

Laura Bowman

From: official information
Sent: Thursday, 2 June 2022 1:36 pm
To: [REDACTED]
Cc: official information
Subject: Final Response: LGOIMA 266304 - [REDACTED] - Taituara request for information regarding bylaws

Kia Ora,

Please see below information held by Hamilton City Council that has been requested for the Regulations Review Select Committee inquiry into bylaws.

1. Data on prosecutions brought by LGNZ's members to enforce bylaws

2019/2020	Nil
2020/2021	Nil
2021 to date	Nil

Note: This excludes prosecutions taken by police under the provisions of Hamilton Alcohol Control Bylaw 2015 where police are specifically empowered to (Local Government Act 2002 s169 and s170) to inspect containers in alcohol ban areas, search vehicles, seize alcohol and arrest people for breaching the bylaw.

2. Hamilton City Council bylaws that do not have any overlap with other legislation

Hamilton City Council bylaws all have some relationship to primary legislation in terms of being made under empowering provisions. Primarily the Local Government Act 2002, which provides the lawful authority to create bylaws, the mandate to create powers of entry and powers of seizure of property.

Aside from the Local Government Act 2002, bylaws that do not overlap with other legislation are:

- Hamilton Alcohol Control Bylaw 2015
- Public Places Bylaw 2016
- Safety in Public Places Bylaw 2020
- Hamilton City Animal Nuisance Bylaw 2013
- Cultural and Recreational Facilities Bylaw 2012

For comparison, bylaws that do overlap with other legislation (aside from the Local Government Act 2002) include:

- Hamilton City Water Supply Bylaw 2013, Hamilton City Stormwater Bylaw 2021 and Hamilton Trade Waste and Wastewater Bylaw 2016 all overlap with the Health Act 1956.
- Cemeteries and Crematorium Bylaw, with the Burials and Cremation Act 1964
- Dog Control Bylaw 2015, with the Dog Control Act 1996
- Prostitution Bylaw 2019, with the Prostitution Reform Act 2003.
- Parks, Domains and Reserves Bylaw, with the Reserves Act 1977 and the Freedom Camping Act 2011
- Hamilton City Waste Management and Minimisation Bylaw 2019, with the Waste Minimisation Act 2008, Health Act 1956 and Litter Act 1979
- Hamilton Traffic Bylaw, with the Local Government Act 1974, Land Transport Act 1998 and Freedom Camping Act 2011.

Note: staff were somewhat unclear on the precise meaning/intent of overlap you were seeking – if you require further clarification please feel free to get in touch.

3. Bylaws that Hamilton City Council have made that cannot be enforced by way of an infringement regime

- Hamilton City Water Supply Bylaw 2013

- Hamilton City Stormwater Bylaw 2021
- Hamilton Trade Waste and Wastewater Bylaw 2016
- Hamilton Animal Nuisance Bylaw 2015
- Hamilton Dog Control Bylaw 2015
- Prostitution Bylaw 2019
- Public Places Bylaw 2016
- Safety in Public Places Bylaw 2020
- Note: the ability enforce by way of an infringement regime for breaches of the Hamilton Alcohol Control Bylaw 2015 is restricted to police only
- Cultural and Recreational Facilities Bylaw 2012
- Parks, Domains and Reserves Bylaw 2019

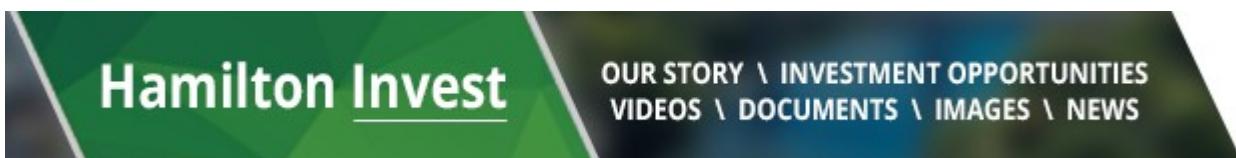
Note: by contrast there remains a specific ability to issue infringements for breaches of the Cemeteries and Crematorium Bylaw via the Burials and Cremation Act 1964.

All Hamilton City Council bylaws are publicly available on our website [here](#).

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Kind Regards,

Tatiyana
Official Information Team
 Legal Services & Risk | People and Organisational Performance
 Email: officialinformation@hcc.govt.nz



From: LOCAL GOVERNMENT LAWYERS <LGLAWYERS@LGCONNECT.CO.NZ> **On Behalf Of** [REDACTED]
Sent: Monday, 23 May 2022 2:31 pm
To: LGLAWYERS@LGCONNECT.CO.NZ
Subject: bylaws - request from Select Committee

Kia ora e te whanau ngā kaunihera o Aotearoa,

LGNZ is assisting the Regulations Review Select Committee in an inquiry into bylaws

The committee has requested further information from LGNZ on the following matters:

- data on prosecutions brought by LGNZ's members to enforce bylaws say in the 19/20, 20/21 and current year to date
- identification of bylaws that do not have any overlap with other legislation
- bylaws that LGNZ's members have made that cannot be enforced by way of an infringement regime.

If you are able to share any information on the three items above, or have any queries about the above please go direct to [REDACTED] rather than hitting reply or reply to all

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