

Former *Annual New Zealand Notice to Mariners, No. 13*, published 1 July 2022 is cancelled. This is a repetition of the former Notice.

Authorities: Toitū Te Whenua Land Information New Zealand, Maritime New Zealand, Spark, Transpower

Caution against Anchoring and Fishing in the Vicinity

1. Mariners are warned that every care should be taken to avoid anchoring or fishing in the vicinity of submarine cables or pipelines, even though there may be no specific prohibitions against doing so. Damaging an under-sea pipeline or cable would rate as a national disaster and very severe criminal penalties may apply. In addition the vessel which has fouled an underwater feature could be exposed to extreme explosion or electrocution risks.

Symbols used on Charts

2. Cables, cable protected areas, pipelines and pipeline protected areas are shown on charts in magenta using the appropriate symbol. Mariners should note the caution on charts which have these symbols.
3. Submarine cables are shown as wavy lines, submarine cable protected areas may be shown bounded by pecked lines or by dashed T-shaped lines interspersed with a short section of the wavy cable symbol.
4. Submarine pipelines are shown as a pecked line using a bulbous type symbol with an annotation such as *gas*, *chem*, *oil*. Disused pipelines will be shown with an interrupted pecked line.

Legislation

5. The relevant legislation:
 - (a) *Submarine Cables and Pipelines Protection Act 1996*;
 - (b) *Submarine Cables and Pipelines Protection Order 2006 Amendment (Pohokura Gas Field Development) Order 2010*;
 - (c) *Submarine Cables and Pipelines Protection (Tui Area Development) Order 2007*;
 - (d) *Submarine Cables and Pipelines Protection (Kupe Gas Project) Order 2008*;
 - (e) *Submarine Cables and Pipelines Protection (Maari Development) Order 2008*;
 - (f) *Submarine Cables and Pipelines Protection Order 2009*; and
 - (g) *Submarine Cables and Pipelines Protection Order 2009 Amendment (Area-7 Cook Strait) Order 2016*.
6. Further information on the legislation can be obtained from:

Ministry of Transport PO Box 3175 Wellington 6140 New Zealand Phone: +64 4 439 9000 www.transport.govt.nz/sea/protectingunderseacables	Transpower New Zealand PO Box 1021 Wellington 6140 New Zealand Freephone: 0800 THE GRID (0800 843 4743) Phone: +64 4 590 7000 (business hours) www.transpower.co.nz
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Danger Involved in Cutting to Clear Anchors or Fishing Gear

7. In the event of fouling a submarine cable, the anchor and gear should be slipped and abandoned without attempting to cut the cable. High voltages are present in submarine cables other than power transmission cables and serious risk exists of loss of life or severe burns from electric shock if any attempt to cut the cable is made. No claim in respect of injury or damage sustained through such interference with a submarine cable will be entertained.
8. In the event of **fouling a pipeline**, the anchor or gear should be slipped and abandoned without attempting to get it clear. Any excessive force applied to the pipeline could result in a rupture; in the case of a gas pipeline the consequential release of gas at high pressure like an explosion could cause severe damage or loss of the vessel. There would be an accompanying severe and immediate fire hazard.

Claims as a Result of Loss of Gear

9. In order to afford greater protection to submarine cables and pipelines, and to avoid extensive repairs and disruption of communication or supplies, the attention of mariners, and particularly fishermen, is drawn to Section 8 of the *Submarine Cables and Pipelines Protection Act 1996*. This section entitles the owner of a ship from which an anchor, net, or any fishing gear has been sacrificed (to avoid damaging a submarine cable or pipeline), to be indemnified for any loss by the owner of the cable or pipeline, provided cautionary measures have been taken beforehand.
10. To establish a claim to such indemnification, the following actions must be carried out:
 - (a) A statement supported by the evidence of the crew, should, wherever possible, be drawn up immediately after the occurrence, and the master must, within 24 hours after return to, or next putting into port, make a declaration to the proper authorities. The latter shall communicate the information to the consular authorities of the country to which the owner of the cable belongs.
 - (b) The declaration must give the full particulars of the occurrence and should be made to a Maritime Safety Inspector.
 - (c) Vessels required to carry official log books should also enter details in the log.

Defence against Prosecution

11. It is a defence to any prosecution under Section 22 of the *Submarine Cables and Pipelines Protection Act 1996* to prove that the breakage or injury to a submarine cable or pipeline was caused by persons acting with the sole object of saving their life or their ships after having taken all the necessary precautions to avoid the damage.
12. It is also a defence under Section 12 of this act if anchoring in any protected or restricted area was necessary for the purpose of saving life or a ship in distress.

Protected Areas under the Act

Greater Auckland Area

13. A number of international submarine cables come ashore in the Auckland area. These cables supply international telecommunications for both New Zealand and Australia to the rest of the world.
See following page for specific information on submarines cables and the cable protection areas.

