

Summary of Underpinning Analysis: Maritime Transport (Infringement Fees for Offences - Queenstown Lakes District Navigation Safety Bylaw 2025 Te Ture ā-Rohe mō te Haumaru Whakatere 2025) Regulations 2026

Agency responsible	Ministry for Cities, Environment, Regions and Transport
Portfolio	Associate Minister of Transport - Maritime
Date finalised	16 July 2026
Identification Number	N/A

Good law-making: 9(i)

The importance of consulting, to the extent that is reasonably practicable, the persons or representatives of the persons that the responsible agency considers will be directly and materially affected by the legislation

Inconsistency identified? NO

Summary of agency analysis

The Queenstown Lakes District Council's Navigation Safety Bylaw 2025 (the Bylaw) was created in March 2025. The Council requested that the Maritime Transport (Infringement Fees for Offences - Queenstown Lakes District Navigation Safety Bylaw 2025 Te Ture ā-Rohe mō te Haumaru Whakatere 2025) Regulations 2026 (the Regulations) be made to enable effective enforcement of the Bylaw.

The Council carried out consultation with those directly and materially affected by the legislation when creating the Bylaw and ensured that fees were consistent with neighbouring regional Councils. The Regulations will replace the previous Infringement Fees to reflect the new provisions in the Bylaw.

Good law-making: 9(j)

The importance of carefully evaluating—

- the issue concerned; and
- the effectiveness of any relevant existing legislation and common law; and

- whether the public interest requires that the issue be addressed; and
- any options (including non-legislative options) that are reasonably available for addressing the issue; and
- who is likely to benefit, and who is likely to suffer a detriment, from the legislation

Inconsistency identified?

NO

Summary of agency analysis

The issue concerned is that the Council does not currently have an effective method for enforcing their new Bylaw. Without the Regulations, the only mechanism available is to prosecute alleged offenders through the District Court. This is often a disproportionate response to the type of offending envisaged.

The existing legislation (the Maritime Transport (Infringement Fees for Offences—Queenstown Lakes District Council Navigation Safety Bylaw 2018) Regulations 2019) is out of date, as it relates to offences created under the Queenstown Lakes District Navigation Safety Bylaw 2018.

The public interest requires this issue be addressed to ensure safety on the waterways in the Queenstown Lakes District area. We consider there are no other options reasonably available for addressing the issue.

Users of the Queenstown Lakes District waterways will benefit from improved safety and reduced nuisance captured by enforcement of the new Bylaw. Offenders who are penalised for breaching the new Bylaw may suffer a detriment, but we consider this to be reasonable, as the penalty protects the liberties, freedoms and rights of other users of the waterway.

Good law-making: 9(k)

The importance of the responsible agency identifying and developing effective arrangements for implementing the legislation

Inconsistency identified?

NO

Summary of agency analysis

Effective arrangements have been made to implement the legislation. The Regulations allow the Council to administer infringement notices to those who are in breach of the provisions under the new Bylaw. This is replacing an existing infringement offence regime.

Good law-making: 9(l)

Legislation should be expected to produce benefits that exceed the costs of the legislation to the public or persons

Inconsistency identified?

NO

Summary of agency analysis



The purpose of the Regulations is to ensure safety on the Queenstown Lakes District waterways. They are expected to produce benefits that exceed the costs of the legislation to the public or persons.

The Regulations aim to act as a deterrent for dangerous and/or nuisance behaviour. Those who breach the provisions of the new Bylaw will bear the cost of infringement fees. This is to benefit the overall safety and enjoyment of users of the Queenstown Lakes District waterways.

Good law-making: 9(m)

Legislation should be the most effective, efficient, and proportionate response to the issue concerned that is available

Inconsistency identified? NO

Summary of agency analysis

The Regulations are the most effective, efficient and proportionate response to the issue that is available. They will allow for efficient and effective enforcement of the Bylaw using infringement notices and fees. The Regulations will remove reliance on prosecution of offenders through the District Court, which is often a disproportionate response to the type of offending envisaged under the new Bylaw.

The previous Regulations introduced infringement fees for offences for breaches of the previous Bylaw. As these have now expired, there is no existing law to address the problem.

The Regulations are likely to be feasible to implement, as they will be replacing an existing infringement notice and fee regime.

Rule of Law: 9(a)(i)

The law should be clear and accessible

Inconsistency identified? NO

Summary of agency analysis

The Regulations have been drafted by PCO following their plain language standards. The language and structure of the Regulations is suitable for the intended audience to determine their obligations.

The concept and effect of the Regulations is clear. They do not impose conflicting legislative duties.

