

November 2021

Submarine cables

This guidance is for all commercial and recreational vessel users and fishers. It explains the importance of ensuring they do not damage submarine cables or pipelines, for example, when anchoring or fishing, and how to make an application under the Submarine Cables and Pipelines Protection Act 1996. This guidance also provides a ready reference for owners and operators of cables and pipelines.

Submarine cables (also known as undersea cables) and pipelines are vital to New Zealand's power and communications systems and to the New Zealand economy. Fishing or anchoring around these cables and pipelines can potentially cause serious damage. Even hooking a cable or pipeline with a fishing line, or lightweight anchor, can damage a cable's protective outer layer. Damage to cables runs the risk of power cuts and communications service outages, which can take a lot of time and money to fix.

The Submarine Cables and Pipelines Protection Act 1996

The Submarine Cables and Pipelines Protection Act 1996 (the Act) applies to all submarine cables and pipelines in New Zealand. The Act allows for protected areas to be created by the Governor-General. Once a protected area has been established, it is an offence to do certain activities. Key points of the Act are:

- **No fishing or anchoring within a cable protection area.**
All fishing and anchoring activities are illegal within cable protection areas (CPA). It is an offence to damage a submarine cable or submarine pipeline, either wilfully or negligently (whether caused by fishing, anchoring, jettisoning equipment or debris from the vessel, or by other means).
- If a net, line, rope, chain or any other thing used for fishing or anchoring is observed being towed by, or operated or suspended from, a vessel of any size, it will be presumed, at law, that fishing or anchoring is being conducted. Having any equipment that may be used for fishing or anchoring deployed over the side in a protected area is considered to be fishing or anchoring (whether or not such equipment is fully deployed) and is an offence. For example, having a partly deployed net in the water in a protected area (whether or not the trawl doors are in the water) or loading a net onto the vessel in a protected area.
- Where there is evidence that any equipment was being used over the side, the vessel operator must prove they were not fishing or anchoring.

The consequences of offending against the Act are severe:

- Commercial operators fishing or anchoring in a protected area can be fined up to \$100,000. Non-commercial operators can be fined up to \$20,000.
- Any person who damages a submarine cable or submarine pipeline, whether wilfully or negligently, can be fined up to \$250,000.
- The Court may order that a vessel, or other property used in an offence, be forfeited to the Crown.
- Where a protection officer thinks an offence is being committed, they may require the master of the vessel to:
 - identify a vessel, its master and owner, and
 - leave a protected area when requested to do so.

Fines of up to \$5,000 and \$10,000 respectively, may be imposed for failing to identify a vessel or failing to leave a protected area when requested to do so.

Protection officers have the authority to seize equipment that is left set or abandoned within a protected area.

Protected areas

The protected areas under the Act are:

- Area 1: Great Barrier Island
- Area 2: Hauraki Gulf
- Area 3: Kawau Island
- Area 4: Whangaparaoa Peninsula
- Area 5: Muriwai Beach
- Area 6: Taharoa
- Area 7: Cook Strait
- Area 8: Oaonui
- Area 9: Hawke’s Bay
- Area 10: Maui A & B pipelines
- Kupe Gas Project Protected Area
- Maari Development Protected Area
- Tui Area Development Protected Area
- Pohokura Protected Area

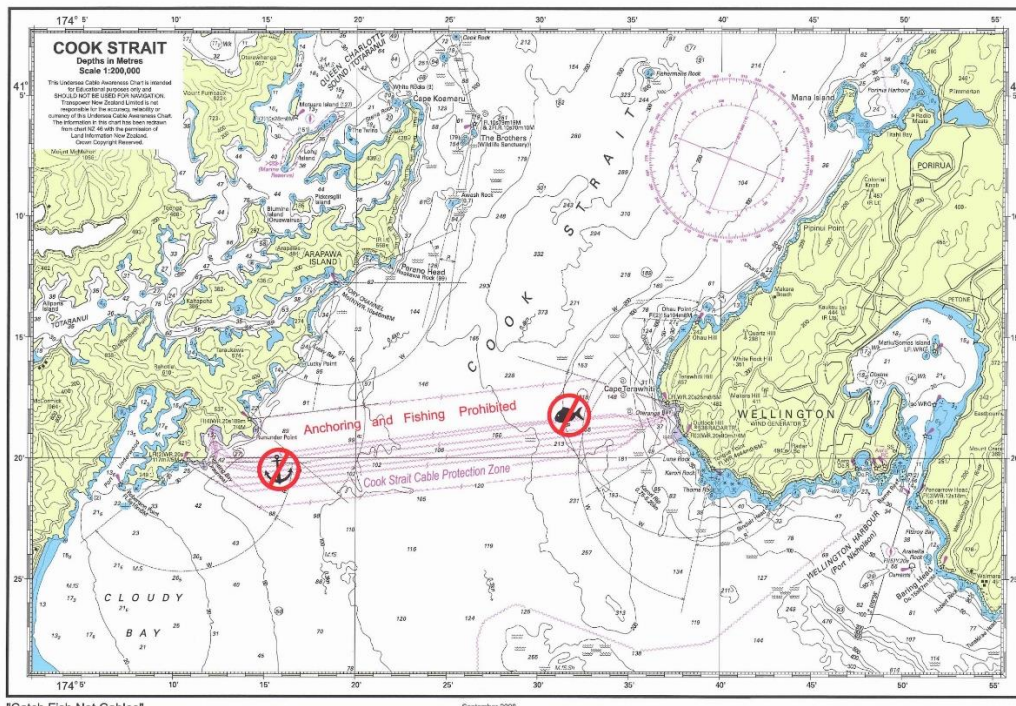


Figure 1: Example of a chart for a protected area under the Act showing Area 7: Cook Strait.

The Submarine Cables and Pipelines Protection Order 2009 has details of the location of each protected area.

The master of any vessel fishing or anchoring must, even if they are outside a protected area, make proper allowance for the wind, tidal stream, current, sea and swell which might carry the vessel into a protected area.

A vessel which has an anchor out, or fishing equipment over the side, within the protected area will be deemed to have committed an offence under the Act.

The correct chart

Every vessel user and fisher operating near, or in, a protected area should ensure they have the correct chart showing the boundaries of the protected area.

Making an application under the Act

Under the Act, a person can apply to Maritime NZ for their vessel, or class of vessel, to be permitted to carry out a prohibited activity in the CPA. For example, a yacht club holding a regatta that wants to anchor vessels or place race markers in a CPA. This is called an 'Application for an Order in Council to not apply to a protected area.'

(There are other application types that can be made by cable owners or operators, not listed here but available by following the link under 'How to apply'.)

How to apply

[Download an application form on the Maritime NZ website](#)

More information

[Fisheries New Zealand](#)

[Te Manatū Waka - Ministry of Transport](#)

[Submarine Cables Protection and Pipelines Act 1996](#)

[Submarine Cables and Pipelines Protection Order 2009](#)