Cook Strait Submarine Cable Protection Zone (CPZ)

14. The CPZ protects vital submarine electricity and telecommunication links between the North and South Islands. There are severe restrictions on activities carried out within the CPZ under current legislation.
 - (a) See information at the end of this notice for specific information on the CPZ.
 - (b) Mariners are advised to consult the publication *Cook Strait Submarine Cable Protection Zone*, which is downloadable from www.transpower.co.nz/cook-strait-cpz-cable-protection-zone.
 - (c) Towage through the CPZ: Mariners engaged in towing through the CPZ must be aware of the depth of their towline. Towlines dragging across the exposed submarine cables are likely to cause damage and may result in the failure of a submarine cable.

Other Protected Areas

15. Other areas given protection under the First Schedule of the *Submarine Cables and Pipelines Protection Order 2009* are cable and pipeline installations off Oaonui, Great Barrier Island (Aotea Island), Hauraki Gulf / Tikapa Moana, Kawau Island, Taharoa, Whangaparāoa Peninsula, Hawke Bay and Maui A and Maui B. Mariners and fishermen are advised to consult the current charts of these areas for further information.

Important Note:

Mariners should be aware that, in order for tugs to keep towlines clear of submarine cables they may not be able to reduce speed or alter course when transiting cable protection zone/areas.

"catch fish...not cables"

There are a number of international submarine cables which come ashore in the Auckland area. These cables supply international communications for both New Zealand and Australia to the rest of the world.

New Zealand is a very isolated nation and as such is extremely reliant upon global communication via submarine cables. Here in New Zealand over 98% of all international communication is carried via submarine fibre optic cables. These cables are a key component of New Zealand's infrastructure and play a significant role in our everyday lives, the general economy and future growth of New Zealand.

These cables are laid in three submarine cable corridors in the greater Auckland area where anchoring and fishing is prohibited under the Submarine Cables & Pipelines Protection Act.

These areas are:

- **Muriwai Beach** out to the 12 mile territorial limit where both anchoring and fishing is prohibited.
- **Scott Point to Island Bay** in the upper Waitemata Harbour where anchoring is prohibited.
- **Takapuna Beach** this runs from Takapuna Beach in the south to just north of the Hen & Chicken Island (opposite Taiharuru Head) where anchoring and fishing is prohibited.

Note: These protected areas are monitored by sea and air patrols.



**Spark
New Zealand**

Symbols Relating To Submarine Cables

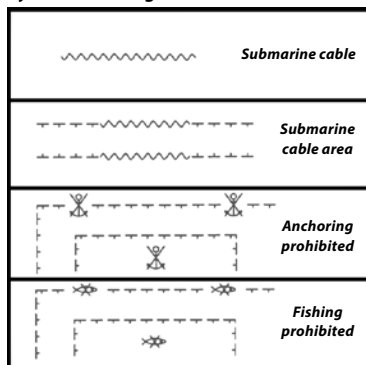


Figure 1.

These are some of the penalties

- A maximum fine of \$20,000 for a non-commercial vessel.
- A maximum fine of \$100,000 for a commercial vessel.
- A maximum fine of \$250,000 for damaging a submarine cable.

Additional to the fine for damage, the cable owners would inevitably pursue the recovery of costs associated with repairs, this could be \$100,000 plus per day; a typical repair can take up to two weeks.

Be Aware

These International submarine cables carry up to 10,000 volts to power the system repeaters along the cable.

For more detail refer to appropriate marine charts.

What should you do?

- If you are going into any of these areas, be sure to check your marine charts and/or GPS plotter so you know the exact locations of the prohibited zones. The relevant charts are NZ 53, NZ 5322, NZ 532, NZ 522, NZ 52, NZ 42 and NZ 43. The symbols used to mark the zones are detailed in Figure 1.
- If you suspect you have snagged your anchor or fishing gear on a submarine cable in one of these areas, don't try to free it. Note your position, abandon your gear, then call 0800 782 627.

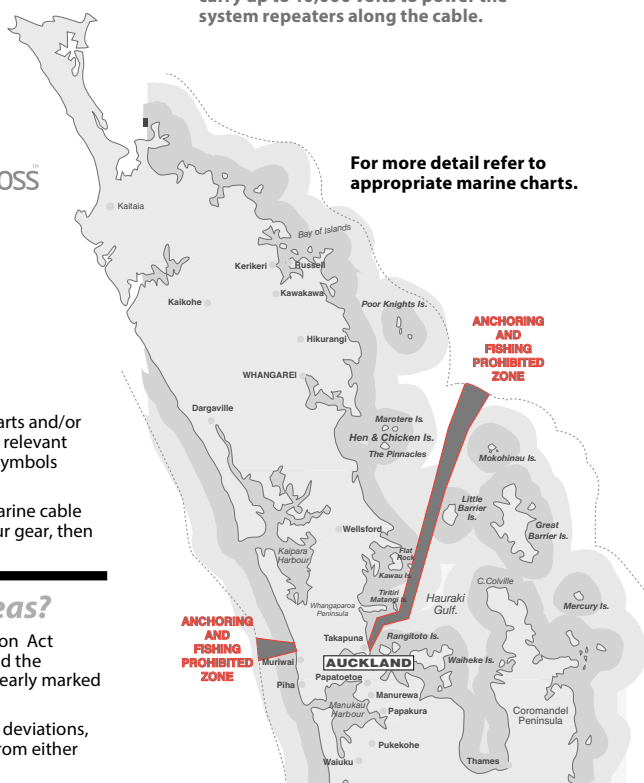
What happens outside the prohibited areas?

