

## Maritime Transport Act 1994

### Maritime Rules

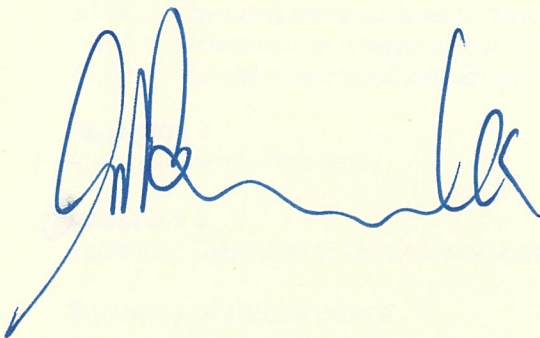
#### PART 20: OPERATING LIMITS

Pursuant to section(s) 36(1)(i), 36(1)(j) and 36(1)(zb) of the Maritime Transport Act 1994, and having had regard to the criteria specified in section 39(2) of that Act, I, Gerry Brownlee, Minister of Transport, hereby make the following maritime rules.

Signed at Wellington

This 27<sup>th</sup> day of January . 2014

By Hon GERRY BROWNLEE



Minister of Transport

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## Part objective

Part 20 defines operating limits for the purpose of all maritime rules. Its other main purpose is to require ships to be assigned operating limits and to provide for an obligation to keep within the lesser of the assigned operating limits or the operating limits that apply to the Master, subject to exceptions.

While the definitions in rule 20.2 may be referred to elsewhere in the maritime rules and therefore has a broader application, Part 20 otherwise applies to—

- New Zealand ships which are commercial ships
- Foreign ships operating commercially in New Zealand waters
- Foreign fishing vessels registered under the Fisheries Act 1996.

Part 20 does not apply to certain ships including—

- Pleasure craft
- Foreign ships visiting New Zealand ports, New Zealand offshore terminals or transiting New Zealand waters
- New Zealand ships which have current SOLAS certificates and are therefore already entitled to operate in unlimited waters. Limits do not need to be assigned to these ships.

Part 20 is made pursuant to the sections 36(1)(i), 36(1)(j) and 36(1)(zb) of the Maritime Transport Act 1994.

Maritime rules are subject to the Legislation Act 2012. Under that Act, the rules are required to be tabled in the House of Representatives. The House of Representatives may, by resolution, disallow any rules. The Regulations Review Committee is the select committee responsible for considering rules under the Legislation Act.

## Extent of consultation

On 1 December 2012, Maritime New Zealand published in each of the daily newspapers in the four main centres of New Zealand a notice inviting comments on the proposed rules (Parts 20, 31, 32 and 35) to implement the proposed Seafarer Certification and Operational Limits Framework. A notice was also published in the *New Zealand Gazette*. In addition, copies of the draft rules and consultation documents were sent to interested parties and made publicly available on the internet. Comments on the proposed new Parts 20, 31, 32 and 35 were requested to be made by 29 January 2013. The consultation period was later extended in response to requests from industry to 29 March 2013.

Over 300 RSS feed subscribers also received a consultation notification by email.

Maritime New Zealand received 150 written submissions. All submissions were reviewed and amendment was made to the draft rules as appropriate. Submitters generally made points of clarification, implications for transition, and the operation of the training and examinations framework.

## Entry into force

These rules enter into force on 1 April 2014 except for rules 20.20, 20.43 and 20.60 which enter into force on the date stated in the rule. Subpart D applies in the period before 1 July 2014.

## General

### 20.1 Application

- (1) Except as provided for in subrule (2), Part 20 applies to a commercial ship that is—
  - (a) a New Zealand ship that does not have a certificate issued to it as a SOLAS ship under Part 46 of the Maritime Rules; or
  - (b) a foreign ship to which rule 46.28 applies.
- (2) Part 20 does not apply to:
  - (a) a ship under tow; or
  - (b) a ship undergoing sea trial within restricted limits; or
  - (c) hire and drive boats as defined in rule 40A.72 of Part 40A; or
  - (d) ships to which Part 81 applies; or
  - (e) commercial jetboats to which Part 82 apply.

### 20.2 Operating limits defined

For the purposes of the maritime rules—

#### **coastal limits—**

- (a) means those areas of the sea having, as their inner limits, the baseline described in sections 5, 6 and 6A of the Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977 and, as their outer limits, a line measured seaward from that baseline, every point of which is 50 miles from the nearest point of the baseline; but
- (b) does not include areas having, as their inner limits, the baseline along the coast of the Kermadec Islands, the Auckland Islands, the Antipodes Islands, the Bounty Islands, the Campbell Island group, The Snares and Esperance rock:

#### **enclosed water limits** means—

- (a) the enclosed water limits set out in Part 1 of Appendix 1; and
- (b) all New Zealand inland waters:

#### **inshore fishing limits—**

- (a) means all the water within the territorial sea of New Zealand (excluding those areas that have the inner limits described in paragraph (b) of the definition of coastal limits) and the waters of the coastal limits north of a line from 36° 42'S 167° 08'E to 36° 42'S 167° 18'E that provide direct access to Solander Island from Foveaux Strait; and
- (b) includes any areas of the inshore limits set out in Part 2 of Appendix 1 that extend beyond the limits of the territorial sea:

#### **inshore limits** means —

- (a) the inshore limits set out in Part 2 of Appendix 1; and
- (b) in relation to a ship, any defined section of the coastal limits not beyond the limit of the territorial sea of New Zealand (which has been assigned to that ship as an inshore limit by a surveyor under rule 20.20(1)), subject to rule 20.20(4):

**low-water mark** has the same meaning as in section 2 of the Territorial Sea, Contiguous Zone, and Exclusive Economic Zone 1977:

**New Zealand inland waters** means all rivers, lakes and other inland waters of New Zealand, which are navigable:

**offshore limits** means those areas of the sea that are beyond and adjacent to the coastal limits, having as their outer limits a line measured seaward from the baseline described in sections 5, 6 and 6A of the Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977, every point of which is 200 miles from the nearest point of the baseline:

**operating limits** means the limits defined in this Part:

**restricted coastal limits**, in relation to a ship, means any defined section of the coastal limits which has been assigned to that ship by a surveyor in accordance with rule 20.20(1):

**restricted limits** means enclosed water limits and inshore limits:

**shoreline** means—

- (a) the low-water mark along the coast of the North Island, the South Island, Stewart Island and the islands of the Chatham Islands group; and
- (b) the land along the edge of a lake or other large body of water at its lowest ebb:

**specified limit** means the limit described in a specified limits operating plan:

**specified limits operating plan** means a specified limits operating plan referred to in rule 20.41

**territorial sea** has the same meaning as in section 3 of the Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977:

**unlimited area** means the sea area outside offshore limits.

### **20.3 Diagrams of inshore, coastal and offshore limits for fishing and non-fishing vessels**

- (1) Appendix 2 contains diagrams in respect of the following:
  - (a) inshore, coastal and offshore operating limits for non-fishing vessels; and
  - (b) inshore fishing limits, coastal and offshore limits for fishing vessels.
- (2) The diagrams in Appendix 2 are illustrative only of operating limits and are subject to any applicable definition or other provision in this Part.
- (3) If the diagram and a rule to which it relates are inconsistent, the rule prevails.

### **20.4 Other definitions**

- (1) In this Part—

**Act** means the Maritime Transport Act 1994:

**Certificate of Surveyor Recognition—**

- (a) has the same meaning as in Part 44 of the Maritime Rules; and
- (b) includes any document that is deemed under Part 44 of the Maritime Rules to be a valid Certificate of Surveyor Recognition:

**commercial ship** has the same meaning as in section 2 of the Act:

**current**, in relation to a certificate or other document, means that the certificate or document is valid, has not expired, and, in relation to any maritime document, has not been suspended or revoked by the Director:

**Director** has the same meaning as in section 2 of the Act:

**fishing vessel** means a ship that is required to be registered under New Zealand fisheries legislation:

**foreign ship** has the same meaning as in section 2 of the Act:

**GT** means gross tonnage:

**harbourmaster**, in relation to a port, has the same meaning as in section 2 of the Act:

**length** means 96 percent of the total length on a waterline at 85 percent of the least moulded depth measured from the top of the keel, or the length from the fore side of the stem to the axis of the rudder stock on that waterline, if that is the greater length. In ships

designed with a rake of keel, the waterline on which this length is measured must be parallel to the design waterline:

**length overall** means the length of the ship measured from the foreside of the head of the stem to the aftermost part of the transom or stern of the ship; and for the purposes of this Part—

- (a) does not include fittings (such as beltings, bowsprits, platforms, gantries, trim tabs, jet and outboard drive units) that project beyond these terminal points; and
- (b) includes structures (such as bulbous bows, deckhouses, free flooding bait tanks and buoyancy tubing) that project beyond these terminal points.<sup>1</sup>

**master** has the same meaning as in section 2 of the Act:

**mile** means a standard nautical mile:

**New Zealand ship** has the same meaning as in section 2 of the Act:

**owner** has the same meaning as in section 2 of the Act:

**Part** means a group of rules made under the Maritime Transport Act 1994:

**passenger ship** means a commercial ship that carries—

- (a) more than 12 passengers outside the restricted area; or
- (b) any passengers within the restricted area:

**port** has the same meaning as in section 2 of the Act:

**port company** means a port company within the meaning of section 2(1) of the Port Companies Act 1988:

**port operator** means—

- (a) any person who operates a commercial port; and
- (b) includes a port company:

**SOLAS ship** has the same meaning as in Part 46 of the Maritime Rules:

**surveyor** means a person who holds a current Certificate of Surveyor Recognition under Part 44 of the Maritime Rules.

## 20.5 References to positions and directions

- (1) The positions stated in Appendix 1 are expressed in terms of the co-ordinates used in the World Geodetic System 1984.
- (2) Directions stated in Appendix 1 are expressed relative to true North.

## Subpart A – Operating limits

### 20.20 Operating limits assigned to ships

- (1) Except as provided in rule 20.42, the owner of a ship to which this Part applies must ensure that the ship has operating limits assigned to it by a surveyor.
- (2) A surveyor who assigns operating limits to a ship must clearly record the operating limits on one of the following certificates—
  - (a) the certificate issued under rule 44.41; or
  - (b) the certificate issued under rule 46.14; or

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<sup>1</sup> See the Advisory Circular to Part 40A for further guidance and interpretation of this definition.

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- (c) the certificate issued under rule 46.24; or
  - (d) the certificate issued under rule 46.28.
- (3) Operating limits must be assigned to a ship in a manner that is consistent with any applicable restrictions and requirements for assigning limits to that type of ship specified in any maritime rule.
- (4) A surveyor who assigns an inshore limit that is a defined section of the coastal limits not beyond the limits of the territorial sea of New Zealand must assign a limit within 30 miles of a safe haven and must specify the safe haven in the certificate issued under rule 44.41.
- (5) A surveyor who assigns an inshore limit other than an inshore limit that is listed in Appendix 1 must not assign a limit to a ship that is—
- (a) over 500 GT or 45 metres or more in length; or
  - (b) less than 12 metres in length overall, if assigning the limit would enable the ship to undertake a voyage across the Cook Strait.
- (6) This rule enters into force on 1 July 2014.

