



LIMITATIONS, QUALIFICATIONS AND THE BILL ...

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Two things have the potential to be on your radar at the moment: Maritime New Zealand has released the final version of its revised qualifications and operational limits framework, and the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Bill has been released.

The revised framework is relevant to everyone within the industry, but is expected to have most impact on those who work within restricted limits and on vessels less than 24m in length.

The framework has been on the drawing board since 2009, so most of you should have been aware of the review and had some opportunity to provide feedback along the various stages. If you haven't, there is unlikely to be any further chances to change the framework – the next step is creating the rules to implement it.

Amended rules are expected to come into effect by March 2013, which gives plenty of forewarning, because when the new rules have been approved, existing qualification holders will be required to transition to the new qualifications.

The framework identifies changes to operational limits and the qualifications needed to operate in each area. Some of these changes include a new specified limit provision called the enclosed waters limit.

It caters for very restricted operations close to shore. It's an interesting limit and there does not appear to be an intention, at the moment, to create a commercial qualification for this purpose.

Instead, national organisations can develop qualifications and issue certificates, or individuals can attain an appropriate recreational qualification as proof of appropriate skills to operate in the area.

The current inshore limits stick around, with a few changes to specific areas. There will be new qualifications for inshore limits.

Skipper restricted limits will replace the current LLO and ILM, and qualified deck crew replaces the current CDH and ADH. Both new qualifications require, among other things, the completion of an evidence-based task book. Different qualification requirements apply to vessels of over 500 gross tonnes.

The coastal limit is redefined as a uniform 50 miles from the coast of New Zealand and the Chatham Islands, and has six applicable qualifications.

The offshore limit is extended to the outer limit of the exclusive economic zone and there is a new inner boundary to the unlimited area, which extends from the EEZ.

The framework creates the ability to obtain a conditional

limit (temporary extension to a defined limit) for seasonal commercial operations which is not currently available.

The framework in its present state provides that, "qualifications required for vessels of 500 to 3000 gross tonnes operating exclusively in restricted limits will be determined by the director, based on the size and nature of the vessel".

Apparently clear and transparent guidelines will be developed for this. However, these are not included within the framework document at present. In short, it would be a good idea for you to take a look at the framework and check out how it is going to affect you.

In contrast, if the idea of having a Resource Management Act equivalent which applies to the EEZ and the continental shelf makes your hackles rise, you can rest easy, for now.

At this stage, the Continental Shelf (Environmental Effects) Bill appears to have little to no effect on fishing or other commercial shipping activity outside the 12 mile zone, with the Fisheries Act and the Maritime Transport Act continuing to operate "largely as at present". Because the bill gives

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effect to New Zealand's obligations under the United Nations Convention on the Law of the Sea to manage and protect the natural resources of the EEZ, there is scope for the bill to extend to activities such as fishing, as the convention extends to fishing activities.

Activities covered by the bill in its current form include seabed mining, petroleum activities and marine farming. Marine consents will be granted for activities in the same manner as resource consents are granted by the Environmental Protection Authority, which will be the decision maker responsible for monitoring and enforcement.

When determining whether to grant a permit or not, the EPA will consider whether to include the extent of adverse affects on the environment and existing interests, such as navigation and fishing. But a marine consent can be granted if it is determined that the activity's contribution to New Zealand's economic development outweighs its adverse effects on the environment, which is an interesting and potentially dangerous allowance. So the bill is one to keep on the radar but not on the high alert list – yet.



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