These cables are covered by the Submarine Cables and Pipelines Protection Act regardless of whether they are inside or outside a prohibited area. Beyond the confines of the "anchoring and fishing prohibited" areas, the cables are clearly marked on the appropriate marine charts.

Considering possible positioning inaccuracies and repaired cable section deviations, fishermen are advised to keep a minimum distance of one nautical mile from either side of charted cables.

Note this number:

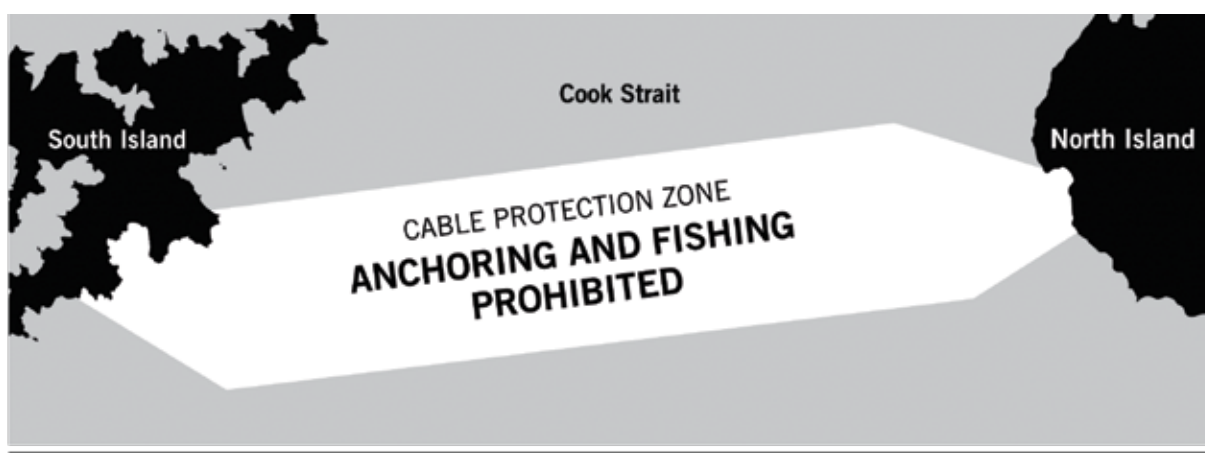
For any queries regarding submarine cables call: **0800 782 627**





COOK STRAIT CABLE PROTECTION ZONE

Transpower's submarine 350,000 volt power cables and fibre optic telecommunication cables, lie on the seabed within the Cook Strait Cable Protection Zone (CPZ). These cables are vital to New Zealand's electricity and communications systems, and to New Zealand's economy.



For a vessel of any size, **FISHING AND ANCHORING ARE ILLEGAL WITHIN THE CPZ.** Under the Submarine Cables and Pipelines Protection Act 1996, having any equipment that may be used for fishing or anchoring deployed over the side of a vessel in the CPZ, is considered to be a fishing or anchoring operation (whether or not such equipment is fully deployed).

What should you do?

If you are going to be in or near the CPZ, check your charts to ensure you know the exact location of the CPZ. The relevant charts include NZ 463, NZ 46, NZ 62, NZ 6212 and NZ615. **IF YOU SNAG YOUR ANCHOR OR FISHING EQUIPMENT ON A CABLE, DO NOT TRY TO FREE IT.** It is recommended that you record your position, abandon your gear and advise Transpower and the CPZ patrol vessel immediately.

Penalties

Penalties for illegal activity apply to both the owner and master of the vessel concerned. Maximum fines are (a) \$100,000 for fishing or anchoring in the CPZ, (commercial vessel) or \$20,000 (non-commercial vessel), and (b) \$250,000 for damaging a submarine cable (wilfully or negligently). The Court may also order forfeiture of the vessel or other property used to commit an offence. Transpower can also take legal action to recover repair costs, which may exceed \$40-\$65 million, possibly more.

Patrols

The CPZ is patrolled by both patrol vessel (VHF channel 16 and 0274 44 22 88) and helicopter.

Further information

For CPZ co-ordinates and minor exceptions to the prohibition against fishing in small and specific areas near shore, please refer to the Cook Strait Submarine Cable Protection Zone booklet which is downloadable from www.transpower.co.nz

Alternatively you can call us on

0800 THE GRID or 0800 843 4743

Catch fish... not cables

Disclaimer: The information on this page is not intended as legal advice and should not be taken as such.