

**Reprint
as at 1 April 2014**



**Shipping (Charges) Amendment
Regulations 2013**

(SR 2013/155)

Shipping (Charges) Amendment Regulations 2013: revoked, on 1 April 2014, pursuant to regulation 11 of the Shipping (Charges) Regulations 2014 (LI 2014/26).

Jerry Mateparae, Governor-General

Order in Council

At Wellington this 20th day of May 2013

Present:

His Excellency the Governor-General in Council

Pursuant to section 445(1) of the Maritime Transport Act 1994, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

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Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.

Note 4 at the end of this reprint provides a list of the amendments incorporated.

These regulations are administered by the Ministry of Transport.

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Regulations

- 1 Title**
These regulations are the Shipping (Charges) Amendment Regulations 2013.
- 2 Commencement**
These regulations come into force on 1 July 2013.

3 Principal regulations

These regulations amend the Shipping (Charges) Regulations 2000 (the **principal regulations**).

4 Regulation 4 replaced (Appropriate hourly rate of employees)

Replace regulation 4 with:

“4 Appropriate hourly rates of employees or contractors

- “(1) For the purposes of regulations 5(1) and 7 and Schedule 1, the hourly rates are as provided for in subclauses (2) and (3).
- “(2) For any of the environment protection services specified in Schedule 1, the hourly rate is \$235.
- “(3) For any of the other services specified in Schedule 1, the hourly rates are as follows:
 - “(a) for the period beginning on 1 July 2013 and ending on 30 June 2014, \$144:
 - “(b) for the period beginning on 1 July 2014 and ending on 30 June 2015, \$166:
 - “(c) for the period beginning on 1 July 2015 and ending on 30 June 2016, \$184:
 - “(d) for the period beginning on 1 July 2016 and ending on 30 June 2017, \$201:
 - “(e) for the period beginning on 1 July 2017 and ending on 30 June 2018, \$218:
 - “(f) for the period beginning on 1 July 2018, \$235.00.
- “(4) The descriptions given in the first column of Schedules 1 and 2 are intended only to be an indication of the content of the provisions or rules they describe, and are not intended to be used in the interpretation of the provisions or rules.”

5 Regulation 5 amended (Charges)

- (1) In regulation 5(1),—
 - (a) after “employee”, insert “or contractor”; and
 - (b) replace “that employee’s appropriate hourly rate set out in regulation 4” with “the hourly rate set out in regulation 4(2) or (3), as the case may be”.
- (2) Replace regulation 5(3) with:

- “(3) If, in relation to the charges calculated in accordance with subclause (1), an employee or a contractor is required to travel by land, sea, or air to the place where the work is to be carried out or the service is to be provided, the person liable to pay those charges must, in addition to those charges, pay the following:
- “(a) if the travel is in relation to the first visit to that place in relation to the service to be provided, travelling costs calculated by multiplying the number of hours or parts of an hour spent travelling between the nearest office of the Authority at which the employee or contractor is based and that place by one and one-third of the appropriate hourly rate:
- “(b) if the travel is in relation to a subsequent visit to that place in relation to the same service,—
- “(i) the actual and reasonable costs incurred in travelling to that place from the nearest office of the Authority at which the appropriate employee or contractor is based; and
- “(ii) an amount calculated at the appropriate hourly rate for every hour or part of an hour spent travelling between that place and that office for the purpose of carrying out the work or providing the service.”

6 New regulation 5A inserted (Charges for maritime operation activities, certificates, and permits)

After regulation 5, insert:

“5A Charges for maritime operation activities, certificates, and permits

- “(1) The charges set out in Schedule 1A are payable to the Authority for the matters stated in that schedule, being matters concerning maritime operation activities, certificates, and permits.
- “(2) The charges referred to in this regulation are payable—
- “(a) at the rate specified in the second to seventh columns of Schedule 1A, based on the year during which the relevant application is made; and
- “(b) at the time at which the application is made.

“(3) For the purposes of this regulation, **year** means the 12-month period beginning on 1 July in any year.”

