

When we will reject or decline an application for a maritime or marine protection document OP 01

Operational Policy

December 2023

This operational policy sets out how Maritime NZ makes decisions about when we will reject or decline an application for a maritime or marine protection document.

Under the Maritime Transport Act 1994 (MTA), the Director of Maritime NZ (Director) can issue maritime and marine protection documents. Maritime and marine protection documents are licences, permits, certificates and other documents that allow the holder to exercise specific privileges in our maritime domain. They can be issued to a vessel, an operator, an individual or to multiple people who act on behalf of an operator.

Holders of maritime and marine protection documents must meet all their obligations under the MTA and the maritime and marine protection rules. They are also subject to regulatory controls under the MTA. For example, the Director may:

- inspect and audit operations;
- impose conditions, suspend, or revoke a maritime or marine protection document; or
- take enforcement action for non-compliance with a maritime or marine protection document.

These controls help to prevent harm by providing assurance that people working in the maritime domain understand their responsibilities, and that equipment, vessels and other operations meet safe operating standards.

This policy applies to applications for all maritime and marine protection documents with limited exceptions

This policy applies to all applications for maritime and marine protection documents under the MTA except for the recognition of foreign documents.

This policy does not apply to maritime and marine protection documents under other legislation such as the Trans-Tasman Mutual Recognition Act 1997.



What we expect of applicants

We expect anyone applying for a maritime or marine protection document to:

- complete the application form in full;
- provide all the relevant information and documents to support the application;
- ensure all the information provided is clear and legible;
- respond to all requests for information;
- ensure that the operation, and any people and/or vessels named on the application, meet the requirements in the MTA and the maritime or marine protection rules for the document being sought. This includes the requirement for people to meet the fit and proper person test set out in the MTA; and
- pay the appropriate fee.

How we make decisions to reject or decline an application

We will reject an application if we do not have all the information needed to assess the application

An application will be rejected, without being assessed, when the applicant has:

- been asked to provide information and has not provided the information requested or contacted us within 30 working days from our request;
- responded to a request for information within 30 working days, but has not provided all of the information requested; or
- been asked to clarify illegible information and has not provided clarified information or contacted us within 30 working days from our request.

Extensions to the 30 working day period for information to be provided may be granted in limited circumstances

If an applicant requests additional time to provide information, within the 30 working day period, we:

- may grant an extension of 10 working days for the information to be provided if the applicant can provide evidence of a genuine reason for an extension; and
- will consider any further requests for an extension on a case-by-case basis.

If after 30 working days, or 40 working days if an extension has been approved, the information has not been received the application will be rejected and closed.



We will decline an application if the prescribed requirements for a maritime or marine protection document are not met

We will decline an application:

- if the necessary requirements of the MTA and the maritime or protection rules to obtain the maritime or marine protection document have not been met; and/or
- if the applicant does not meet the fit and proper person requirements in section 50 of the MTA.

If an application is for multiple people to exercise the privileges of the document, only people that meet the fit and proper person requirements in section 50 of the MTA will be named as a responsible person on the document.

We will follow the process set out in section 51 of the MTA if an application is to be declined because an individual did not meet the fit and proper person requirements.

We may reject an application if the applicant has not paid the fixed application fee invoiced

We may reject an application if:

- the fixed fee for an application has not been paid by the due date on the invoice; or
- operators, who pay on account, have not made a scheduled payment.

We may provide a 10 working day extension for payment to be made if the applicant provides evidence of a genuine reason for late payment.

We may suspend or revoke a maritime or marine protection document if an applicant does not pay the hourly application fee invoice

If an invoice for an hourly fee is not paid after six months the maritime or marine protection document may be suspended or revoked.

Exception to this policy where fees are still owing

In exceptional circumstances, where the safety of any person would be put at risk, or there is a risk to the marine environment, we will continue to process fixed fee applications and we will not suspend or revoke maritime or maritime protection documents with fees owing. These instances will be rare and we will consider these on a case-by-case basis.



If an application is rejected or declined, a new application and fee is necessary to reapply

If an application has been rejected or declined, the fixed fee for the application generally will not be refunded.

If the applicant wishes to reapply for the maritime or marine protection document:

- a new application with all the relevant documentation will need to be submitted; and
- the appropriate fee for that new application will need to be paid.

In exceptional circumstances, we may allow a person to revive their application or make a new application without paying an additional fee, or paying a reduced fee. This will be considered on a case-by-case basis.

Legislative basis for this policy

Requirements for maritime and marine protection documents are set out in the MTA and maritime and marine protection rules. The following sections of the MTA support this policy:

- section 50 - the holder of a maritime or marine protection document must be a fit and proper person;
- section 51 - process to be followed if it is proposed that a person is to be found to be not a fit and proper person;
- section 46 (5) - applications for maritime documents may be rejected and closed;
- sections 46 - maritime documents may be suspended or revoked due to unpaid fees;
- section 274 (5) - applications for marine protection documents may be rejected and closed; and
- section 274 - marine protection documents may be suspended or revoked due to unpaid fees.

The Maritime (Charges) Regulations 2014 set out fixed and hourly rate fees for processing maritime and marine protection document applications.

Key terms

Complete application

We determine that an application is 'complete' when we have received all of the essential information required to be able to assess it.

Any application that is declined after it is deemed complete is entitled to appeal under section 424 of the MTA.

Exceptional circumstances

One-off events (not ongoing issues). Examples of these are serious illness or accident, family bereavement, critical personal circumstances involving the health or wellbeing of a relative or other exceptional circumstances beyond the applicant's control (e.g.



natural disaster, damage to significant property, impacts arising from being the victim of a serious crime, etc.).

Genuine reasons

Genuine reasons include reasons that are outside of the control of the applicant. For example, if information has not be provided in accordance with this policy because:

- a seafarer has been injured and is unable to respond within the standard timeframe;
- the information requested is from another source and the other source has caused the delay;
- a vessel has been damaged and is undergoing or awaiting repairs, and this damage affects their eligibility for the certificate they have applied for; or
- a seafarer has been at sea for longer than the standard 28 days.

A genuine reason for the late payment of fees would include, among other things, that the seafarer or operator is at sea and has no access to internet banking.

Incomplete application

When we have not received all of the essential information required to assess the application within the timeframes set out in this policy, it is an incomplete application. It may be rejected for administrative purposes and cannot be appealed under section 424 of the MTA.

Maritime domain

refers to maritime activities related to maritime commercial operators, maritime security for ports and shipping, recreational boating, and national and Pacific search and rescue coordination within New Zealand's marine waters.

Disclaimer

This document sets out when Maritime NZ will reject or decline an application for a maritime or marine protection document, but it is not a substitute for the MTA and the rules. Applicants must make sure they are following the latest maritime or marine protection rules and any other relevant legislation. Applicants should also obtain legal advice where appropriate.

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