### **20.21 Requirement to operate within lesser of operating limits assigned to ship or operating limits that apply to Master**

Except as provided in rules 20.40 to 20.43, a person who operates a ship to which this rule applies must operate the ship within whichever is the lesser of—

- (a) the operating limits that are assigned to that ship under rule 20.20(1) and that are recorded in accordance with rule 20.20(2); or
- (b) the operating limits within which a master of a ship may perform his or her functions and duties under the privileges associated with the master's certificate of competency set out in Part 32.

## **Subpart B – Exceptions to duty to operate within operating limits**

### **20.40 Port operations exception**

- (1) A port company or harbourmaster, or a person authorised by the port company or harbourmaster may, in accordance with this rule, operate a ship within an extended area that meets the requirements of subrule (3) and that is greater than and inclusive of an enclosed water limit that would otherwise apply.
- (2) In the event of any disagreement, the decision of a harbourmaster prevails over the decision of the port company or any other person.
- (3) The extent of the extended area and the operation of the ship within it must be reasonably necessary for the conduct of the operation or administration of a port—
  - (a) where the port company or harbourmaster has authority to act; and
  - (b) that is within a pilotage area set out in the Appendices to Part 90.
- (4) Where this rule applies—
  - (a) the crewing and watchkeeping requirements in Part 31 apply as if the ship is operating within the enclosed water limit; and
  - (b) any survey or safety requirements under the Maritime Rules that apply because of the ship's area of operation or intended operation apply as if the ship is operating within the enclosed water limit.

### **20.41 Specified limits permit**

- (1) The purpose of this rule is to facilitate permanent or temporary commercial operations where the proposed area of operation is close to the shoreline or close to a structure that is close to the shoreline.

- (2) An applicant for a specified limits permit must make an application that includes a specified limits operating plan, in a form required by the Director.
- (3) The Director must issue a specified limits permit and the associated specified limits operating plan under this rule if the Director is satisfied that—
  - (a) the specified limit—
    - (i) is adequately described; and
    - (ii) is a specified distance from a specified area of shoreline or a specified distance from a structure where the structure is identified in relation to a specified area of shoreline; and
    - (iii) is outside the normal flow of marine traffic; and
    - (iv) is not contiguous with another limit approved under a specified limits permit; and
  - (b) it is in the interests of maritime safety to issue the permit, taking into account—
    - (i) that the distance of the specified limit from the shore is an important risk factor; and
    - (ii) the measures proposed in the specified limits operating plan.
- (4) The Director may impose any conditions that the Director considers appropriate in the interests of maritime safety and must specify the period for which the permit applies.
- (5) For the avoidance of doubt, a permit issued under this rule is not a maritime document.
- (6) Every application must be submitted to the Director, with a payment of the appropriate application fee prescribed by the regulations made under the Act.

#### **20.42 Effect of specified limits permit**

- (1) Despite rules 20.20 and 20.21, a person that has been issued with a specified limits permit under rule 20.41 may operate a commercial ship if—
  - (a) it is 12 metres length overall or less; and
  - (b) the person is in possession of the permit; and
  - (c) the ship is operated exclusively within a specified limit in accordance with the relevant specified limits operating plan; and
  - (d) the ship and its equipment meet the requirements identified in the specified limits operating plan.
- (2) Where a person operates a ship under specified limits permit—
  - (a) passengers must not be carried; and
  - (b) the crewing and watchkeeping requirements of Part 31 do not apply.

#### **20.43 Permission for a single voyage outside restricted or coastal limits**

- (1) The Director may, subject to the requirements of this rule and such conditions as the Director considers appropriate in the interests of maritime safety, permit a single voyage to be made—
  - (a) by a ship that has been assigned restricted limits, for a voyage to be made within coastal limits; or
  - (b) by a ship that has been assigned coastal limits, for a voyage to be made within offshore limits.
- (2) The master and owner must ensure that—
  - (a) no passengers are carried on board during the voyage; and
  - (b) the voyage is—
    - (i) a delivery voyage; or
    - (ii) for repair, inspection, drydocking or slipping, trials or tests; or
    - (iii) for repositioning between different restricted limits; and



- (iv) not for hire or reward; and
- (c) any relevant survey or safety requirements under the maritime rules that apply because of the ship's area of operation or intended operation are complied with.
- (3) For the avoidance of doubt, a permission issued under this rule is not a maritime document.
- (4) This rule enters into force on 1 July 2014.

## **Subpart C – Transitional and revocation provisions**

### **20.60 Coastal or restricted coastal operating limits assigned under former Part 20**

- (1) This rule applies where—
  - (a) a ship was assigned operating limits under former Part 20 before it was revoked by rule 20.63; and
  - (b) the limits that were assigned are coastal limits or restricted coastal limits (other than inshore limits).
- (2) The requirement in rule 20.20 to have operating limits assigned by a surveyor and the requirement in rule 20.21 to operate a ship within the operating limits that are assigned to a ship must be treated as having been satisfied if—
  - (a) the ship continues to comply any relevant safety or survey requirements that applied prior to the revocation of former Part 20, including any conditions or limitations stated in the relevant certificate, and operates the ship—
    - (i) within the assigned operating limits, which are deemed to have the same meaning as defined in this Part; or
    - (ii) in any case in which the original operating limits extend beyond the operating limits as defined in this Part, within the original operating limits; and
  - (b) immediately before the commencement of this Part the ship had a current Certificate of Survey on which the assigned operating limits were recorded that is deemed to be a certificate of survey under Part 44 and which remains current; or
  - (c) immediately before the commencement of this Part the ship had a current New Zealand Barge Safety Certificate issued under rule 46.24 on which the assigned operating limits were recorded which remains current; or
  - (d) immediately before the commencement of this Part the ship had a current New Zealand Ship Safety certificate issued under rule 46.14 on which the assigned operating limits were recorded which remains current; or
  - (e) in any case in which rule 46.28 applies to a ship (which relates to foreign non-SOLAS ships operating on the New Zealand coast), no new obligation to survey the ship has arisen in accordance with the Director's determination as to the periodicity of required surveys.
- (3) This rule enters into force on 1 July 2014.

