

Maritime Transport (Class Exemption—Pilotage at Taharoa Terminal) Notice 2021

Pursuant to section 40AA(1)(b) of the Maritime Transport Act 1994, the Director of Maritime New Zealand, being satisfied of the matters set out in section 40AA(2) of that Act, gives the following notice.

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Notice

1. Title

This notice is the Maritime Transport (Class Exemption—Pilotage at Taharoa Terminal) Notice 2021.

2. Commencement

This notice comes into force on 22 November 2021.

Note: Commencement date must not be a date earlier than the date the exemption is notified in the Gazette. Refer MTA s.40AB(3), Schedule 1AA, Part 3, clause 10(3)) and Legislation Act 2019 s.73 and s.74.

3. Interpretation

- (1) In this notice, unless the context otherwise requires,—
Act means the Maritime Transport Act 1994
Rules means Maritime Rule, *Part 90: Pilotage*

Taharoa pilotage area means the pilotage area specified for Taharoa Terminal as described in the Rules, Appendix 1.

- (2) Any term or expression that is defined in the Act or the rules and used, but not defined, in this notice has the same meaning as in the Act or the rules.

4. Exemption: requirement to hold a pilot licence or pilot exemption certificate

- (1) The class of person described in subclause (2) is exempt from the requirements specified in rule 90.21(2) of the Maritime Rules, *Part 90: Pilotage*.
- (2) The class of person is every person, being the master, who navigates a ship that is:
- (a) operating within the Taharoa pilotage area where that ship that meets or exceeds the limits specified for that pilotage area: and
 - (b) an Anchor Handling Tug Supply vessel or an Offshore Support vessel between 500 to 10,000 gross tonnage fitted with an operational Dynamic Positioning system: and
 - (c) carrying out maintenance or repairs on the terminal infrastructure or other construction work within the Taharoa pilotage area for or on behalf of Taharoa Iron Sands Ltd.

5. Conditions of exemption in clause 4

- (1) The exemption in clause 4 is granted subject to the conditions set out in this clause.
- (2) The person, being the master, who navigates the ship must—
- (a) maintain, in a format acceptable to the Director, a record of all ship movements conducted within the Taharoa pilotage area; and
 - (b) prior to entering into or navigating within that pilotage area, contact the local harbour control; and
 - (i) advise the name of the master and the name of the ship;
 - (ii) report any defects to the harbourmaster as required by rule 90.25 of the Rules; and
 - (c) take a pilot when entering the Taharoa pilotage area if directed to do so by the harbourmaster or the Director; and
 - (d) hold a current New Zealand Master certificate or competency or equivalent; and
 - (e) hold a current Dynamic Positioning Operator qualification; and
 - (f) have been familiarised with the port and project requirements and obligations; and
 - (g) ensure operations take place only when conditions do not exceed significant wave height of 2.9 metres and wind maximum of 40 knots.

6. Exemption: Requirement to carry a pilot

- (1) The class of person described in subclause (2) is exempt from the requirements specified in rule 90.23 of the Maritime Rules, *Part 90: Pilotage*.
- (2) The class of person is every master of a ship:
- (a) operating within the Taharoa pilotage area where that ship that meets or exceeds the limits specified for that pilotage area: and
 - (b) an Anchor Handling Tug Supply vessel or an Offshore Support vessel between 500 to 10,000 gross tonnage fitted with an operational Dynamic Positioning system: and
 - (c) carrying out maintenance or repairs on the terminal infrastructure or other construction work within the Taharoa pilotage area for or on behalf of Taharoa Iron Sands Ltd.

7. Conditions of exemption in clause 6

- (1) The exemption in clause 6 is granted subject to the conditions set out in this clause.
- (2) The master of the ship must—
 - (a) maintain, in a format acceptable to the Director, a record of all ship movements conducted within the Taharoa pilotage area; and
 - (b) prior to entering into or navigating within that pilotage area, contact the local harbour control; and
 - (i) advise the name of the master and the name of the ship;
 - (ii) report any defects to the harbourmaster as required by rule 90.25 of the Rules; and
 - (c) take a pilot when entering the Taharoa pilotage area if directed to do so by the harbourmaster or the Director; and
 - (d) hold a current New Zealand Master certificate or competency or equivalent; and
 - (e) hold a current Dynamic Positioning Operator qualification; and
 - (f) have been familiarised with the port and project requirements and obligations; and
 - (g) ensure operations take place only when conditions do not exceed significant wave height of 2.9 metres and wind maximum of 40 knots.

8. Exemption: Requirement to hold a pilot exemption certificate when pilot not carried

- (1) The class of person described in subclause (2) is exempt from the requirements specified in rule 90.24(1) of the Maritime Rules, *Part 90: Pilotage*.
- (2) The class of person is every master of a ship:
 - (a) operating within the Taharoa pilotage area where that ship that meets or exceeds the limits specified for that pilotage area: and
 - (b) an Anchor Handling Tug Supply vessel or an Offshore Support vessel between 500 to 10,000 gross tonnage fitted with an operational Dynamic Positioning system: and
 - (c) carrying out maintenance or repairs on the terminal infrastructure or other construction work within the Taharoa pilotage area for or on behalf of Taharoa Iron Sands Ltd.

