



Maritime Transport Act 1994

Maritime Rules

Maritime Rules (Part 90) Amendments 2020

Pursuant to section 36 of the Maritime Transport Act 1994 I, Julie Anne Genter, Associate Minister of Transport, having had regard to the criteria in section 39(2) of the Maritime Transport Act 1994, hereby make the following maritime rules.

Signed at Wellington

This 9th day of September 2020

By Hon JULIE ANNE GENTER

A handwritten signature in black ink, appearing to read "Julie A Genter".

Associate Minister of Transport

Contents

Objective.....	ii
Extent of consultation.....	ii
Entry into force.....	ii
Part 90: Pilotage.....	1
1. Part 90 Part Objective.....	1
2. Rule 90.3 Definitions and abbreviations.....	1
3. Rule 90.23 Requirement to carry a pilot.....	1
4. Rule 90.23A New rule.....	1
5. Rule 90.24 Dispensation from requirement to carry a pilot.....	2
6. Rule 90.63 Privileges of PEC.....	3
7. Rule 90.64 Restrictions on exercise of privileges of PEC.....	3
8. Appendix 1: Pilotage areas and limits.....	3
Summary of Submissions.....	4

Maritime Rules

Objective

The objective of the Maritime Rules (Part 90) Amendments 2020 is to improve the operation of specific parts of Maritime Rules Part 90 by:

- providing that the master of a bunker barge can apply for a pilotage exemption certificate (PEC) irrespective of the cargo capacity of the vessel. Prior to these amendments only bunker barges with a cargo capacity (including its own fuel) of 5000 tonnes or less could be granted such an exemption;
- increasing the pilotage tonnage limits in specific ports, and to update the geographic boundaries of some pilotage areas;
- improving the legibility of the related rules.

Maritime Rules are disallowable instruments under 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 that Act.

Extent of consultation

On 1 July 2020, Maritime New Zealand consulted, via its website, with the public on the proposed amendments to the maritime rules in accordance with the Act, including the expected costs and benefits. A notice regarding this consultation was placed in the New Zealand Gazette on 1 July 2020. The deadline for making a submission was 24 July 2020. 11 submissions were received and are summarised at the end of these amendment rules.

Entry into force

These rules will enter into force—

- (a) at least 28 days after the making of these rules is notified in the Gazette; and
- (b) on the date specified in the Gazette.

Part 90: Pilotage

1. Part 90 Part Objective

In the Part Objective of Part 90—

1.1 replace the penultimate paragraph with:

"The authority for Part 90 is found in sections 34(1)(c) and (d) and 36(1)(i), (ia), (o), (q), (tb), (u), (v), and (za)(v) of the Maritime Transport Act 1994."; and

1.2 replace the last paragraph with:

"Maritime rules are disallowable instruments under 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 that Act."

2. Rule 90.3 Definitions and abbreviations

In rule 90.3—

2.1 replace the definition of "chemical tanker" with:

"chemical tanker—

(a) means a ship constructed or adapted and used for the carriage in bulk of any liquid product listed in Chapter 17 of the International Bulk Chemical Code; and

(b) excludes a ship in use at the time as an oil tanker if, at that time, the ship is not carrying any liquid product listed in Chapter 17 of the International Bulk Chemical Code"; and

2.2 replace the definition of "harbourmaster" with:

"harbourmaster means a person appointed as a harbourmaster under Part 3A of the Act."

3. Rule 90.23 Requirement to carry a pilot

In rule 90.23—

3.1 delete the reference number "(1)" next to the first paragraph; and

3.2 replace the first paragraph with:

"Except as provided in rule 90.24 the master of a ship must ensure that the ship, when navigating in any pilotage area, either—"; and

3.3 delete subrules (2), (3), (4), (5), and (6); and

3.4 replace the wording of footnote numbered "8" with "Reserved"; and

3.5 delete footnotes 9 and 10.