7 Regulation 6 amended (Charges for seafarer certificates, licences, permits, and endorsements)

After regulation 6(2), insert:

“(3) The charges referred to in this regulation are payable at the time at which the relevant application is made.”

8 Regulation 7 amended (Charges if work or service not able to be completed or commenced)

- (1) In regulation 7, after “an employee”, insert “or a contractor”.
- (2) In regulation 7(a) and (c), after “the employee”, insert “or contractor”.
- (3) Replace regulation 7(b) with:

“(b) a charge for the employee’s or contractor’s travelling time calculated in accordance with regulation 5(3) (whether or not the service commenced or continued following that travel); and”.

9 New regulation 7A inserted (Charges relating to costs and expenses incurred by Director in relation to specialist services)

After regulation 7, insert:

“7A Charges relating to costs and expenses incurred by Director in relation to specialist services

- “(1) If, in relation to any of the work or services referred to in these regulations, the Director engages the services of a specialist, the person liable to pay the charges for the work or service must pay charges to meet the costs and expenses incurred by the Director in engaging that specialist.
- “(2) The charges referred to in this regulation are payable at the time at which the relevant application is made.
- “(3) In this regulation, **specialist** means a person who provides work or services that are—
 - “(a) beyond the areas of expertise possessed by the employees or contractors referred to in these regulations; and

“(b) essential to enable the relevant work or services to be satisfactorily completed.”

10 Regulation 8 replaced (Director may refund or waive charges)

Replace regulation 8 with:

“8 Director may refund or waive charges

The Director may authorise the refund or waiver of any charge, in whole or in part, if—

- “(a) the ship for which the charge is payable—
 - “(i) is operated principally for training purposes on a national basis by an incorporated society or a charitable trust; or
 - “(ii) is operated principally for search and rescue purposes:
- “(b) the charge is payable in respect of an application for an exemption from a maritime rule or a marine protection rule and, in the Director’s view, charging for the application would be unreasonable:
- “(c) previous decisions on an application of the same kind mean that the amount of work and the costs involved in deciding the application are reduced:
- “(d) the applicant withdraws the application before work on deciding the application has commenced, or when the work is at an early stage.”

11 Schedule 1 replaced

Replace Schedule 1 with the Schedules 1 and 1A set out in the Schedule of these regulations.

12 Schedule 2 amended

In Schedule 2, after the item relating to compass adjuster, insert:

Commercial jet boat driver licence Part 82 MR 271.00

r 11

Schedule
Schedule 1 replaced and new Schedule 1A
inserted
Schedule 1 r 5
Certificates and permits subject to hourly
charge

Maritime operations	Reference to legislation
<i>Port and flag</i>	
Recognition of overseas crew certificates (fishing)	s 41 MTA
Recognition of foreign vessels on charter or demise charter	s 41 MTA
Vessel detentions	s 55 MTA
Second and subsequent inspections of New Zealand vessels	s 54 MTA
Second and subsequent inspections of foreign vessels	s 54 MTA
Initial flag state inspections	s 54 MTA
<i>Certificates</i>	
Passenger ship safety certificate	Part 46 MR and s 41 MTA
Cargo ship safety certificate	Part 46 MR and s 41 MTA
Cargo ship safety radio certificate	Part 46 MR and s 41 MTA
International load line exemption certificate	Part 47 MR and s 41 MTA
Exemptions from rules	s 47 MTA and s 395 MTA
Appointment of overseas surveyors	Part 46 MR and s 41 MTA
Approval/acceptance of safety equipment	Parts 42A, 42B MR and s 41 MTA
Assessment of applications under Resource Management Act 1991 affecting navigation	s 89A RMA
Other survey/vessel certificates (SOLAS and non-SOLAS)	s 41 MTA
Recognition of surveyors	Part 46 MR and s 41 MTA
High-speed craft safety certificate	Part 40F MR
Permit to operate high-speed craft	Part 40F MR
Authorised person certificate	s 41 MTA
Muster list approval	Part 23 MR

