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Committee Policy, Finance and Strategy
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Review of the Wellington Regional Navigation and Safety Bylaws 2000

1. Purpose

The purpose of this report is for Council to consider the review of the Wellington Regional Navigation and Safety Bylaws 2000 and commence the necessary special consultative procedure.

2. Background

In February 2003, the Minister of Transport approved Part 91 of the Maritime Rules – Navigation Safety Rules.

The Council's navigation and safety bylaws, approved in December 2000, must not be inconsistent with these Rules after 1 March 2004.

Some aspects of the bylaws are inconsistent with Part 91. Consequently, the bylaws need to be amended. We have also taken this opportunity to review all of the current bylaws and to identify improvements.

3. Making Bylaws

3.1 Procedure

The Local Government Act 2002 specifies the process for making bylaws. Before commencing the process, the Council must first determine whether a bylaw is the most appropriate way of addressing the perceived problem. If the Council determines that a bylaw is the most appropriate way, it must determine whether the proposed bylaw is the most appropriate form of bylaw (s. 155 (2)(a)). The Council must also determine whether the proposed bylaw gives rise to any implications under the New Zealand Bill of Rights Act 1990 (s.155(2)(b)). Having satisfied these tests, a special consultative procedure, outlined in the Local Government Act 2002, must be followed to make the bylaws.

3.2 Is a bylaw the most appropriate way?

As outlined above, a number of the proposed amendments are required if we are to be consistent with national rules. Because these matters deal with safety, it is appropriate that there be clear regulations that set out required behaviour. In this way, everyone knows what is expected and there are sanctions for those who choose to ignore these regulations.

As navigation and safety bylaws have been in place for many years, there is public expectation that they will continue. In addition, the Local Government Act 1974 empowers the Council specifically to make navigation and safety bylaws. This in itself signals that bylaws are the appropriate way of addressing the issue/problem.

Alternative means, e.g. public education, still require a regulatory framework.

Consequently, we are satisfied that navigation and safety bylaws are appropriate in the circumstances.

3.3 Are the proposed bylaws the most appropriate form of bylaws?

The proposed amendments closely follow the wording in Maritime Rules. We are satisfied, therefore, that the form of the proposed changes is appropriate in the circumstances.

3.4 Are there any implications under the New Zealand Bill of Rights Act 1990?

We do not believe that there are any implications.

3.5 What is the special consultative procedure?

This is outlined in the Local Government Act 2002 (s.83) and essentially is a community consultation process.

The proposed timetable for the special consultative procedure is as follows:

Regional Council approval	16 September 2003
1st Public Notice	20 September 2003
2nd Public Notice	4 October 2003
Close of submissions	24 October 2003
Hearing of Submissions	November 2003
Regional Council report back and approval	November/December 2003
Bylaws come into effect	December 2003

4. Proposed Amendments

A copy of the proposed bylaws, showing the proposed amendments, is included as attachment 1 to this report (Statement of Proposal). The Council should be aware that, whilst we have no option but to follow the special consultative procedure, the bylaws must not be inconsistent with the Maritime Rules. Therefore, some amendments must remain; others may be included, but there is limited scope to change the wording.

The special consultative procedure requires the Council to prepare a summary of the proposed changes (Summary of Information). This is included as attachment 2.

5. Communications

The Regional Council will circulate the Wellington Regional Navigation and Safety Bylaws 2003 to territorial authorities and stakeholders and invite comment. There will be public notices inviting submissions.

We will also prepare a media statement and utilise the Council's Internet site.

6. Recommendations

It is recommended that the Committee:

1. *receive the report, note the contents, and*
2. *recommend that Council:*
 - (a) *agree that the proposed amendments to the Regional Navigational and Safety Bylaws 2000 are:*
 - (i) *the most appropriate way for the Council to address these particular safety matters; and*
 - (ii) *the most appropriate form of bylaws; and*
 - (iii) *do not contravene the New Zealand Bill of Rights Act 1990*
 - (b) *agree to the Statement of Proposal to make navigation and safety bylaw and the Summary of Information, included as attachments 1 and 2 respectively to this report*
 - (c) *agree to initiate the special consultative procedure outlined in section 83 of the Local Government Act 2002*
 - (d) *note the timetable outlined in this report*

Report prepared by:

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Attachment 1: Statement of Proposal, Wellington Regional Navigation and Safety Bylaws 2000 with proposed changes.

Attachment 2: Summary of Information