

Report

Economic Development/ Cutting RED tape

Background

A modern regulatory approach covers a spectrum of activities from compliance, education, verbal warning, infringements, court prosecution and deterrence generated by court prosecutions.

Local Councils create bylaws in order to regulate activities, enhance a safe community and provide a legal mechanism for non-compliers. These Bylaws are developed in Consultation with the Community, so that Community support for effective enforcement of the rules is a reasonable expectation.

Currently there is an inequality in that some bylaws have straight infringement issuing ability and others only allow a direct court prosecution to effect restitution.

The general person who breaches a bylaw is not a career criminal but the nuisance they cause to the rest of the community can consume an inordinate amount of Council and other Government agencies resources.

If the bylaw breached is one that only allows for the matter to be taken to court then often it is not proceeded with for the following reasons;

- too expensive on Council and ratepayer money to proceed to court
- The minor nature of the breach is outweighed by the formal court approach and stated fines between \$5000 - \$200 000.
- Media would ridicule Council for seeking a District court prosecution for bylaw breaches such as “Keeping a rooster in an urban zone”
- The District court work load burden would increase

In the interest of efficient use of Council resources and due to the above stated matters when enforcement is not proceeded with, the result often supports a community held view that Council is ineffective. Infringement notice processes enable an effective response, and an efficient response, giving greater value for money. This kind of economic benefit is the very kind that the Minister, and Councilors, are seeking from us.

Legislative pathway

The legislative process by the Minister of Local Government is contained in section 259 Local Government Act 2002.

- (1) The Governor-General may, by Order in Council made on the recommendation of the Minister, make regulations for 1 or more of the following purposes:
- (a) Prescribing breaches of bylaws that are infringement offences under this Act:
 - (b) Prescribing infringement fees (not exceeding \$1,000) for infringement offences:

244 Proceedings for infringement offences LGA 2002

A person who is alleged to have committed an infringement offence may either—

- (a) be proceeded against under the Summary Proceedings Act 1957; or
- (b) be served with an infringement notice under section 245.

Unleash Potential in Local Government:

The Governments focus is on regulatory reform, reducing impediments to efficient Government agencies and prudent use of tax payer's and by implication, ratepayers' money.

Allow Local Councils the ability to issue infringement notices on all their bylaws ,not just a select few.

From: Steven May, Environmental Services Manager, Grey District council
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