

## 6.0 Other business

### Council Report

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<b>Date of Meeting</b>	24 March 2019
<b>Author</b>	Louise McDonald Senior Committee Advisor

#### Purpose

Approval is sought to submit the following report to the Council meeting on 24 March 2020.

#### Harbourmaster's Powers – Navigation Safety

The reason, in terms of section 46A(7) of the Local Government Official Information and Meetings Act 1987, the reason why the report was not included on the main agenda is that the matter arose after the agenda was prepared.

It is recommended that the Council receive the report at this meeting to enable any urgent decisions to be as this is a matter of maritime safety particularly during the COVID-19 situation.

#### Recommendation

**That the report be received and considered at the Council meeting on 24 March 2020:**

**Harbourmaster's Powers – Navigation Safety**

#### Legal compliance and risk assessment

Section 46(A) of the Local Government and Official Information Act:

7. *An item that is not on the agenda for a meeting may be dealt with at the meeting if—*
- (a) the local authority by resolution so decides; and*
  - (b) the presiding member explains at the meeting at a time when it is open to the public, —*
    - (i) the reason why the item is not on the agenda; and*
    - (ii) the reason why the discussion of the item cannot be delayed until a subsequent meeting*

## 6.1 Harbourmaster's Powers – Navigation Safety

### Council report

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<b>Date of meeting</b>	24 March 2020
<b>Author</b>	Catherine Schache
<b>Responsible Director</b>	Bill Bayfield

### Purpose

1. In 2013, amendments to the Maritime Transport Act 1994 allowed regional councils, through their Harbourmasters, to take on a broader category of powers, extending the powers from those relating only to “navigation safety” to the broader area of “maritime safety”.
2. In 2014, this Council chose not to adopt those extended powers and agreed that its Harbourmaster could exercise powers under the Maritime Transport Act 1994 only for the purposes of “navigation safety”. Environment Canterbury was the only regional council to limit its Harbourmaster’s powers in this way.
3. A situation has arisen, relating to the piloting of vessels into PrimePort in Timaru, that had identified that the broader suite of powers is needed – and that without it, the Harbourmaster cannot vary his directions to vessels, potentially preventing passage of boats into port.

### Recommendations

#### That the Council:

1. **resolves that, for the purposes of the Maritime Transport Act 1994, the Council’s Harbourmaster may exercise the powers and perform the duties conferred by that Act or any other enactment for the purpose of:**
  - 1.1. **ensuring navigation safety; and**
  - 1.2. **ensuring maritime safety, insofar as necessary as a result of the COVID-19 risk (including for example, around piloting of vessels),**

**in relation to the ports, harbours, or waters for which he or she has been appointed as a Harbourmaster by the Council.**

### Background

4. In 2013, changes to Maritime Transport Act 1994 allowed regional councils (if they chose) to take on broader powers – powers of maritime safety over and above navigation safety.

5. Our council chose not to extend its powers, on the basis of the likely increased cost to the Council and/or reduced resourcing for the Harbourmaster's other activities. This was because of the uncertainty about how Maritime New Zealand would respond to the legislative change and whether it would push regional councils into new work programmes.
6. The commercial ports in Canterbury operate under rules contained in the Harbourmaster's directions. Some of those directions need to be varied to address COVID-19 risk, particularly around the requirement to have two pilots on board vessels as they enter port. This is a matter for navigation safety.
7. However, having two pilots on board increases the risk of the spread of COVID-19 to two pilots at a time; and reduces the ability of the ports' pilot services (if pilots are unwell) to provide pilots for all vessels. This runs the risk of having no pilots well and able to act at all. This is therefore a matter of maritime safety.
8. Accordingly, the Harbourmaster is not currently authorised to make changes to his directions where the changes are contrary to, or not required for navigation safety, but would be required for maritime safety.
9. We are therefore seeking Council's authority to extend the Harbourmaster's powers into the realm of maritime safety where they are needed to respond to the COVID-19 pandemic.

## **Next steps**

10. If Council agrees to this proposal, the Harbourmaster will make any necessary changes to his directions and will convey those changes to the port companies involved.

## **Attachments**

No attachments