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Dear Sir/Madam

## **Submission on the maritime proposals of Te Whakahounga o Te Pire Tiaki Ture (Tūnuku) | Regulatory Systems (Transport) Amendment Bill**

Thank you for the opportunity to provide views on the maritime proposals of Te Whakahounga o Te Pire Tiaki Ture (Tūnuku) | Regulatory Systems (Transport) Amendment Bill (the Bill).

### **About us**

The Canterbury Regional Council (the Council) is statutorily responsible for managing all maritime-related activities that may affect the safe navigation of vessels on Canterbury's many waterways. This includes overseeing all rivers, lakes, harbours and ports in the region, as well as coastal areas up to twelve nautical miles offshore; and includes the operation of cruise ships and commercial ships, as well as a wide range of recreational boating activities (such as kayaking, paddle boarding, jet boating and sailing). This important work is undertaken by the Council's Harbourmaster's Office.

### **Key submission points**

Within the context of seeking to improve and modernise the transport system in Aotearoa New Zealand, the Council is generally supportive of the maritime proposals set out in the Bill. This submission focuses on providing comment on those proposals of direct interest to the Council given our roles and responsibilities for ensuring the safe and efficient management of vessels on Canterbury's waterways. These proposals relate to the following objectives of the Bill:

- Maintaining safety through responsive regulatory action (Objective 3)
- Modernising transport legislation to ensure it is fit-for-purpose (Objective 5)

#### *Maintaining safety through responsive regulatory action (Objective 3)*

The Council supports the proposal to extend the functions, duties, responsibilities and powers of a regional council relating to maritime safety provided for under Part 3A of the Maritime Transport Act 1994 (MTA) to the Minister of Conservation to help effectively manage maritime safety in the Subantarctic Islands and the Kermadec Islands (Proposal 3.1).

While the Minister of Conservation currently has powers under the Resource Management Act 1991 (RMA) in respect of the Islands that are akin to a local authority, we recognise that these powers do not reflect relevant powers of regional councils under the MTA that could be used to regulate maritime safety around the Islands. We consider that the proposal to extend the functions, duties, responsibilities and powers of the Minister of Conservation in this regard will support increased consistency of regulatory powers and functions throughout all the waters within the limits of Aotearoa New Zealand's territorial sea.

We note that increasing the consistency of maritime management in Aotearoa New Zealand is currently a key theme in the sector and that the New Zealand Port and Harbour Marine Safety Code has taken a lead in addressing this issue. The Code is a collaborative arrangement between regional councils, port companies and Maritime NZ. There has been support from the Code for some time for a proposal such as this one that confers powers on the Minister of Conservation to effectively manage maritime safety around offshore islands.

We also note that the Council has entered into a formal arrangement with the Department of Conservation to improve maritime safety management at the Subantarctic Islands and the Kermadec Islands. This involves the Council providing specialist advice and systems management as part of supporting maritime management of the Islands. We consider that the proposal outlined above will greatly support this arrangement by allowing the necessary regulatory controls to support the safety outcomes that we collectively desire.

We also wish to acknowledge the endemic nature of the flora and fauna of the Islands, and the threat status of many of their species, meaning a maritime accident could have a catastrophic effect. This further highlights the importance of having the right regulatory settings in place for improved maritime safety management at the Islands.

#### *Modernising transport legislation to ensure it is fit-for-purpose (Objective 5)*

The Council supports the range of proposals outlined in the Bill that seek to improve Aotearoa New Zealand's implementation of international conventions, and ensure that the penalties for breaches of the MTA and associated regulations are transparent, proportionate and effective (Proposals 5.1, 5.2 and 5.3).

We consider that the proposals related to updating the maximum level of fines and infringement fees that can be set through regulations in the MTA, modernising the penalties for the safety offences in the MTA, and amending the Maritime (Offences) Regulations 1998 and Maritime Protection (Offences) Regulations 1998, will support greater operational efficiencies for enforcement agencies and lead to improved effectiveness of maritime safety initiatives.

We consider that these proposals will support a more fit-for-purpose approach for prescribing financial penalties for maritime safety breaches, that is better aligned to the severity and risk of harm of offences. It is important that penalty levels do serve as a genuine deterrent of safety offences and suitably aligns with other more modern legislation, such as the Health and Safety at Work Act 2015.

### **Closing remarks**

The Council appreciates the opportunity to comment on the maritime proposals of the Bill. This submission has focused on those proposals that are of particular interest to the Council given our roles and responsibilities for maritime management in Canterbury. We would be happy to further discuss our views on these proposals with you.

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Yours sincerely



**Jenny Hughey**  
Chair