4. Rule 90.23A New rule

4.1 Insert, before rule 90.24, the following new rule 90.23A:

"90.23A Limits to exemptions under section 47 of the Act from rule 90.23

(1) No exemption from rule 90.23 may be granted to a person under section 47 of the Act in respect of an oil tanker, unless the primary operational function of that tanker is ship-to-ship bunkering within the pilotage area.

(2) No exemption from rule 90.23 may be granted to a person under section 47 of the Act in respect of a chemical tanker, unless that tanker—

(a) operates only within the pilotage area; and

(b) is not capable of carrying more than 1,500 tonnes of cargo.

Maritime Rules

- (3) No exemption from rule 90.23 may be granted to a person under section 47 of the Act in respect of a gas carrier."

5. Rule 90.24 Dispensation from requirement to carry a pilot

In rule 90.24—

5.1 in the heading, replace "**Dispensation from**" with "**Exceptions from the**"; and

5.2 replace the rule with:

- "(1) Where required in a subrule in this rule, the master of any ship that does not carry a pilot or receive advice from a pilot under rule 90.23 must ensure—
- (a) the master holds a current, appropriate PEC and has the conduct of the ship; or
 - (b) the master and the first mate both hold a current, appropriate PEC and the first mate has the conduct of the ship.
- (2) Where an exemption has been granted under section 47 of the Act, in accordance with rule 90.23A(1), the master of the oil tanker is not required to comply with rule 90.23 if the master complies with subrule (1).
- (3) Where an exemption has been granted under section 47 of the Act, in accordance with rule 90.23A(2), the master of the chemical tanker is not required to comply with rule 90.23 if the master complies with subrule (1).
- (4) For any ship that is not an oil tanker, a chemical tanker, or a gas carrier, where the ship meets or exceeds the limits specified for a pilotage area, the master is not required to comply with rule 90.23 if the master complies with subrule (1).
- (5) For any ship that is not an oil tanker, a chemical tanker, or a gas carrier, where the ship is under the limits specified for a pilotage area, the master is not required to comply with rule 90.23.
- (6) Rule 90.23 does not apply where the ship is transiting between the perimeter of the pilotage area and a designated pilot boarding station or anchorage within that pilotage area⁹ with the prior approval of a pilot¹⁰."; and

5.3 insert footnote number "9", in the appropriate place on the same page as it is referred in the rule, as follows:

"⁹ A designated pilot boarding station or anchorage at a location specified in the pilotage provider's or port operator's SOPs and identified on nautical charts."; and

5.4 insert footnote number "10", in the appropriate place on the same page as it is referred in the rule, as follows:

"¹⁰ Such approvals must only be given in accordance with the pilotage provider's SOPs and may not be appropriate in all pilotage areas or circumstances. Where adopted, such arrangements must be agreed between the pilotage provider and the harbourmaster. Approvals may be relayed to a ship by an appropriately qualified person, other than a pilot, who is designated to do so in the accordance with those SOPs."; and

5.5 replace the wording of footnote numbered "11" with "Reserved".

6. Rule 90.63 Privileges of PEC

In rule 90.63, replace "90.24" with "90.64".

7. Rule 90.64 Restrictions on exercise of privileges of PEC

7.1 In rule 90.64, replace subrules (a) and (b) with:

- "(a) an oil tanker, unless it is an oil tanker to which rule 90.24(2) applies:
- (b) a chemical tanker, unless it is a chemical tanker to which rule 90.24(3) applies:
- (c) a gas carrier:
- (d) a ship directed to take a pilot by the harbourmaster or the Director²³."

7.2 Replace the wording of footnote numbered "23" with:

"Under section 60A(2), the Director may direct that a pilot be taken on board a ship, when satisfied, due to weather conditions or other circumstances, that this is in the interests of navigation safety or marine environmental protection."