### **20.61 Enclosed, inshore, offshore and unlimited operating limits assigned under former Part 20**

A ship that was assigned operational limits that were enclosed, inshore or offshore limits, or the unlimited area under Part 20 prior to its revocation by rule 20.63 is deemed to have been assigned the same limit as defined in this Part.

### **20.62 Fishing vessels assigned restricted coastal limits restricted to territorial sea**

A fishing vessel that was assigned operational limits that were restricted coastal limits that were restricted to the territorial sea of New Zealand, without further restriction, under Part 20 prior to its revocation by rule 20.63, is deemed to have been assigned inshore fishing limits.

### **20.63 Revocations**

Part 20 as in force prior to the commencement of this Part is revoked.

## Subpart D – Period before 1 July 2014

### 20.80 Application of this subpart

This subpart applies in the period before 1 July 2014.

### 20.81 Operating limits assigned to ships

- (1) The owner of a ship to which this Part applies must ensure that the ship has operating limits assigned to it by a surveyor.
- (2) A surveyor who assigns operating limits to a ship must clearly record the operating limits on one of the following certificates—
  - (a) the certificate issued under rule 21.13(2)(a); or
  - (b) the certificate issued under rule 21.13(4); or
  - (c) the certificate issued under rule 21.13(19); or
  - (d) the certificate issued under rule 46.14; or
  - (e) the certificate issued under rule 46.24; or
  - (f) the certificate issued under rule 46.28.
- (3) Any surveyor who assigns operating limits to a ship must comply with any applicable restrictions and requirements for assigning limits to that type of ship specified in any maritime rule.
- (4) A surveyor who assigns an inshore limit that is a defined section of the coastal limit that is not beyond the 12 mile territorial sea of New Zealand must assign a limit within 30 miles of a safe haven and must specify the safe haven in the relevant certificate required by subrule (2).
- (5) A surveyor who assigns an inshore limit other than an inshore limit that is listed in Appendix 1 must not assign a limit to a ship that is—
  - (a) over 500 GT or 45 metres or more in length; or
  - (b) less than 12 metres in length overall, if assigning the limit would enable the ship to undertake a voyage across the Cook Strait.
- (6) In this rule, **surveyor** means a suitably qualified person who—
  - (a) has been recognised by the Director under rule 46.29 as a surveyor entitled to undertake the particular functions referred to in Part 20 before it was revoked by rule 20.62; and
  - (b) holds a current maritime document as a surveyor issued under section 41 of the Maritime Transport Act 1994.

### 20.82 Permission for a single voyage outside restricted limits

- (1) Subject to the requirements of this rule, an organisation operating an approved safe ship management system may permit single voyages to be made—
  - (a) by a ship that has been assigned restricted limits, for a voyage to be made within coastal limits; or
  - (b) by a ship that has been assigned coastal limits, for a voyage to be made within offshore limits.
- (2) The master and owner must ensure that—
  - (a) the ship:
    - (i) belongs to that organisation's approved safe ship management system; and
    - (ii) has been assigned restricted limits under rule 20.81; and
  - (b) no passengers are carried on board during the voyage; and
  - (c) the voyage is:

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- (i) a delivery voyage; or
  - (ii) for repair, inspection, drydocking or slipping, trials or tests; or
  - (iii) for repositioning between different restricted limits; and
  - (iv) not for hire or reward.
- (2) The master and owner must ensure that any survey or safety requirements under the maritime rules that apply because of the ship's area of operation or intended operation are complied with.
- (3) For the avoidance of doubt, a permission issued under this rule is not a maritime document.
- (4) In this rule, **approved safe ship management system** has the meaning given to it by rule 21.11 of Part 21 of the Maritime Rules.

### 20.83 Coastal or restricted coastal operating limits assigned under former Part 20

- (1) This rule applies where—
- (a) a ship was assigned operating limits under former Part 20 before it was revoked by rule 20.63; and
  - (b) the limits that were assigned are coastal limits or restricted coastal limits (other than inshore limits).
- (2) The requirement in rule 20.81 to have operating limits assigned by a surveyor and the requirement in rule 20.21 to operate a ship within the operating limits that are assigned to a ship are satisfied if —
- (a) the ship continues to comply any relevant safety or survey requirements that applied prior to the revocation of former Part 20, including any conditions or limitations stated in the relevant certificate, and operates the ship—
    - (i) within the assigned operating limits, which are deemed to have the same meaning as defined in this Part; or
    - (ii) in any case in which the original operating limits extend beyond the operating limits as defined in this Part, within the original operating limits; and
  - (b) immediately before the commencement of this Part the ship had a current fit for purpose certificate on which the assigned operating limits were recorded and a current New Zealand Safe Ship Management Certificate, both of which remain current, and the next inspection date for that ship, as set out in its approved maintenance plan, has not yet occurred; or
  - (c) immediately before the commencement of this Part the ship had a current New Zealand Barge Safety Certificate issued under rule 46.2 on which the assigned operating limits were recorded and which remains current; or
  - (d) immediately before the commencement of this Part the ship had a current New Zealand Ship Safety certificate issued under rule 46.14 on which the assigned operating limits were recorded and which remains current; or
  - (e) in any case in which rule 46.28 of the maritime rules applies to a ship (which relates to foreign non-SOLAS ships operating on the New Zealand coast), no new obligation to survey the ship has arisen in accordance with the Director's determination as to the periodicity of required surveys.
- (3) In this rule—

**Fit for Purpose Certificate** means a certificate issued by a surveyor in accordance with rule 21.13(2)(a) of Part 21:

**New Zealand Safe Ship Management Certificate** means a maritime document issued by the Director under Part 5 of the Act in accordance with rule 21.13(7) and rule 21.13(1)) of the maritime rules:

**surveyor** means a suitably qualified person who—

- (i) has been recognised by the Director under rule 46.29 of the maritime rules as a surveyor entitled to undertake the particular functions referred to in Part 20; and
- (ii) holds a current maritime document as a surveyor issued under section 41 of the Maritime Transport Act 1994.

