

Maritime Transport Act 1994

The Maritime Transport Act 1994 (MTA) is the primary legislation that describes the role and functions of Maritime New Zealand (MNZ). It sets out the legal framework for maritime safety and protection of the marine environment, including:

- licensing of ships and crew;
- investigation of maritime accidents;
- offences, response for oil spills planning, and preparedness;
- other aspects of maritime law such as salvage, liability for pollution damage, limitation of liability, and compensation.

There are also a number of regulations made under the MTA that cover matters such as levies, liability for pollution damage, maritime offences, infringement offences and marine protection. MNZ is responsible for enforcing the MTA. The MTA also provides the authority to make maritime rules.



Provision of maritime safety infrastructure

Maintaining New Zealand's coastal aids to navigation, the national maritime distress and safety radio service, and an emergency locator beacon detection network for land, sea, and air.



Regulation & compliance

Licensing and certifying seafarers and commercial operations.

Educating the maritime community.

Auditing operators and service providers such as ship surveyors.

Investigating incidents.

Enforcing the regulations.

Note: MNZ Maritime Officers are appointed under the MTA and are enforcement officers for this legislation.



Response to incidents

MNZ provides a national land, sea, and air search and rescue coordination service. MNZ manages the development and improvement of national maritime incident and oil spill response capability and is the lead agency in New Zealand's response to significant maritime incidents and emergencies, including oil spills.

Why are the MTA and Maritime rules relevant to me?

The Maritime Rules cover topics such as:

MANNING AND PERSONNEL

including:

Part 31 Crewing and Watch Keeping

Part 32 Seafarer Certification

Part 34 Medical Standards

NAVIGATION SAFETY RULES

are found in **Part 91** of the Maritime rules

SAFE OPERATIONS

You must not operate your vessel in a way that causes risk or danger to others.

There are a series of **SAFETY OFFENCES** set out in the MTA for example, causing unnecessary danger: **s 64 MTA**, and dangerous activity involving ships or maritime products: **s 65 MTA** (refer to **ss 64-67B MTA**)

OFFENCES

in relation to maritime documents: **ss 68 – 69B MTA**

for example, operating a vessel without complying with the provisions and conditions of the appropriate maritime document.

Remember a Maritime Transport Operator Certificate (MTOC) is a maritime document

A FIT AND PROPER PERSON

check is required for everyone who wishes to hold a maritime document, such as a certificate, licence, permit, or other document issued by the Director of Maritime New Zealand

Maritime and marine protection rules contain detailed technical standards and procedures and form part of New Zealand's maritime law. The rules are made under the authority of the MTA. It is an offence to breach the Maritime rules. (some exceptions apply).

A condition of every maritime document is that the holder of the document continues to be FIT AND PROPER. You are required to inform MNZ of any matters that may affect your fit and proper person status.

VESSEL OPERATIONS

Vessels must be operated in accordance with the Maritime rules. Some of the rules relevant to **SHIP OPERATIONS** are:

Part 19 Maritime Transport Operator - Certification and Responsibilities

Part 20 Operating Limits

Part 22 Collision Prevention

The MTA regulates the **consumption of alcohol**. Seafarers must not exceed specified alcohol limits. It is an offence to do so. The maximum penalty is **imprisonment for a term not exceeding 12 months or a fine not exceeding \$10,000**.

DUTY TO NOTIFY:

You must report any accident, incident, or serious harm injury to MNZ as soon as practicable after it occurs.

It is in the regulation and compliance area of MNZ that you are most likely to come into contact with maritime officers on a regular basis.



Thinking about the Maritime Transport Act, DO ...

- Report accidents and incidents and mishaps to MNZ “as soon as practicable”. This means as soon as you are able to do so after you have secured the safety of people, your boat, and the environment, and when you have communication available.
 - Remember, incident means any occurrence, other than an accident, that is associated with the operation of a ship and affects or could affect the safety of operation, and a mishap means an event that causes any person to be harmed or, in different circumstances, might have caused any person to be harmed. That means you need to report near misses!
 - If in doubt as to whether you need to report seek advice, but it is better to over-report rather than not report something that should be reported!
 - Become familiar with all the Maritime rules that apply to your operations.
 - If you are going to operate in a different area check whether you need to change your operating limits on your vessel survey. You may also need a voyage permit to relocate the vessel.
- Remember your MTOC is a maritime document so you can breach your MTOC by not complying with your Maritime Transport Operator Plan (MTOP). This is an offence under the MTA.
 - Ensure all your “papers” and certificates are up to date such as vessel survey (including operating limits), MTOP, MTOC, SeaCerts/ qualifications for your crew, fit and proper person approval.
 - Remember, the skipper is ultimately responsible for the safety of the vessel and its crew. This begins with making the right call about when to sail, taking into account manning, crew fatigue, and vessel readiness.
 - Note that many of the offences under the MTA carry a possible maximum penalty that imposes imprisonment and fines.
 - Remember possible breaches of the Health and Safety at Work Act 2015 are also investigated by MNZ.



Thinking about the Maritime Transport Act, DO NOT...

- Fail to report all mishaps, incidents and accidents. This is an offence!
 - When approached by a maritime officer after an incident or during an investigation, say anything to the officer until you have had legal advice. You will need to give them your name, date of birth, and address and name of the vessel, but don't say anything more.
 - Forget that MNZ maritime officers are also Inspectors under the Health and Safety at Work Act 2015.
 - Forget the minimum manning requirements in Part 31 of the Maritime rules. These are clearly prescribed, and you must follow them.
 - Take non-prescription drugs or drink alcohol while operating the vessel, on watch or working on a vessel.
- Turn off watch and navigational equipment alarms. Often collisions and groundings have happened after alarms have been turned off.
 - Operate outside your qualification and vessel survey limits.
 - Ignore fatigue. Fatigue should be actively managed. Include fatigue management procedures in your MTOP and follow them.
 - When on watch don't let yourself become distracted! Do not play games on your mobile phone, engage in text conversations, or watch TV while on watch. This also interferes with your night vision. Distraction is a major cause of accidents.
 - Forget that conviction for certain offences will affect your fit and proper status. All convictions can impact your fit and proper person assessment and your MTOC.