8. Appendix 1: Pilotage areas and limits

In Part 90, in Appendix 1—

8.1 in the row headed "Bay of Islands", replace the second column with:

"All the waters within the harbour of the Bay of Islands, whose outward seaward limit is a line commencing at the Mean High Water Spring shoreline at the eastern extremity of Tapeka Point, and proceeding in a direction 350 degrees true to Mean High Water Spring shoreline at the eastern extremity of Battleship Rock; then in a direction of 337 degrees true to the northernmost point of Black Rocks; then proceeding in a direction 317 degrees true to the Mean High Water Spring shoreline at the western end of Rangihoua Bay."; and

8.2 in the row headed "Whangarei", replace the second column with:

"All the waters comprised within the Harbour of Whangarei having their outward seaward limit a line drawn from the Mean High Water Spring shoreline in position 35° 51.2'S 174° 29.2'E in a direction 139 degrees true to the position 35° 54.4'S 174° 32.6'E; then in a direction 050 degrees true to the position 35° 53.1'S 174° 34.5'E; then in a direction 305 degrees true to Busby Head."; and

8.3 in the row headed "Tauranga", replace the third column with:

"500 gross tonnage"; and

8.4 in the row headed "Taranaki", replace the third column with:

"500 gross tonnage"; and

8.5 in the row headed "Lyttelton", replace the second column with:

"The area having a seaward limit east of a line joining Awaroa / Godley Head and Beacon Rock (43° 36.1'S 172° 51.7'E); and

8.6 in the row headed "Bluff", replace the third column with:

"500 gross tonnage or 40 metres length overall".

Summary of Submissions

(This text does not form part of the rules. It provides details of the consultation and analysis undertaken in making these amendment rules)

1. Consultation on Part 90 occurred between 1 July 2020 and 24 July 2020. There were 11 submissions during this period, seven of which were supportive of one or both proposals, four of which were not supportive or had reservations relating to aspects of the proposal, and three of which were seeking additional changes to the rules.

Submitter	Proposal 1: Changes relating to bunker barge pilotage	Proposal 2: Changes relating to pilotage areas	Additional Notes
Eastland Port	Support	Support	Would like to see a more extensive review of part 90
ASP Shipping	Support	Seeks clarification	
Pacific 7	Support	Support	Seeks additional pilotage changes
Real Journeys	No comment	No comment	Seeks additional pilotage changes
Ports of Auckland Ltd	Support	No comments	
Jim Lyle on behalf of Harbourmasters	Seeks clarification	No comment	Notes a number of reservations about proposal 1 but does not clearly state a position.
Bunker Shipz	Support	No comment	
Auckland Transport	Does not support	Seeks clarification	
Capt. Jan Eveleens	Does not support	No comment	
Greater Wellington Regional Council	Does not support	Support	
BP Oil	Support	Support	

2. The proposed changes consulted on relate to specific issues related to pilotage of bunker barge vessels, which has arisen due to a lack of availability of MARPOL Annex VI compliant fuel grades in New Zealand. It also addresses specific issues relating to Pilotage areas and limits.
3. The following key themes were raised in submissions, and are explored in detail in the following paragraphs:
 - Additional changes to Pilotage areas were suggested.
 - Questioning the value of the current pilotage regime, or asking whether there should be more broad changes to Rules Part 90 than those covered in this rules amendment.

- Concerns relating to additional operational or environmental risks that may be caused by bunker barges.
 - Comments relating to the implementation of MARPOL Annex VI in New Zealand.
 - A variety of questions and comments relating to the definition of and operation of bunker barges
4. Comments were also submitted on the timing of the change as well as minor and technical issues, relating to the drafting of the Rules Part.
 5. Bunker barge is a commonly used term used throughout this document, however it is noted that for clarity the drafting of the rule itself describes an oil tanker where the primary operational function of that tanker is ship-to-ship bunkering within a pilotage area. A bunker barge for the purpose of this document is a vessel of this nature.