## Appendix 1: Restricted Limits

### Part 1: Enclosed water limits

Area	Enclosed water limits
Akaroa	Inside a straight line from Timutimu Head to Truini Point.
Aotea	Inside a straight line from Potahi Point to Kahua Point.
Auckland	Within that area enclosed by straight lines from Rangitoto Island to the opposite shore in a 270° direction through Rangitoto beacon; from the northern point of Motutapu Island to the northern point of Rakino Island; from the north-eastern point of Rakino Island to the northern point of Owhanake Bay (Waiheke Island); from Waiheke Island to Pakatoa Island across the eastern entrance to Waiheke Channel at its narrowest point; from Pakatoa Island to Rotoroa Island at their nearest points; from Rotoroa Island to Ponui Island at their nearest points and from Ponui Island in a 180° direction to Raukura Point on the opposite shore.
Awanui	Inside straight lines from Blackney Point to the outer Motutara Rock, from there in a 260° direction to the opposite shore.
Bay of Islands	Inside straight lines joining the north points of Wairoa Bay, the eastern Black Rock, Motuarohia Island, Moturua Island, Motukeikei Island, the west point of Urupukapuka Island (Te Areako Point) and from the point on Urupukapuka Island nearest to Round Island to Te Hue Point.
Bligh Sound	Inside a straight line from Tommy Point to Chasland Head.
Bluff	Inside a straight line from Stirling Point to Tiwai Rocks.
Breaksea and Dusky Sounds	Inside straight lines from the north point of Resolution Island near Stevens Cove in a 033° direction to the opposite shore, and from the north point of Pickersgill Harbour in a 018° direction to the shore of Resolution Island.
Caswell Sound	Inside a straight line from Hansard Point in a 270° direction to the opposite shore.
Catlins River	Inside a straight line from Hayward Point in a 067° direction to the opposite shore.
Chalky Inlet	Inside a straight line from Breaker Point to Stripe Point.
Charles Sound	Inside a straight line from Hawes Head in a 090° direction to the opposite shore.
Chatham Islands, Te Whanga Lagoon	Inside a straight line across the banks at Hikurangi Channel.
Clutha River	Inside the Clutha River entrances.
Coromandel	Inside straight lines commencing at the southernmost tip of Tokotarea Point, from there 239° for 4.4 miles, and from there 170° to the shore at Deadmans Point.
Dagg Sound	Inside a straight line from Castoff Point in a 180° direction to the opposite shore.

Area	Enclosed water limits
Doubtful and Thompson Sounds	Inside straight lines from Febrero Point to South West Point Secretary Island, and from Colonial Head to Shanks Head.
Dusky and Breaksea Sounds	Inside straight lines from the north point of Resolution Island near Stevens Cove in a 033° direction to the opposite shore, and from the north point of Pickersgill Harbour in a 018° direction to the shore of Resolution Island.
French Pass	Inside straight lines from Clay Point to Halfway Point and from Okuri Point to Sauvage Point.
George Sound	Inside a straight line from the west head at George Sound entrance in a 090° direction to the opposite shore.
Gisborne	Inside the area of a circle of 1.4 miles radius centred on the outer breakwater lighthouse.
Great Barrier Island (a) Port Fitzroy  (b) Tryphena Harbour	Inside straight lines joining Maunganui Point, Wellington Head, False Head, Pyramid rock, and the south point of Junction Islands, from there in a 000° direction to the shore of Great Barrier Island.  Inside a straight line from Shag Point to the South Point of Ross Bay.
Greymouth	Inside a straight line joining the seaward ends of the breakwaters.
Havelock	Inside straight lines from West Entry Point to Goat Point and from Yellow Point in a 110° direction to the opposite shore.
Herekino	Inside a straight line from the northwest point of the south head in 000° direction to the opposite shore.
Hicks Bay	Inside a straight line from Matakaoa Point to Haupara Point.
Hokianga	Inside a straight line from North Head to South Head
Hokitika	Inside a straight line across the entrance to the Hokitika River.
Houhora	Inside straight line from Perpendicular Point in a 250° direction to the opposite shore.
Invercargill	Inside a straight line from Entrance Point to Steep Head.
Kaiapoi	Inside a straight line across the entrance to the Waimakariri River.
Kaipara	Inside a straight line from North Head in a 125° direction to the opposite shore.
Kawau	Inside straight lines from Mullet Point to Point Elizabeth, and from Kawati Point lighthouse in a 000° direction to the opposite shore.
Kawhia	Inside a straight line from Tauratahi Point to Urawhitiki Point.
Lyttelton	Inside a line from Sumner Head to the position 045° half a mile from Sumner Head, to the position 045° half a mile from Baleine Point, to Baleine Point.
Mahurangi	Inside straight lines from Sadler Point to the north point of Te Haupa Island and from the south point of Te Haupa Island to South Head.

