Regulatory Standards Act 2025

Consistency Accountability Statement

Southland Regional Council Navigation Safety Bylaw 2026

environment SOUTHLAND REGIONAL COUNCIL
Te Taiao Tonga

Statement of Review

I confirm that Southland Regional Council has assessed the above legislation, and the process for developing it, for consistency with the principles of responsible regulation as set out in section 9 of the Regulatory Standards Act 2025.

This assessment identified no inconsistencies with the principles of responsible regulation.

Date: 11/11/26

S Hall
Chief Executive

Regulatory Standards Act 2025

Summary of Underpinning Analysis

Southland Regional Council Navigation Safety Bylaw 2026

Context for the bylaw

Southland Regional Council (Council) is responsible for ensuring maritime and navigation safety across the Murihiku Southland region. One of the mechanisms used to do this is the Southland Regional Council Navigation Safety Bylaws 2009 (amended 2015) (the current bylaw).

Under section 33M of the Maritime Transport Act 1994 (MTA), the Council has the power to make bylaws for the purpose of ensuring maritime safety in the region. Section 159 of the Local Government Act 2002 (LGA) requires local authorities to review a bylaw made by it under the MTA no later than 10 years after it was last reviewed. The current bylaw was adopted on 1 July 2009. It was subsequently reviewed and amended under section 158 of the LGA and confirmed by Council on 16 December 2015. As the current bylaw is now due for review, it will be automatically revoked two years after the date on which it should have been reviewed if no action is taken.

To ensure continuity of maritime safety, the Council prepared the draft Southland Regional Council Navigation Safety Bylaw 2026 (the bylaw) for public consultation. Public consultation was undertaken from 15 December 2025 to 16 February 2026, during which 40 submissions were received. A hearing was held on 23 April 2026. Following the hearing and deliberations, Council resolved to undertake further consultation on significant proposed changes arising from the initial consultation process. Further consultation was undertaken from 12 June 2026 to 12 July 2026, during which a further 66 submissions were received. The hearing reconvened on 4 August 2026, with deliberations continuing on 20 August and 8 September 2026 to enable the Hearing Panel to finalise its recommendations to Council.

The current bylaw is proposed to be revoked and replaced with the Southland Regional Council Navigation Safety Bylaw 2026. The Southland Regional Council Navigation Safety Bylaw 2026 was adopted by Council on 22 October 2026.

Overall assessment

The Southland Regional Council Navigation Safety Bylaw 2026 has been assessed and is considered consistent with the principles in section 9 of the Regulatory Standards Act 2025. The assessment has had regard to the requirements of the Regulatory Standards Act 2025 and the relevant determinations and consultation undertaken under the Local Government Act 2002 and Maritime Transport Act 1994.

No inconsistencies with the section 9 principles have been identified.

Rule of Law: Section 9(a)(i)-(v)

(a)(i) the law should be clear and accessible	
Inconsistency identified?	**No**

Summary of agency analysis

The bylaw has a clear title, purpose clause and application clause. The application clause identifies the statutory authority for the bylaw and clearly establishes its geographic application. The bylaw is structured in a logical, topic-based manner and uses commonly understood navigation safety terminology consistent with the terminology used in the Maritime Transport Act 1994, Maritime Rules and other regional council navigation safety bylaws. The bylaw is publicly available on the Council website and free of charge. The bylaw does not seek to duplicate or impose duties that conflict with other legislative requirements addressed through the Maritime Transport Act or Maritime Rules. The bylaw has been developed in consultation with the Director of Maritime New Zealand in accordance with section 33M(1) of the Maritime Transport Act 1994. This consultation supports consistency with the Act and Maritime Rules and ensures that the controls included in the bylaw are within the statutory powers available to a regional council.

(a)(ii) the law should not adversely affect rights and liberties, or impose obligations, retrospectively	
Inconsistency identified?	**No**

Summary of agency analysis

The bylaw does not retrospectively impose obligations, penalties or other adverse consequences for conduct that occurred before the bylaw comes into force. The savings and transitional provisions in Part 10 provide for existing decisions, approvals and enforcement matters to continue under the Navigation Safety Bylaws 2009 (amended 2015). New requirements under the bylaw will apply from the date it comes into force. Under section 155(3) of the Local Government Act 2002, a bylaw made under section 155 must not be inconsistent with the New Zealand Bill of Rights Act 1990. The bylaw has been assessed against this requirement and is not considered to be inconsistent, including with section 26(1) which protects against retrospective penalties.