Theme One: Changes proposed to Pilotage Areas

Three submitters raised issues regarding additional pilotage area changes

6. No submitters made any comments on the proposed Pilotage area changes described in the Invitation to Comment.
7. Additional changes were suggested relating to Manukau, Nelson, Tory Channel, Westport, Bluff, and Stewart Island pilotage areas.
8. For the Manukau Harbour, one submitter argued that the area should be removed in its entirety, and that a better solution would be a Harbourmaster's direction to restrict access to the area.
9. Two submitters suggested that the Bluff Pilotage area should be raised to a 500GT limit in line with harbours of similar complexity, one noting the negative effect that they felt the current settings had on the Bluff marine based economy, and Fiordland tourism operators.
10. A submitter suggested that for Tory Channel and Nelson the limit should be 500GT, and for Nelson this should not have any additional rules around length. They also suggested that the 100 GT limit for Westport should be removed, leaving only the 3m draft limit. A submitter also asked if it would be possible to amend the pilotage areas for Stewart Island/Rakiura pilotage area to over 40m overall length.

Theme One: Maritime NZ response

More information is needed for these additional changes to progress

11. The review addresses a number of simple, low risk pilotage limit changes, for Bay of Islands, Whangarei, Tauranga, Taranaki and Lyttelton ports where Harbourmasters have indicated that the current areas or size limits are not correct, or appropriate for the pilotage areas concerned.
12. Maritime NZ agrees that there are some pilotage areas, such as Westport, Manukau and Tory Channel where there are issues with the current pilotage arrangements and further work is needed to develop an appropriate solution.
13. The removal of pilotage areas entirely is not considered to be within the scope of this rule change, and it is proposed that these pilotage areas are considered as part of a wider review of navigation safety in pilotage waters and Part 90 Pilotage Rules, about to get underway.
14. In response to concerns about the 100 GT limit for Bluff harbour, Maritime NZ has considered the specific circumstances and agrees that the limit is no longer fit for purpose. This is because it was set to address a specific risk related to fisheries vessels, which no longer exists. It is agreed that this should be increased to 500GT or 40m LOA.

Theme Two: Comments relating to broader Pilotage requirements.

There are wider issues with Rules Part 90 that need addressing

15. Several submissions commented on broader issues relating to Pilotage.

Maritime Rules

16. One submitter felt that pilotage could be handled by domestic seafarers, stating that usually the Master drove the boat, and the Pilot offered local knowledge. For their own home harbour, they have that local knowledge and therefore could act as a Pilot.
17. Similarly, a submitter felt that a more extensive overhaul of Rules Part 90 was required, including that the requirement for Master class 1 as a base qualification should be removed, and that the pilotage annual assessment and annual peer review should be consolidated into one process.

Theme Two: Maritime NZ response

18. Maritime NZ notes that these are issues that will be considered as part of the wider review outlined above.

Theme Three: Concerns relating to additional operational or environmental risks from the operation of bunker barges

19. There was a range of opinions submitted around the use of bunker barges, and of barges being operated by Pilotage Exemption Certificate (PEC) Masters rather than Pilots.
20. Four submitters, representing Port Companies, and operators, felt that either there should be no restriction on masters of tankers getting a PEC, or that the current restrictions were unusual, and that larger barges operated safely and were commonplace internationally.
21. However, other submissions, from Harbourmasters, considered that this proposal raised safety risks. Some felt this proposal was not in the spirit of the Port and Harbour Marine Safety Code, and did not allow Harbourmasters and Port Companies sufficient time to assess risks.
22. Specific related concerns raised included:
 - Concerns about bunker barges double banking (mooring alongside a vessel secured to a wharf or jetty), requiring two vessels to be effectively utilising the same bollards, especially where shore infrastructure may not be suitable.
 - Concerns around the relative characteristics of very low sulphur fuel oil (VLSFO) in comparison to light fuel oil, or other fuels which may affect the ability of them to be effectively managed in an oil spill.
 - Concerns in relation to the separation of passengers and dangerous goods, for example, using a bunker barge to fuel a vessel containing or in close proximity to passengers, such as for the interisland ferries.
 - The risk of a tanker moving without a pilot in narrow waters or near infrastructure.
 - Concerns about overly large, unsuitable or end of life vessels being used.
 - Concerns related to a lack of suitable people who could take on the role of a PEC Master for a bunker barge.
 - Concerns about ship-to-ship transfer more broadly

Theme Three: Maritime NZ response.

