 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). Please note that in some circumstances if you do not receive a reminder notice you may still become liable to pay a fine and court costs as set out in paragraph 5.
- 5 If you do not pay the infringement fee and do not request a hearing within 28 days after being served with the reminder notice,—
- (a) the enforcement authority may, unless it decides to take no further action to require payment for the alleged offence, provide particulars of the reminder notice for filing in the District Court; and
  - (b) if so, you will become liable to pay court costs as well as a fine.
- 6 The fine will be equal to the amount of the infringement fee or the amount of the infringement fee remaining unpaid.

#### **Defence**

- 7 You have a complete defence against proceedings for an alleged infringement offence if the infringement fee for that offence has been paid in full to the enforcement authority in the manner specified in this notice before, or within 28 days after, a reminder notice for the alleged offence is served on you. Late payment or payment made to any other address will not constitute a defence.

#### **Further action you may take**

- 8 You may notify the enforcement authority in writing, at the address shown on this notice, 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 (*see* paragraph 9); or

- (c) admit liability for the offence, but wish to have a court consider written submissions as to penalty or otherwise (*see* paragraph 10).

You must sign any notification under this paragraph and it must be delivered to the enforcement authority within 28 days after you have been served with this notice, or within any further time that the enforcement authority allows.

- 9 If, in your written communication to the enforcement authority referred to in paragraph 8, you deny liability for the offence and request a court hearing, the enforcement authority will serve you with a notice of hearing setting out the place and time at which the court will hear the matter (unless the enforcement authority decides to take no further action to require payment for the alleged offence).

**Note:** If the court finds you guilty of the offence, the court is entitled to take into account any maximum fine for the offence, and not just the infringement fee. So the court may impose a fine that is greater than the infringement fee. Also, if the court finds you guilty of the offence, costs will be imposed in addition to any penalty and you will be required to pay a hearing fee. You cannot get a conviction for an infringement offence.

- 10 If you admit liability for the offence but wish the court to consider your submissions as to penalty or otherwise, you must, in your written communication to the enforcement authority,—

- (a) request a hearing; and
- (b) admit liability for the offence; and
- (c) set out the written submissions you wish the court to consider.

- 11 If you take the action in paragraph 10, the enforcement authority will file your written communication with the court (unless it decides to take no further action to require payment for the alleged offence). If the letter is filed with the court, you will not be entitled to make oral submissions to the court.

**Note:** The court is entitled to take into account any maximum fine for the offence, and not just the infringement fee. So the court may impose a fine that is greater than the infringement fee. Also, costs will be imposed in addition to any penalty. You cannot get a conviction for an infringement offence.

- 12 If the enforcement authority offers the ability to pay an infringement fee by instalments and you enter into an instalment arrangement, paragraphs 8(b) and (c) and 9 to 11 do not apply, and you are not entitled 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.

### **Correspondence with the enforcement authority**

- 13 When writing or making payment of an infringement fee to the enforcement authority, 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 name and full address for replies.

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.

### Further details of your rights and obligations

- 14 Further details of your rights and obligations are set out in section 21 of the Summary Proceedings Act 1957.

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 15 October 2021, specify which breaches of the Queenstown Lakes District Council Shotover River Bylaw 2021 are infringement offences for the purposes of section 330 of the Maritime Transport Act 1994. *Schedule 1* prescribes the infringement offences and the infringement fees for those infringement offences. An infringement notice must be in the form set out in *Schedule 2*.

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 16 September 2021.

These regulations are administered by the Ministry of Transport.