Schedule 1—*continued*

Maritime operations	Reference to legislation
Approval of crew accommodation plans	Part 51.5 MR
Approval/acceptance of products	ss 41 MTA and 270 MTA
Wing in ground craft safety certificate	Part 40G MR and s 41 MTA
Light craft compliance certificate	Part 40F MR and s 41 MTA
Safety case approval	Part 40G MR and s 41 MTA
<i>Environment protection</i>	
Dump permits	Part 180 MPR and s 270 MTA
Dispersant approval	Part 132 MPR
Certificates of insurance	Part 102 MPR and s 270 MTA
Shipboard marine oil spill contingency plans	Part 130A MPR
Offshore installation oil spill plan	Part 200 MPR
Oil transfer site marine oil spill contingency plans	Part 130B MPR and s 270 MTA
Discharge management plan	Part 200 MPR and s 270 MTA
International oil pollution prevention certificate (IOPPC)	Part 200 MPR and s 270 MTA
Marine environment protection audits and inspections	s 396 MTA
<i>Audits</i>	
Marine environment protection inspections and audits	s 396 MTA
Audits and inspections of maritime activity	s 54 MTA
<i>Seafarer services</i>	
Moderation of exams	s 48 MTA
Maritime training institution audits	s 54 MTA
Recognition of non-New Zealand certificates	s 41 MTA
Training framework, course, and training programme approval	Part 35 MR
<i>Other activities</i>	
Vessel security assessments	ss 431 and 445 MTA
Port security assessments	ss 431 and 445 MTA
Seizure of products	ss 55 and 397 MTA

Schedule 1—*continued*

Maritime operations	Reference to legislation
Erection or alteration of navigational aids	s 200 MTA
Audit and inspections of maritime activity	s 54 MTA
Test for jet boat driver licence	Part 82 MR

**Schedule 1A
Fixed fees for documents**

r 5A

Maritime operations	Fees (\$) (including GST) for applicable year					
	2013/ 2014	2014/ 2015	2015/ 2016	2016/ 2017	2017/ 2018	2018
Crewing exemption	144	166	184	201	218	235
International tonnage certificate	144	166	184	201	218	235
International load line certificate	144	166	184	201	218	235
New Zealand load line certificate	144	166	184	201	218	235
New Zealand load line exemption certificate	144	166	184	201	218	235
Harbour navigational-aid consent	144	166	184	201	218	235
New Zealand barge safety certificate	144	166	184	201	218	235
Safe crewing document	288	332	368	402	436	470
New Zealand ship safety certificate and record of equipment	144	166	184	201	218	235
Non-SOLAS ship international voyage	288	332	368	402	436	470
Continuous synopsis record	288	332	368	402	436	470
Diving compliance certificate	288	332	368	402	436	470
Fishing compliance certificate	288	332	368	402	436	470
Jet boat compliance certificate	288	332	368	402	436	470
Commercial rafting compliance certificate	288	332	368	402	436	470
Approval of medical practitioners, optometrists and examiners	432	498	552	603	654	705

Rebecca Kitteridge,
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 2013, amend the Shipping (Charges) Regulations 2000 to update and extend the charges payable in respect of the matters dealt with in those regulations.

In particular,—

- amendments have been made to regulation 5 (in relation to travelling costs):
- *new regulation 5A* and *new Schedule 1A* deal with charges for maritime operation activities, certificates, and permits in relation to each year from 2013/2014 to 2018, and provide that the charges are payable at the time of application, rather than on the completion of the transaction (as is the current situation):
- *new regulation 7A* requires the person liable to pay charges to meet the costs and expenses of any specialist services engaged by the Director (specialist is defined in *new regulation 7A(3)*):
- *new regulation 8* sets out the circumstances in which the Director may refund or waive charges.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 23 May 2013.

Reprints notes

1 *General*

This is a reprint of the Shipping (Charges) Amendment Regulations 2013 that incorporates all the amendments to those regulations as at the date of the last amendment to them.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

Shipping (Charges) Regulations 2014 (LI 2014/26): regulation 11