Maritime NZ consider that many of the issues raised are more appropriately dealt with as separate issues

23. Maritime NZ recognises there are a range of safety considerations involved in oil transport and transfer. However, many of the issues raised in submissions are related to the management of oil transfers and bunkering more broadly, and not the Rules change being considered. We consider that many of the issues and risks raised either already exist and are not specifically changed by the proposed allowance for a PEC master to pilot a bunker barge of a larger size, or are covered by other Rules Parts or sections of the Maritime Transport Act (MTA).

24. For example, vessels carrying bunkers of VLSFO are already more likely to visit New Zealand ports. The need to consider how best to manage VLSFO in the event of an oil spill is therefore important, but not a consequence of this Rules amendment.

Larger bunker barges operate internationally with pilotage exempt Masters

25. Maritime NZ agrees that there appears to be evidence of larger barges operating in other ports internationally without significant issue. For example, of the 215 bunker barges operating in the Port of Singapore, there is a range of sizes in operation, including a number that are larger than a capacity of 5000 tonnes of oil (including cargo and the ships own fuel)¹. In Singapore, pilotage exemption certificates are able to be granted to bunker barges up to 15,000 GT, and larger tankers may be operated using an in-house pilot. Similar policy settings are in place in Australia, however these vary - for Coastal² and Victorian³ pilotage areas no size limit exists, while in Queensland⁴ a 'tanker vessel' over 200m may not be exempt from Pilotage.
26. Currently, any size of bunker barge could potentially carry out ship to ship bunkering under our Maritime rules. The difference proposed by the amendment is that it would be possible for a PEC master to operate a vessel, rather than having a pilot aboard while operating within a pilotage area.
27. Overall, current bridge resource management processes used in pilotage do not necessarily lead to a reduction in risk.⁵ Therefore, it does not necessarily follow that an appropriately trained PEC Master will be more risky than the same vessel using a Pilot.
28. Any potential safety risks related to the use of a PEC master would, as they are now, be assessed and mitigated through the certification process. No change is proposed to the requirements to issue a PEC. PEC Structured Training Plans may be submitted to the Director for approval by either a Harbourmaster, port company or a shipping company. Each Plan must be specifically tailored to the vessel (in this case a larger bunker barge) and the risks associated with operating it. All such plans are required to be submitted to the Harbourmaster (and other relevant parties such as Port operators or pilotage providers) for feedback prior to approval by the Director. It is the responsibility of the shipping company that owns the bunker barge to ensure that the Master(s) selected for this vessel who require a PEC would be able to complete the appropriate training and assessment for this certificate.

We have also considered the wider risk profile and policy settings relating to bunkering operations

29. However, we also accept that this change may result in consequential increases in ship-to-ship bunkering activity, because bunkering operations using larger vessels may become more commercially viable or necessary.
30. Maritime NZ has therefore considered the risks that the proposal leads to additional ship-to-ship bunkering activity taking place in New Zealand ports, and examined the range of existing checks and balances in place to limit additional risks.
31. All New Zealand ports come under the Port & Harbour Marine Safety Code. This Code requires risk assessment and management of all activities within a port or harbour, including bollard suitability, oil spill response, dangerous goods and navigation within the port. As mentioned in submissions, should a port wish to bring larger bunker barges into its waters it would be appropriate to refresh operational risk assessments to address any additional risks.
32. The risk of an oil spill relating from a particular vessel does not have a direct relationship to size. Vessel age and condition, propulsion and control systems, and operational procedures and processes all have an effect of the frequency of an event taking place.