**Maritime Rules**

<b>Area</b>	<b>Enclosed water limits</b>
Maketu	Inside the entrance to the Kaituna River and the Maketu Estuary.
Manawatu	Inside the entrance to the Manawatu River.
Mangawhai	Inside a straight line from the point on Mangawhai North Head nearest to Sentinel Rock lighthouse in a 180° direction to the opposite shore.
Mangonui	Inside a straight line from Rangitoto Point to Rangikapiti Head.
Manukau	Inside a straight line from the south point of Paratutai Island in a 120° direction to the shore.
Milford Sound	Inside a straight line from St Anne Point lighthouse in a 078° direction to the opposite shore.
Mokau	Inside the entrance to the Mokau River.
Nancy Sound	Inside a straight line from Burnett Point to Anxiety Point.
Napier	Inside a straight line from the northern extremity of the east breakwater in a 270° direction to the shore.
Nelson	Inside straight lines joining the outer ends of the main entrance moles and from the south point of Haulashore Island in a 135° direction to the opposite shore.
Ngunguru	Inside the entrance to the Ngunguru River.
Oamaru	Inside a straight line joining the seaward ends of the breakwater and the north mole.
Ohiwa	Inside a straight line across Ohiwa Harbour entrance at its narrowest point.
Opotiki	Inside a straight line across the Opotiki Harbour entrance from the western extremity of Hikuwai Beach in a 240° direction.
Parengarenga	Inside a straight line from Ngamaru Point in a 200° direction to the opposite shore.
Patea	Inside a straight line joining the seaward extremities of the Patea River breakwaters.
Picton	Inside straight lines from East Head to West Head, Tory Channel and from Cooper Point to Kempe Point.
Port Chalmers	Inside a straight line from Taiaroa Head to the seaward end of the North Mole.
Port Taranaki	Inside a straight line joining the north ends of the main and lee breakwaters.
Porirua	Inside a straight line from the west point of Onehunga Bay in a 042° direction to the opposite shore.
Port Underwood	Inside a straight line from Robertson Point to the south point of Ocean Bay.
Preservation Inlet	Inside straight lines from Cavern Head to Sandfly Point, Coal Island and across Otago Retreat at its narrowest width.

Area	Enclosed water limits
Raglan	Inside a straight line from Rangitoto Point in a 180° direction to the opposite shore.
Riverton	Inside a straight line from Talls Point in a 000° direction to the opposite shore.
Stewart Island	Inside straight lines commencing at the southern extremity of West Head, Port William, from there 110° for 3.2 miles, and from there 160° to Anglem Point.
Sumner	Inside a straight line from Cave Rock in a 330° direction to the opposite shore.
Sutherland Sound	Inside a straight line from Jagged Rocks in a 060° direction to the opposite shore.
Tairua	Inside a straight line from Te Huruhuru Point in a 230° direction to the opposite shore.
Tarakohe	Inside a straight line joining the seaward ends of the eastern and western breakwaters.
Tauranga	Inside straight lines across Katikati Entrance at its narrowest point and from Northwest Rock in a 270° direction to Matakana Island.
Thames	Inside a straight line from Opani Point in a 075° direction to the opposite shore.
Thompson and Doubtful Sounds	Inside straight lines from Febrero Point to South West Point Secretary Island, and from Colonial Head to Shanks Head.
Timaru	Inside a straight line joining the seaward ends of the outer north mole and the eastern extension mole.
Tutukaka	Inside a straight line from the southern extremity of Tutukaka Head in 220° direction to the opposite shore.
Waikato	Inside a straight line from Trig 71 on the Waikato River entrance south head in a 350° direction to the opposite shore.
Wairau	Inside a straight line across the entrance to the Wairau River.
Waitara	Inside a straight line joining the seaward ends of the breakwaters.
Wanganui	Inside a straight line joining the seaward ends of the north and south moles.
Wellington	Inside a straight line from Pencarrow Head lighthouse to Palmer Head.
Westport	Inside a straight line joining the seaward ends of the breakwaters.
Whakatane	Inside a straight line across the Whakatane River entrance at its narrowest point.
Whangamata	Inside a straight line from the southern point at Te Karaka in a 250° direction to the opposite shore.
Whanganui Inlet	Inside a straight line from Bar Point to South Head Cone.



## Maritime Rules

Area	Enclosed water limits
Whangape	Inside a straight line from Taupeke Point in a 320° direction to the opposite shore.
Whangarei	Inside a straight line from Marsden Point to Busby Head.
Whangaroa	Inside a straight line from North Head to South Head.
Whangaruru	Inside straight lines commencing at North Head, from there to the north point of Henry Island, and from there to the south point of Oakura Bay.
Whitianga	Inside a straight line from Whakapenui Point lighthouse in a 270° direction to the opposite shore.

## Part 2: Inshore limits

Area	Inshore limits
Auckland	Inside a straight line commencing at Kaiiti Point to Takatu Point.
Banks Peninsula	Inside a line commencing at the west bank of Lake Forsyth lake entrance from there 180° for 12 miles to the New Zealand territorial limit from there northwards along the coast of the South Island following New Zealand's territorial limit to 12 miles east of the north bank of the Waimakariri River mouth from there to the north bank of the Waimakariri River mouth.
Barrier	Between a line commencing at Hereheretaura Point from there 070° for 18 miles to the New Zealand territorial limit from there northwards along the coast of the North Island following New Zealand's territorial limit to the position 065° 18.5 miles from Bream Head from there to Bream Head and a line from Kaiiti Point to Takatu Point.
Bay of Plenty	Inside a line commencing at Cape Runaway lighthouse from there 000° for 12 miles to the New Zealand territorial limit from there westwards around the coast of the North Island following New Zealand's territorial limit to a position 37° 30' S 176° 52' E from there in a westerly direction to position 37° 30' S 170° 45' E from there following New Zealand's territorial limit to the position 065° 23 miles from Tokarahu Point from there to Tokarahu Point.
Chatham Islands	Within 12 miles from the coast inside New Zealand's territorial limit.
Fiordland	Inside a line commencing at Puysegur Point from there 235° for 12 miles to the New Zealand territorial limit from there northwards along the coast of the South Island following New Zealand's territorial limit to the position 305° for 12 miles from Awarua Point from there to Awarua Point.
Foveaux Strait	Inside a straight line commencing at Wakaputa Point (South Island) from there 198° for 22.9 miles to the shore of Codfish Island from there around the eastern shore of Codfish Island to position 46° 45'S, 167° 36.5'E on the south-eastern shore of Codfish Island from there 090° to the shore of Stewart Island, and a line from Waipapa Point (South Island) running 215° for 34.7 miles then 270° for 15.7 miles passing through White Rock to the shore on Stewart Island at 47° 08'S, 167° 59'E.