The Regulations will be published on the New Zealand Legislation website and will be available free of charge. The Regulations will also be Gazetted 28 days before commencement.



Rule of Law: 9(a)(ii)

The law should not adversely affect rights and liberties, or impose obligations, retrospectively

Inconsistency identified? NO

Summary of agency analysis

The Regulations will not adversely affect rights and liberties retrospectively.

Rule of Law: 9(a)(iii)

Every person is equal before the law

Inconsistency identified? NO

Summary of agency analysis

The Regulations are made under the Maritime Transport Act 1994, which binds the Crown under section 3.

Rule of Law: 9(a)(iv)

There should be an independent impartial judiciary

Inconsistency identified? NO

Summary of agency analysis

The Regulations do not directly impact judicial appointments and independence from the executive and Parliament.

Rule of Law: 9(a)(v)

Issues of legal right and liability should be resolved by the application of law, rather than the exercise of administrative discretion

Inconsistency identified? NO

Summary of agency analysis

The Regulations do not seek to resolve issues of legal right and liability through the exercise of administrative discretion.

The Maritime Transport Act 1994 enables Councils to make bylaws in consultation with the Director of Maritime New Zealand for the purpose of ensuring maritime safety in its region. The scope of a navigation safety bylaw is restricted to the activities set out in section 33M(1) of the Maritime Transport Act 1994. The Governor-General may, by Order in Council, make regulations specifying which breaches of navigation safety bylaws are infringement offences and prescribing an infringement fee.



Liberties: 9(b)

Legislation should not unduly diminish a person's liberty, personal security, freedom of choice or action, or rights to own, use, and dispose of property, except as is necessary to provide for, or protect, any such liberty, freedom, or right of another person

Inconsistency identified?

NO

Summary of agency analysis

The Regulations do not unduly diminish a person's liberty, personal security, freedom of choice or action, or rights to own, use, and dispose of property, except as necessary to provide for, or protect, any such liberty, freedom, or right of another person.

The Regulations will allow infringement notices and fees to be administered for those who breach the Bylaw, which may impact their liberty, freedom of action and/or use of property. However, diminishment is necessary to protect the liberty, freedom and rights of other persons on the water.

Taking of property: 9(c)

Legislation should not take or severely impair, or authorise the taking or severe impairment of, property without the consent of the owner unless-

- there is a good justification for the taking or severe impairment; and
- fair compensation for the taking or severe impairment is provided to the owner; and
- the compensation is provided, to the extent practicable, by or on behalf of the persons who obtain the benefit of the taking or severe impairment

Inconsistency identified?

NO

Summary of agency analysis

The Regulations do not take or severely impair property.

Taxes, fees and levies: 9(d)

The importance of maintaining consistency with section 22(a) of the Constitution Act 1996 (Parliamentary control of taxation)

Inconsistency identified?

NO

Summary of agency analysis

The Regulations do not seek to control taxation.

Taxes, fees and levies: 9(e)

Legislation should impose, or authorise the imposition of, a fee for goods or services only if the amount of the fee bears a proper relation to the cost of providing the good or service to which it relates

**Inconsistency identified?**

NO

Summary of agency analysis

The Regulations do not impose, or authorize the imposition of, a fee for goods or services.

Taxes, fees and levies: 9(f)

Legislation should impose, or authorise the imposition of, a levy to fund an objective or a function only if the amount of the levy is reasonable in relation to both—

- the benefits that the class of payers is likely to derive, or the risks attributable to the class, in connection with the objective or function; and
- the costs of efficiently achieving the objective or providing the function

Inconsistency identified?

NO

Summary of agency analysis

The Regulations do not impose, or authorize the imposition of, a levy to fund an objection or a function.

Role of courts: 9(g)

Legislation should preserve the courts' constitutional role of ascertaining the meaning of legislation

Inconsistency identified?

NO

Summary of agency analysis

The Regulations do not impact on or alter the courts' constitutional role of ascertaining the meaning of legislation. They do not introduce an alternative appeal or review mechanism that removes the jurisdiction of the courts.

Role of courts: 9(h)

Legislation should make rights and liberties, or obligations, dependent on administrative power only if the power is sufficiently defined and subject to appropriate review

Inconsistency identified?

NO

Summary of agency analysis

The Regulations do not make rights and liberties, or obligations, dependent on administrative power only.

Additional information [optional]

Relevant publicly available inquiry, review, or evaluation reports

N/A

Relevant international treaties, standards and obligations

N/A

Departures from the Legislation Guidelines

N/A

Other unusual provisions or features

N/A