¹ <https://www.mpa.gov.sg/web/portal/home/port-of-singapore/services/bunkering/bunkering-services-providers> Note that this table uses different units to those used in current Rules Part 90 (dwt and GT)

² <https://www.amsa.gov.au/safety-navigation/navigating-coastal-waters/coastal-pilotage-exemptions>

³ <https://www.vicports.vic.gov.au/publications/Documents/hm-directions-11th-edition.pdf>

⁴ <https://www.legislation.qld.gov.au/view/html/inforce/current/sl-2016-0154#ch.7>

⁵ <https://www.taic.org.nz/watchlist/navigation-pilotage-waters>

Maritime Rules

Additionally, should a spill take place, the likelihood that a catastrophic loss of an entire cargo would take place is low compared to failures relating to the transfer of oil⁶, which is not significantly affected by the size of the vessel

33. The proposed amendments do not automatically mean that larger bunker barges can operate without a pilot. There is no intention with this rule change to remove the need for a s.47 exemption under the MTA for a prospective bunker barge operation that wishes to operate under a PEC master.
34. An exemption must not be granted unless the Director can be satisfied that it is appropriate to do so. Given the requirements of s.47 (2), which are reproduced below, it is likely that to satisfy the Director, an exemption request would need to articulate a well considered pilotage solution, that meets a specific operational need, uses a modern, safe and appropriate vessel and a suitably trained Master and considers the risk of harm to the marine environment and to safety.

- (2) *The Director shall not grant an exemption under subsection (1) unless he or she is satisfied in the circumstances of each case that—*
- (a) *the granting of the exemption will not breach New Zealand's obligations under any convention; and*
- (b) *either—*
- (i) *the requirement has been substantially complied with and that further compliance is unnecessary; or*
- (ii) *the action taken or provision made in respect of the matter to which the requirement relates is as effective or more effective than actual compliance with the requirement; or*
- (iii) *the prescribed requirements are clearly unreasonable or inappropriate in the particular case; or*
- (iv) *events have occurred that make the prescribed requirements unnecessary or inappropriate in the particular case; and*
- (ba) *the risk of harm to the marine environment will not be significantly increased by the granting of the exemption; and*
- (c) *the risk to safety will not be significantly increased by the granting of the exemption.*

35. Maritime NZ also notes that there are a number of regulatory mechanisms for controlling oil transfers more broadly. These include Maritime and Marine Protection Rules and MTA parts relevant to the oil transfer activities. The specific Rules Parts relevant to oil pollution prevention, notification of substance transfer, and planning and response to marine oil spill include Parts 101A, 103, 121A, 125 and 130A/B/C. The Rules include requirements for operational plans to take into account the information contained in the best practice guidelines for Ship to ship (STS) operations, such as the Oil Companies International Marine Forum (OCIMF) Ship to Ship Transfer Guide for Petroleum, Chemicals and Liquefied Gases.
36. There is also a broad power for a Harbourmaster to direct a ship under s. 33F of the MTA to ensure maritime safety in the areas to which they are appointed. This includes the ability to give directions in relation to the manner in which a ship can take in or discharge cargo, and the position, mooring, unmooring, placing, removing, securing, or unsecuring of ships. As such, Harbourmasters are able to direct vessels not to engage in double banking where there is an issue with bollard size, or to refrain from carrying out an oil

⁶ Internationally, the majority of oil spill incidents related to bunkering are due to overflows. Less common are those due to hose or coupling failure. <https://www.ukpandi.com/fileadmin/uploads/uk-pi/LP Documents/2018/UK Risk Focus - Bunker spills WEB.pdf>

transfer when there is a large number of people in the vicinity, or navigating in narrow waters if this is considered a safety hazard.