9. Conditions of exemption in clause 8

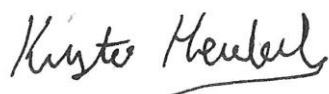
- (1) The exemption in clause 8 is granted subject to the conditions set out in this clause.
- (2) The master of the ship must—
 - (a) maintain, in a format acceptable to the Director, a record of all ship movements conducted within the Taharoa pilotage area; and
 - (b) prior to entering into or navigating within that pilotage area, contact the local harbour control; and
 - (i) advise the name of the master and the name of the ship;
 - (ii) report any defects to the harbourmaster as required by rule 90.25; and
 - (c) take a pilot when entering the Taharoa pilotage area if directed to do so by the Harbourmaster or the Director; and
 - (d) hold a current New Zealand Master certificate or competency or equivalent; and
 - (e) hold a current Dynamic Positioning Operator qualification; and
 - (f) have been familiarised with the port and project requirements and obligations; and

- (g) ensure operations take place only when conditions do not exceed significant wave height of 2.9 metres and wind maximum of 40 knots.

10. Expiry of exemption

The exemption in clause 4 and 6 expires on 22 November 2026 unless it is sooner replaced or revoked.

Dated at Wellington this 8 November 2021



Kirstie Hewlett
Director
Maritime New Zealand

Statement of reasons

This notice exempts a class of person from compliance with certain specified requirements in Maritime Rules, *Part 90: Pilotage* made under the Maritime Transport Act 1994 (see section 40AA(1)(b) of the MTA).

The exemptions in *clauses 4, 6 and 8* of this notice relate to rules 90.21(2), 90.23 and 90.24(1) of the Maritime Rules, *Part 90: Pilotage*. Those rules require the person who navigates the ship and the master of a ship to carry an appropriately qualified pilot, receive advice from a pilot ashore or aboard another vessel in certain circumstances, or to hold a pilotage exemption certificate when operating certain ships within specified pilotage areas.

In respect of the requirements under rule 90.21(2), 90.23 and 90.24(1), the exemptions will apply to a class of person, being the master of a ship, that is:

- (a) operating within the Taharoa pilotage area where that ship that meets or exceeds the limits specified for that pilotage area: and
- (b) an Anchor Handling Tug Supply vessel or an Offshore Support vessel between 500 to 10,000 gross tonnage fitted with an operational Dynamic Positioning system: and
- (c) carrying out maintenance or repairs on the terminal infrastructure or other construction work within the Taharoa pilotage area for or on behalf of Taharoa Iron Sands Ltd.

The exemptions *clauses 4, 6 and 8* are subject to the conditions that the master of the ship must—

- (a) maintain, in a format acceptable to the Director, a record of all ship movements conducted within the Taharoa pilotage area; and
- (b) prior to entering into or navigating within that pilotage area, contact the local harbour control; and
 - (i) advise the name of the master and the name of the ship;
 - (ii) report any defects to the harbourmaster as required by rule 90.25; and
- (c) take a pilot when entering the Taharoa pilotage area if directed to do so by the harbourmaster or the Director; and
- (d) hold a current New Zealand Master certificate or competency or equivalent; and
- (e) hold a current Dynamic Positioning Operator qualification; and
- (f) have been familiarised with the port and project requirements and obligations; and
- (g) ensure operations take place only when conditions do not exceed significant wave height of 2.9 metres and wind maximum of 40 knots.

This exemption comes into force on 22 November 2021 and it expires on 22 November 2026, unless it is sooner replaced or revoked (see section 40AB(4)).

The Director of Maritime New Zealand, after being satisfied as to the matters set out in section 40AA of the Act, thinks it appropriate to grant the class exemption because:

- due to the unique nature of the Taharoa pilotage area where the port is an offshore terminal, it does not have the navigational features and potential hazards that may occur at other ports where pilotage is required under the Maritime Rules;
- the masters of Offshore Support Vessels and Anchor Handling Tugs between 500 to 10,000 gross tonnage fitted with operational Dynamic Positioning systems are experts in handling their vessels, trained and certified for the type of operations being conducted.

As a result, requiring masters operating these types of vessels to carry a pilot, receive advice from a pilot ashore, or to hold a Pilotage Exemption Certificate would not

contribute to the safety of navigation or protection of the marine environment when carrying out work on the terminal within the Taharoa pilotage area.

The Director is further satisfied that the exemption and conditions are appropriate as:

- the pilotage requirements in the Rules are purely domestic requirements that do not implement any international conventions. The granting of the exemption will not breach New Zealand's obligations under any convention.
- the requirement to carry a pilot or hold a Pilotage Exemption Certificate is clearly unreasonable and inappropriate in this particular case due to the unique nature of the Taharoa pilotage area and the expertise of the class of masters operating the vessels (Offshore Support Vessels and Anchor Handling Tugs between 500 to 10,000 gross tonnage fitted with operational Dynamic Positioning systems);
- the granting of the exemption will not significantly increase risk of harm to the marine environment or to safety;
 - there are no specific or unique environmental risks related to operations within the Taharoa pilotage area, other than obligations that fall on the master at all times;
 - the typical risks pilots are employed to manage are not relevant in this situation;
 - the vessels will not be travelling in and out of the pilotage area in order to get to their place of operation, but will be intentionally entering the area to carry out tasks within the Port area for which they have been specifically engaged and instructed;
 - the masters of the vessels are specifically trained and certified for the type of work being conducted.