(a)(iii) every person is equal before the law	
Inconsistency identified?	**No**

Summary of agency analysis

The bylaw applies to all persons using navigable waters within the Murihiku Southland region. Any different requirements applying to particular activities, vessels or areas are based on navigation safety considerations rather than the identity or status of the person involved. While clause 15.4 provides exceptions to restrictions on Reserved Areas for specified government agencies, local authorities and emergency and other organisations, these exceptions are limited to activities undertaken in carrying out specific statutory functions, such as enforcement, defence, emergency response, search and rescue and training in relation to these functions, and other functions including monitoring, maintenance, and pest control. These exceptions are considered justified by the nature of the functions being undertaken and are necessary to enable these functions to be carried out effectively. They do not provide unjustified immunity from the bylaw or create an unfair benefit for these agencies or adversely affect third parties. As noted above, under section 155(3) of the Local Government Act 2002, a bylaw made under section 155 must not be inconsistent with the New Zealand Bill of Rights Act 1990. The bylaw has been assessed against this requirement and is not considered to be inconsistent, including the protections relating to the making of laws that treat people unequally, or unlawful discrimination.

(a)(iv) there should be an independent, impartial judiciary	
Inconsistency identified?	No

Summary of agency analysis

The bylaw does not affect the independence or impartiality of the judiciary, judicial appointments, or the functions of the courts. The bylaw does not confer judicial functions on the Council or Harbourmaster and does not prevent any matters from being considered by the courts.

(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 bylaw does not seek to resolve issues of legal right and liability through the exercise of administrative discretion. The bylaw provides the Harbourmaster and Council with discretion to respond to particular circumstances, including in relation to intervention, exemptions, approvals and requirements or directions that depend on the circumstances or conditions that exist. Given the practical nature of maritime navigation and the range of waterways, hazards and operational circumstances that may arise, the bylaw cannot reasonably anticipate every circumstance. These discretions allow the Harbourmaster to apply appropriate expert judgement where circumstances require, while remaining within the purpose and scope of the Bylaw and the Maritime Transport Act 1994. These powers are not absolute or unconstrained and must be exercised within the purpose and scope of the bylaw and the Maritime Transport Act 1994.

Liberties: Section 9(b)

(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 bylaw does 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 bylaw places restrictions on the use of navigable waters and requirements on people using waterways and vessels that may limit the freedom of some people to use waterways or vessels in the manner or for the activities they would otherwise choose. These restrictions and requirements are considered reasonable as they are intended to manage navigation safety risks and protect the safety of waterway users, consistent with the purpose of section 33M of the Maritime Transport Act 1994 to ensure maritime safety within the region.

Taking of property: Section 9(c)

(c) legislation should not take or severely impair, or authorise the taking or severe impairment of, property without the consent of the owner unless – (i) there is a good justification for the taking or severe impairment; and (ii) fair compensation for the taking or severe impairment is provided to the owner; and (iii) 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 bylaw provides powers that may affect private property, including requirements relating to the maintenance and removal of moorings and vessels, and powers to remove, detain and, in specified circumstances, sell a vessel to recover unpaid costs. The powers are directed at addressing navigation safety risks, including unsafe moorings, unseaworthy vessels and vessels or other property creating a hazard or being used in breach of the bylaw. They are subject to specified circumstances and requirements, including opportunities to address the issue before removal in some circumstances. The sale of a vessel is limited to circumstances where costs remain unpaid and is for the purpose of recovering those costs. These powers are considered justified and proportionate to the purpose of the bylaw, including in response to offences and managing maritime safety risks, and do not provide for an unjustified taking or severe impairment of property.

Taxes, fees, and levies: Section 9(d)-(f)

(d) the importance of maintaining consistency with section 22(a) of the Constitution Act 1986 (Parliamentary control of taxation)	
Inconsistency identified?	**No**

Summary of agency analysis

The bylaw does not impose or authorise the imposition of a tax and is therefore consistent with section 22(a) of the Constitution Act 1986.

(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 bylaw provides for fees and charges for functions and services undertaken by Council under the bylaw. These fees are set through the Council's fees and charges process and are intended to reflect the costs of providing the relevant functions and services. This supports a cost-recovery approach for services, approvals, inspections, monitoring and costs associated with non-compliance. Infringement fees applying to offences under the bylaw are prescribed by regulations made under section 33O of the Maritime Transport Act 1994 and are not fees for goods or services provided by Council.

(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 – (i) 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 (ii) the costs of efficiently achieving the objective or providing the function	
Inconsistency identified?	**No**

Summary of agency analysis

The bylaw does not impose or authorise the imposition of a levy to fund an objective or function.

