



Maritime (Charges) Amendment Regulations 2019

Patsy Reddy, Governor-General

Order in Council

At Wellington this 27th day of May 2019

Present:

Her Excellency the Governor-General in Council

These regulations are made under section 445(1) of the Maritime Transport Act 1994 on the advice and with the consent of the Executive Council.

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Regulations

1 Title

These regulations are the Maritime (Charges) Amendment Regulations 2019.

2 Commencement

These regulations come into force on 1 July 2019.

3 Principal regulations

These regulations amend the regulations that were previously called the Shipping (Charges) Regulations 2014 (the **principal regulations**).

4 Regulation 1 replaced (Title)

Replace regulation 1 with:

1 Title

These regulations are the Maritime (Charges) Regulations 2014.

5 Regulation 3 amended (Interpretation)

- (1) In regulation 3(1), revoke the definitions of **IPSCI**, **MOSS**, **off-site location**, **office-based services**, and **SOLAS**.
- (2) In regulation 3(1), insert in its appropriate alphabetical order:

audit or inspection means work or a service specified in Part B of Schedule 1
- (3) In regulation 3(1), replace the definition of **work or service** with:

work or service means any work or service performed by the Authority in providing services for maritime purposes or for the purposes of protecting the marine environment, including—

 - (a) work or a service specified in Schedule 1 or 2; and

- (b) the assessment of an application and the grant of a certificate, licence, recognition, or other authorisation relating to work or a service specified in Schedule 1 or 2

6 New regulation 3A inserted (Transitional, savings, and related provisions)

After regulation 3, insert:

3A Transitional, savings, and related provisions

The transitional, savings, and related provisions set out in Schedule 1AA have effect according to their terms.

7 Regulation 4 replaced (Charges payable for work and services subject to hourly rate)

Replace regulation 4 with:

4 Charges for Schedule 1 work and services payable at hourly rate

- (1) A person for whom the Authority performs work or a service specified in Schedule 1 must pay to the Authority a charge that is calculated in accordance with the following formula:

$$h \times \$245 = \$c$$

where—

h is the sum of the number of hours (including part-hours) spent by each employee or contractor of the Authority performing the work or service

\$c is the charge payable.

- (2) If the work or service is an audit or inspection, subclause (1) applies only in relation to follow-up work performed, including—
- (a) a further visit to the ship or other site; and
 - (b) monitoring of remedial actions taken by the person in relation to whom the audit or inspection was performed.

8 Regulation 5 amended (Fixed charges for work and services)

- (1) Replace the heading to regulation 5 with “**Fixed charges payable for Schedule 2 work and services**”.

- (2) Replace regulation 5(1) with:

- (1) A person for whom the Authority performs work or a service specified in column 1 of Schedule 2 must pay to the Authority the charge specified in column 2 of that schedule for that work or service.

9 Regulation 6 amended (Fixed and variable charges payable)

- (1) In regulation 6, replace “If a fee” with “If a charge”.

- (2) In regulation 6, replace “Schedule 1” with “Part C of Schedule 1” in each place.
- (3) In regulation 6, replace “Schedule 2” with “Part B of Schedule 2” in each place.

10 New regulation 6A inserted (Charges payable to reimburse costs and for travel time)

After regulation 6, insert:

6A Charges payable to reimburse costs and for travel time

- (1) A person for whom the Authority performs work or a service described in sub-clause (2) must pay to the Authority a charge under this regulation in addition to the charges payable under regulations 4 and 5.
- (2) Charges are payable under this regulation for work or a service performed—
 - (a) at an offshore installation; or
 - (b) outside New Zealand.
- (3) Charges are payable in the amount of any actual and reasonable costs (including costs of accommodation, airfares, and meals) incurred by the employee or contractor of the Authority in performing work or a service.
- (4) In addition, a charge payable for travel time for the purpose of performing work or a service to which regulation 4 or 5 applies must be calculated in accordance with the following formula:

$$a \times \$245 = \$b$$

where—

- a is the sum of the number of hours (including part-hours) spent by each employee or contractor of the Authority travelling to and from the place where the work or service is performed
- \$b is the charge payable.

11 Regulation 7 replaced (Charges if work or service not able to be completed or commenced)

Replace regulation 7 with:

7 Charges for work or service not begun or completed

- (1) This regulation applies if an employee or a contractor of the Authority, acting in good faith, is for any reason not able to begin or complete work or a service specified in Schedule 1.
- (2) The person for whom the work or service is performed or to be performed must pay to the Authority—
 - (a) a charge calculated under regulation 4(1) in relation to each hour (or part-hour) worked; and

(b) applicable charges under regulation 6A.

12 New Schedule 1AA inserted

Insert the Schedule 1AA set out in Schedule 1 of these regulations as the first schedule to appear after the last regulation of the principal regulations.

13 Schedule 1 replaced

Replace Schedule 1 with the Schedule 1 set out in Schedule 2 of these regulations.

14 Schedule 2 replaced

Replace Schedule 2 with the Schedule 2 set out in Schedule 3 of these regulations.

Schedule 1
New Schedule 1AA inserted

r 12

Schedule 1AA
Transitional, savings, and related provisions

r 3A

Part 1
Provision relating to Maritime (Charges) Amendment Regulations 2019

1 References to Shipping (Charges) Regulations 2014

Unless the context otherwise requires, every reference to the Shipping (Charges) Regulations 2014 in any document is, after the commencement of the Maritime (Charges) Amendment Regulations 2019, to be read as a reference to the Maritime (Charges) Regulations 2014.