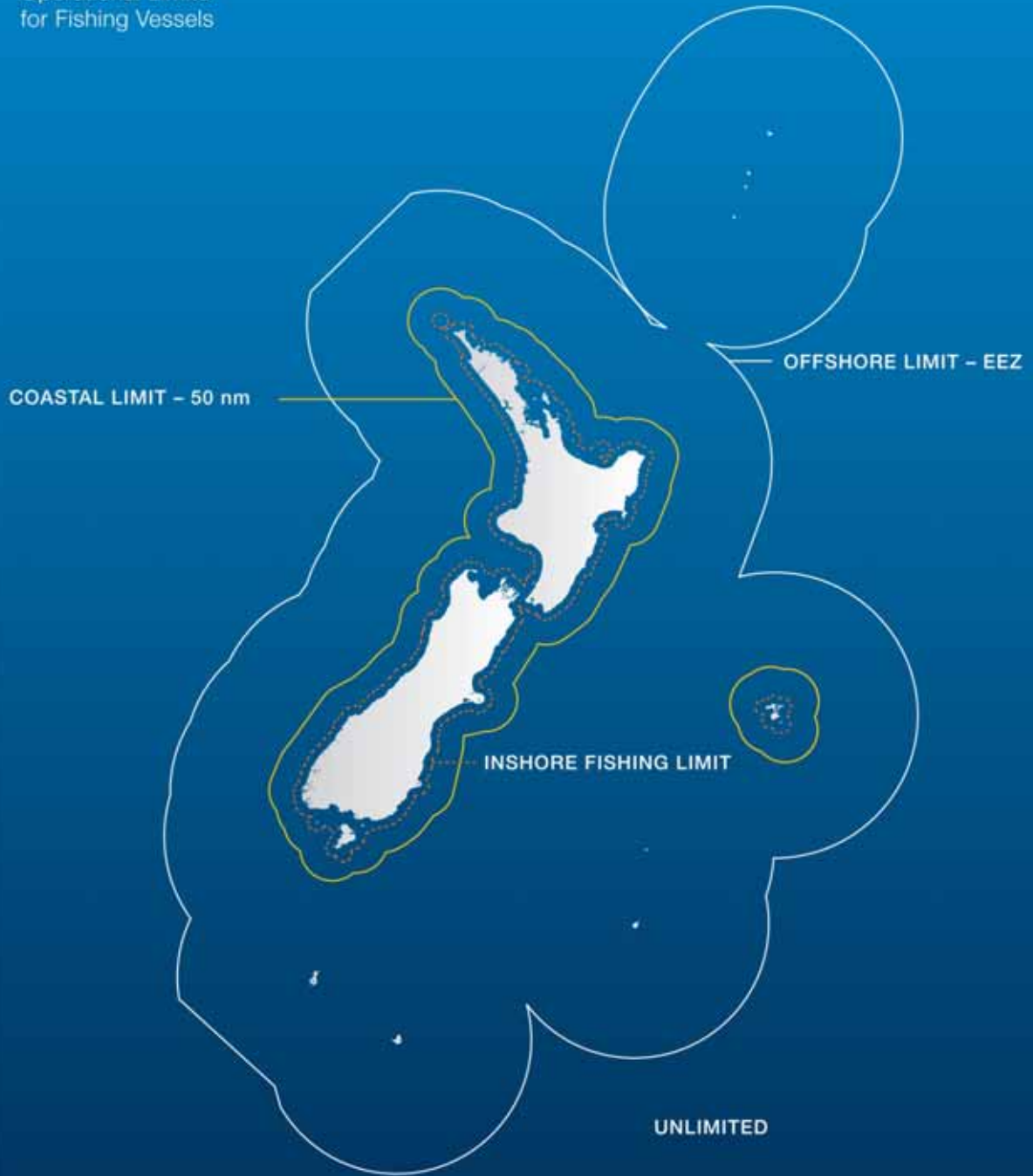
Area	Inshore limits
Kaikoura	Inside a straight line commencing at the north bank of the Conway River mouth from there 115° for 12 miles to the New Zealand territorial limit from there northwards along the coast of the South Island following New Zealand's territorial limit to the position 130° 12 miles from Waipapa Point from there to the shore at Waipapa Point.
Kapiti	Inside a straight line commencing at Ohau Point from there 315° for 5 miles from there 035° for 31.5 miles from there 120° to the shore.
Mahia	Inside a straight line commencing at Red Island from there 090° for 12 miles to the New Zealand territorial limit from there north and east around the coast of the North Island following New Zealand's territorial limit to the position 090° 12 miles from Waikahawai Point from there to Waikahawai Point.
Nelson/Marlborough	Inside a straight line commencing at Farewell Spit lighthouse from there 030° for 1 mile from Stephens Island lighthouse from there to the position 045° for 5 miles from Cape Koamaru from there to the position 090° for 2 miles from Brothers Island lighthouse from there 210° to shore at White Bluffs.
Northland	Inside a straight line commencing at Bream Tail from there 045° for 28.5 miles to the New Zealand territorial limit from there northwards along the coast of the North Island following New Zealand's territorial limit to the position 090° 12 miles from North Cape from there to a point 090° 2 miles from North Cape from there westwards along the coast of the North Island 2 miles off to a point 000° 2 miles from Hooper Point from there continuing 2 miles off Hooper Point to shore at 212° 2 miles from Hooper Point.
Otago	Inside a straight line commencing at the south bank of the Taieri River Mouth from there 113° for 12 miles to the New Zealand territorial limit from there northwards along the New Zealand territorial limit to the position 090° 12 miles from Cornish Head from there to Cornish Head.
Taranaki	Inside a straight line commencing at the northern entrance to the Awakino River from there 270° 12 miles to the New Zealand territorial limit from there southwards along the New Zealand territorial limit to the position 270° 12 miles from Cape Egmont lighthouse from there to the shore at Cape Egmont.
Timaru	Inside a straight line commencing at the Rangitata River mouth from there 140° for 12 miles to the New Zealand territorial limit from there southward along the New Zealand territorial limit to the position 113° 12 miles from the mouth of the Pareora River from there to the shore at the Pareora River mouth.
Wellington	Inside a straight line commencing at Turakirae Head from there 205° for 5 miles from there to the position 205° 5 miles from Karori Rock from there 025° through Karori Rock to shore.