Role of courts: Section 9(g)-(h)

(g) legislation should preserve the courts' constitutional role of ascertaining the meaning of legislation	
Inconsistency identified?	**No**

Summary of agency analysis

The bylaw does not limit or exclude access to the courts or judicial review. As noted above, under section 155(3) of the Local Government Act 2002, a bylaw made under section 155 must not be inconsistent with the New Zealand Bill of Rights Act 1990. The bylaw has been assessed against this requirement and is not considered to be inconsistent, including with section 27(1) which provides for a right to judicial review.

(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 bylaw provides administrative powers to the Harbourmaster and Council that may affect rights, liberties or obligations. These powers are generally defined by the circumstances and purposes for which they may be exercised to ensure maritime safety and compliance with the bylaw. The exercise of these powers is subject to administrative law and judicial review.

Good law-making: Section 9(i)-(m)

(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 process to develop the bylaw included consultation with the Director of Maritime New Zealand as required under section 33M(1) of the Maritime Transport Act 1994 and targeted pre-consultation and engagement with key partners and stakeholders. The bylaw is subject to consultation requirements when making, amending, or revoking bylaws under section 156 of the Local Government Act 2002. This includes the principles of consultation in section 82 and the special consultative procedure under section 83. The consultation process provided all persons with access to relevant information and reasonable opportunities to present their views. The consultation process provided all persons with access to relevant information and reasonable opportunities to present their views. Identified persons were provided with targeted letters of engagement upon public notification of the bylaw. The consultation period was open for approximately two months, from mid-December 2025 to mid-February 2026, exceeding the minimum required timeframe. A further consultation period was undertaken from mid-June to mid-July 2026 to provide an opportunity for all persons to provide feedback on proposed changes arising from the initial consultation process that could not reasonably have been anticipated when the Statement of Proposal was notified. Submissions received throughout these consultation periods were considered with an open mind and given due consideration in the development of the bylaw.

(j) the importance of carefully evaluating – **(i) the issue concerned; and** **(ii) the effectiveness of any relevant existing legislation and common law; and** **(iii) whether the public interest requires that the issue be addressed; and** **(iv) any options (including non-legislative options) that are reasonably available for addressing the issue; and** **(v) who is likely to benefit, and who is likely to suffer a detriment, from the legislation**	
Inconsistency identified?	**No**

Summary of agency analysis

The development of the bylaw involved a review of the issues and activities the bylaw manages, the effectiveness of the current bylaw and the role and functions of the regional council and the Harbourmaster. In accordance with section 155 of the Local Government Act 2002, Council considered whether a bylaw was the most appropriate way of addressing the perceived problems and whether the draft bylaw was the most appropriate form of bylaw. Reasonably available options were considered, including relying on the Maritime Transport Act 1994 and Maritime Rules or relying on the Southland Regional Coastal Plan with non-regulatory approaches such as education. It was considered that these approaches along with education isn't sufficient as a method to ensure safety on our waterways and that Council retaining its enforcement powers is necessary to ensure effective maritime safety. Therefore, Council considered that retaining a navigation safety bylaw is the most appropriate response, as it provides geographically specific rules for ensuring maritime safety and enables Council to address issues of local significance. Retaining the bylaw is also considered to be in the public interest, as it supports community participation and involvement in local navigation safety matters.

(k) the importance of the responsible agency identifying and developing effective arrangements for implementing the legislation	
Inconsistency identified?	**No**

Summary of agency analysis

The bylaw replaces the current navigation safety bylaw, which is already implemented. Existing arrangements for communicating, implementing and enforcing the bylaw will continue, with implementation of new or amended provisions supported through appropriate education and communication.

(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 review of the bylaw under section 155 of the Local Government Act 2002 considered whether a bylaw remains the most appropriate way of addressing the perceived issues. The bylaw provides clear local rules to manage activities on the region's navigable waters and reduce the risk of fatalities, injuries, accidents, collisions and damage, supporting the safe use and enjoyment of the region's waterways by all users. These benefits are considered to outweigh the impacts of regulating activities and vessel use on the region's waterways. While the bylaw imposes restrictions and compliance obligations on users, these are considered proportionate to the risks being managed. The bylaw is therefore considered consistent with this principle.

(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 matters considered under sections 9(j) and 9(l), together with Council's section 155 assessment under the Local Government Act 2002, support Council's conclusion that the bylaw is the most effective, efficient and proportionate response to the issues. The bylaw is therefore considered consistent with this principle.