Schedule 2
New Schedule 1

r 13

Schedule 1
Work and services for which charges are payable at hourly rate

r 4

Work or service**PART A**

Recognition of foreign vessels on charter or demise charter
 Vessel detentions and seizure of maritime products
 Passenger ship safety certificate
 Cargo ship safety certificate
 Cargo ship safety radio certificate
 International load line exemption certificate
 Exemptions from maritime rules or marine protection rules
 Appointment of overseas surveyors
 Assessment of applications under Resource Management Act 1991 affecting navigation
 Other survey/vessel certificates
 High-speed craft safety certificate
 Permit to operate high-speed craft
 Authorised person certificate
 Muster list approval

Work or service

Approval of crew accommodation plans

Approval/acceptance of maritime products or marine protection products

Light craft compliance certificate

Safety case approval

Moderation of examinations by Director

Recognition of non-New Zealand certification/qualification not otherwise provided for

Application for approval to issue industry-specific certificates

Erection or alteration of navigational aids

Test for commercial jet boat driver licence

Specified limits permit

Single voyage permit

Approval of training course

Inspection of training provider

Conduct of examinations and assessments by Director

Temporary maritime event approval (speed uplifts and reservations)

International tonnage certificate

International load line certificate

New Zealand load line certificate

New Zealand load line exemption certificate

Continuous synopsis record

Change in person exercising privileges and responsibilities under MTOP

Compass adjuster

Extension of scope of certificate of surveyor recognition

Audit and inspection of recognised surveyor

Marine environment protection charges

Vessel detentions and seizure of marine protection products

Dump permits

Oil spill control agent approval

Certificates of insurance

Shipboard marine oil spill contingency plans

Oil transfer site marine oil spill contingency plans

Offshore oil spill contingency plan

International oil pollution prevention certificate (IOPPC)

Marine environment protection audits and inspections

Other work

Other work performed in relation to, or in the nature of, work or a service specified in this schedule and Schedule 2

PART B

Maritime safety audits and inspections

PART C

Maritime transport operator certificate

Certificate of surveyor recognition

Renewal of certificate of surveyor recognition

Addition of category or activities in MTOP

Removal of category or activities in MTOP

Schedule 3 New Schedule 2

r 14

Schedule 2	
Work and services for which charges are payable at fixed rate	
Column 1	Column 2
Work or service	Charge (\$)
r 5	
PART A	
<i>Certificates of proficiency or competency and all endorsements</i>	
All national certificates of proficiency	368
All national certificates of competency	368
All STCW (including STCW-F) certificates of proficiency	368
All STCW (including STCW-F) certificates of competency	368
<i>Endorsements on certificates of proficiency or competency</i>	
All national endorsements	368
All STCW endorsements	368
<i>Other certificates</i>	
Commercial jet boat driver licence	368
Pilot licence	368
Pilotage exemption certificate	368
New Zealand barge safety certificate	245
Minimum safe crewing document	245
New Zealand ship safety certificate and record of equipment	245
Diving compliance certificate	368
Fishing compliance certificate	368
Commercial jet boat operator certificate	368
Commercial rafting compliance certificate	368
Approval as medical practitioner or assessor or examiner	490
<i>Other applications</i>	
National certificate of competency or certificate of proficiency renewal	368
National certificate of competency or certificate of proficiency transition	368
National endorsement renewal	368
STCW certificate of competency or certificate of proficiency renewal	368
GMDSS renewal	368

Column 1	Column 2
Work or service	Charge (\$)
STCW certificate of competency or certificate of proficiency transition	368
STCW endorsement renewal	368
STCW-F certificate of competency or certificate of proficiency renewal	368
Replacement certificates and licences	368
Foreign certificate recognition (under MOU)	368
Foreign certificate recognition (outside MOU)	368
Marine engineer class 3 foreign qualification sea service acceptance	245
International voyage certificate	490
Change of full name of maritime transport operator	245
Addition of primary port or harbour from which operation is conducted under MTOP	368
Removal of primary port or harbour from which operation is conducted under MTOP	368
PART B	
Maritime transport operator certificate (initial fee)	814
Certificate of surveyor recognition (initial fee)	968
Renewal of certificate of surveyor recognition (initial fee)	710
Addition of category or activities in MTOP (initial fee)	368
Removal of category or activities in MTOP (initial fee)	245

Michael Webster,
Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on 1 July 2019, amend the Shipping (Charges) Regulations 2014 (the **principal regulations**) by simplifying the way in which charges for work and services are calculated. As amended, the principal regulations will charge a uniform hourly rate or a generally uniform fixed rate for relevant work and services. Additional charges will be payable to reimburse costs incurred in the performance of work and services. In addition, because the principal regulations are made under the Maritime Transport Act 1994, these regulations change the name of the principal regulations to the Maritime (Charges) Regulations 2014.

Regulatory impact assessment

Maritime New Zealand produced a regulatory impact assessment on 27 February 2019 to help inform the decisions taken by the Government relating to the contents of this instrument.

A copy of this regulatory impact assessment can be found at—

- <https://www.transport.govt.nz/about/governance/ris-bccs/>
- <http://www.treasury.govt.nz/publications/informationreleases/ria>

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 30 May 2019.

These regulations are administered by the Ministry of Transport.