37. Finally, the MTA grants the Director the power to prohibit, in the interests of environmental protection, the transfer of oil between ships anywhere inside the outer limit of the EEZ (s.233A), and to require precautionary measures to be taken in any transfer of oil anywhere inside the outer limits of the territorial sea (s.233). These powers extend to all transfer operations, not just STS transfers as they are defined.
38. Therefore, the differential safety risk between what is currently allowed under the rules and what would be allowable under revised rules, is considered to be an appropriate balance between safety and ease of operations.

Theme Four: Comments relating to the implementation of MARPOL Annex VI

39. Comments were received that the current settings and recent external events are making it hard to supply MARPOL Annex VI compliant fuel, and that VLSFO is potentially not currently available in New Zealand.
40. Submitters representing bunker suppliers feel that the current limit of 5,000 tonnes makes it impractical to operate a bunker barge of sufficient size to be economically sustainable as a method of supplying very low sulphur fuel in accordance with MARPOL Annex VI.

Theme Four: Maritime NZ Response

41. Maritime NZ notes these comments. We are aware of issues raised by the lack of availability of low sulphur fuel grades in New Zealand, especially through the transition period while proposed tanks are not yet constructed. Being able to supply these lower emission fuel grades supports New Zealand's accession to the MARPOL Annex VI treaty, and the goals of this international convention.
42. Additional information on New Zealand's position on MARPOL Annex VI is available from the Ministry of Transport website⁷.

Theme Five: Questions and comments relating to definitions and operation of bunker barges

43. Submitters raised issues with the definition of bunker barges, noting that it is not in itself a class of vessel, but instead an activity. It was suggested that the current size limit, while arbitrary, did limit vessels engaged in bunkering to a manoeuvrable and manageable size. Several submitters suggested that a 12,000 tonne limit be included in the definition of a tanker, or raised concerns that the type of vessel that can be used as a bunker barge is too vague, that it may now include coastal tankers, or that a definition of a bunker barge should be provided.
44. A submitter also sought clarification of the status of a vessel classified as a chemical tanker, if operating as a bunker barge. Several submitters wanted clarification regarding whether replenishing a bunker barge is part of the 'ship-to-ship bunkering' activity.

Theme Five: Maritime NZ Response

45. In response to submissions relating to the definition of vessels included in the proposal, and/or the meaning of a bunker barge, changes have been made to the final rule, to ensure clarity as discussed below.
46. Maritime NZ agrees that there are differences between a typical bunker barge and other oil tankers. A vessel used for ship to ship bunkering in a pilotage area should be manoeuvrable, unlike an oceangoing tanker which needs tug assistance for berthing. Bunker barges are generally smaller in size than a typical coastal tanker in use in New Zealand. However there is not an internationally agreed definition and therefore a definition has not been included.

⁷ <https://www.transport.govt.nz/sea/marpol-annex-vi-treaty-to-reduce-air-pollution-in-ports-and-harbours/>

Maritime Rules

47. We have become aware that the existing definition of a chemical tanker is out of date. The final version of the rule is proposed to contain an updated definition of a Chemical tanker, and clarify that a vessel classified as a chemical tanker can be used as a bunker barge provided it meets all applicable requirements.
48. As discussed above, Maritime NZ considers that there are sufficient checks and balances in the system to ensure that an overly large and /or unsuitable vessel does not act as a bunker barge. These include the need for a s.47 exemption as well as powers under s. 33F for harbourmasters to direct vessels and s.233 for the Director to prohibit an oil transfer taking place anywhere within New Zealand's territorial sea and internal waters.
49. In response to requests to remove the limits on other types of dangerous goods tankers operating under a PEC master, this is considered out of scope but will be able to be considered as part of the wider review of pilotage matters.
50. It is considered that the act of replenishing the cargo of a bunker barge is part of the bunkering operation, and therefore a change to the drafting of the rule is not considered needed to address this issue