## Appendix 2: Diagrams of Operational Limits





Operational Limits  
for Fishing Vessels



## **Summary of Submissions**

Proposed new Maritime Rules Parts 20, 31 (replacing 31A, 31B & 31C), 32 and 35, and amendments to Part 34, to implement SeaCert were consulted on between November 28 2012 and March 29 2013. The associated offences provisions were consulted on between February 7 and March 29 2013.

150 submissions were received from a broad range of interested parties. The vast majority were supportive of the proposed rule changes in as much as they gave effect to the previously consulted on QOL framework. However there were substantive submissions on some of the elements, particularly the proposed new fee rates for seafarer certification (Part 32).

There are only two significant changes made to the draft Part 20 that was consulted on.

The proposed new Three Kings inshore limit has been removed in response to very strong concerns raised in submissions. These submissions considered that the lower survey, equipment and manning requirements for vessels that the inshore limit would allow were insufficient for a vessel that would be operating further than 30 miles from a safe haven.

The proposal to remove the restriction on assigning inshore limits on vessels under 500GT in the Cook Strait was supported. However a minimum limit of 12 metres has been added in response to feedback from industry and local surveyors in respect to potential safety risks for small vessels operating to the lower inshore standards. A specific Cook Strait endorsement for Skipper Restricted Limits will be also required.

Other issues raised included:

### **Issue raised**

### **Response**

Inshore fishing limit does not provide for most direct and natural pathways, in particular in Tasman Bay, Bay of Plenty and Hawkes Bay.

The Inshore Fishing Limit was set on the basis of New Zealand's territorial limit (12 nm). However existing inshore limit in Tasman Bay and proposed amendments in Bay of Plenty allowed for more direct pathways beyond the territorial limit. The Inshore Fishing Limit has been amended to align Inshore Fishing Limits with defined inshore limits in Appendix 1 where these extend beyond the territorial limit

Need to extend Coastal limit to straight line from North Cape to Cape Taranaki (as current) as sea conditions better further out

This is inconsistent with one of primary principles for extending the coastal limit to a uniform 50 nm, i.e. bringing into VHF radio distance and extent of coastal weather forecasts. It is also understood that the primary driver for this proposal is primarily an issue for relocation of vessels which the amended 20.43 (single voyage permits) will address.

Need a 100 nm Coastal fishing limit to match current vessel survey and certificates of competency

Any vessel currently operating out to 100 nm must already be surveyed to operate in the Offshore limit. Changes to the coastal limit in the new rules do not affect this. Similarly existing certificates of competency with privileges to operate vessels out to 100 nm will continue to have those privileges under the new rules (including the legacy Skipper coastal fishing boat, NZ coastal master, Master small home trade ship certificates).

The need for, and appropriateness of, a specific coastal fishing limit which goes to 100 nm was well traversed throughout the community engagement and QOL review process.

While appreciating the arguments for aligning operational limits with the nature of activity of the vessel, the setting of operational limits are driven by core vessel safety and safe operation principles and competency requirements for all vessels regardless of activity. The 50 nm coastal limit is set to reflect practical safety parameters which

an extension to 100 nm for fishing vessels would significantly exceed.

The submissions, and engagement with the sector, have not presented any further arguments for extending that would satisfy the safety principles for setting of the coastal limit.

There was strong support for introduction of specified limits permits with some specific comments :

<p>Operating plan should allow operator to operate in normal marine traffic when relocating</p>	<p>Disagree. The appropriate certificates, manning and survey requirements should be observed when vessel is being moved between specified limits.</p>
<p>An allowance should be made for regional councils to have vessels operate in entire CMA that responsible for.</p>	<p>Specified Limits would not apply in this instance as the vessel would be operating in normal flow of traffic. It is possible industry organisation training under P35 may be possible. A surveyor would still be required to assign limits to the vessel, and the vessel appropriately equipped and manned to operate in those limits - it is irrelevant who the operator is.</p>
<p>Need to confirm compliance, assessment and validity settings</p>	<p>Basic criteria are already in the rule, further information will be provided in Advisory Circular and permit application guidance. Compliance will be monitored and enforced through Maritime New Zealand's wider compliance programme. A specific offence has been provided in the offences regulations.</p>
<p>Concern that the 50 nm limit to the temporary extension of privileges beyond coastal limits is insufficient for intent.</p>	<p>The temporary extension will only apply for NZ domestic certificates in the limited/near coastal area for vessels less than 24 metres as it would be inappropriate for NZ to provide for this temporary extension into unlimited areas.</p> <p>The temporary extension reflects that the appropriate domestic certificate for the near coastal/limited area is Skipper Coastal/Offshore (SCO), but recognises that even with the need to demonstrate additional competencies it is not appropriate to allow the holder of the temporary endorsement to exercise the full privileges of the SCO certificate, in particular an ability to operate up to 600 nm offshore.</p> <p>Amended to be clear that only applies to holders of SRL 24 m and allows holder to operate out to 100 nm from coast.</p> <p>NB This provision has been moved to Part 32, 32.67.</p>