

The Port and Harbour Marine Safety Code

NEW ZEALAND



2026

Publication details

First edition published in 2004

Second edition revised 2016

Third edition revised 2020

Fourth edition revised 2026

Copyright © Maritime New Zealand 2016

This publication is copyright. Apart from any fair dealing with the purpose of private study, research, criticism or review, as permitted under copyright laws, no part may be reproduced by any process, nor transmitted, not translated without prior written permission from the copyright owners. Enquiries should be addressed to Maritime New Zealand.

A catalogue record for this book is available from the National Library of New Zealand.

ISBN 978-1-99-001618-9

Contact details for the Code

Maritime New Zealand
1 Grey Street
Wellington
New Zealand 6011

Telephone: +64 4 473 0111

Further details can be found at: www.maritimenz.govt.nz.

Disclaimer:

This document includes general information about legal powers and duties that affect marine safety in ports and harbours however, it does not create legal duties and is not intended to operate as legal advice. While every effort is made to ensure that the information in this document is current and accurate, all relevant parties should ensure that they have up-to-date information about their legal obligations and comply with these as required by law.

Document control

Next review date: **Date**

Version release history

Release	Status	Date	Author	Description of changes
1.0	Table content	Table content	Table content	Table content

Document uncontrolled when printed.



FOREWORD

KIRSTIE HEWLETT

PORT AND HARBOUR MARINE SAFETY CODE STEERING GROUP CHAIR



It is my pleasure to present the 2026 edition of the Port and Harbour Marine Safety Code (the Code).

For more than 25 years, the Code has played a vital role in supporting the safe navigation of ships in New Zealand's ports and harbours. At its core has always been a commitment to continuous improvement – a principle that has never been more important. Over the past quarter century, we have seen significant advances in technology, changes to legislation, and the increasingly complex and dynamic nature of port operations and harbour activities, all of which have reshaped how navigation safety is managed.

In response to this evolving landscape and the commitment to continuous improvement, the Code Steering Group committed in 2024 to ensuring the Code remained fit for purpose and commissioned a review of the Code. This work focused on lifting standards, improving accessibility and usability, and reinforcing the collaborative partnership the Code is based on. All with the aim of ensuring the Code Memorandum of Understanding (MoU) and Code deliver strong relationships, accountability, and effective collaboration underpinned by strong safety management systems and practice.

This voluntary Code has always been intended to support port operators and councils to work together to manage the safety of marine activities in New Zealand's commercial ports and busy harbours, within the framework of national and local legislation. Effective navigation safety is essential to protecting people, the environment, and the continued success of New Zealand's import and export supply chains.

A significant milestone in the evolution of the Code was the formalisation of commitment through the MoU in 2016. This marked an important step in strengthening the commitment of the Code community. Through the MoU, Maritime New Zealand, commercial port operators, and regional councils (or unitary authorities) agreed to operate as Code partners, supported by the steering and working groups. This tripartite approach provides a strong foundation for collaboration, shared learning, and continuous improvement through assessment and peer review.



While the Code may be of interest to others involved in navigation safety, it is primarily intended for the Code partners. By signing the MoU, Council and port partners commit to applying the guidance of the Code, completing annual self-assessments, and participating in peer reviews. Maritime New Zealand, as the third party, supports this work by providing the Secretariat function, contributing subject-matter expertise to the working group and peer reviews, and sharing information where appropriate. The peer review process gives assurance to Maritime New Zealand that navigation safety is being managed to a consistently high standard, supporting confidence across the system, and providing an alternative to traditional regulatory audits.

The original Code focused on establishing a commitment to consistency across all New Zealand's ports and harbours. With the introduction of the MoU, that commitment is now firmly embedded. The 2026 edition shifts its emphasis to lifting the maturity of safety management systems, ensuring they are future-focused, sustainable, and adaptable, while continuing to support an agile, continuously improving approach.

This 2026 edition is clear, accessible, and practical, and reflects the collective experience and commitment of the Code community. As Chair, I would like to acknowledge the contributions of all those involved in its development and ongoing application.

The Code continues to provide a framework that enables us to align our efforts, work constructively together, and share expertise for a common purpose – ensuring safe and resilient operating environments in New Zealand's ports and harbours.

Kirstie Hewlett

Chief Executive and Director, Maritime NZ
Code Steering Group Chair



TABLE OF CONTENTS

Foreward	iv
KEY TERMS, ABBREVIATIONS AND ACRONYMS	
Key terms	5
List of abbreviations and acronyms	9
PART 1: UNDERSTANDING THE CODE	
Section 1: Purpose and scope of the Code	
1. A framework that describes good practice for navigation safety	13
2. The Code is guidance for Code partners on maintaining navigation safety	14
3. Activities the Code covers	15
4. Putting the Code into practice	15
Section 2: Management and governance of the Code partnership	
5. How the Code is governed and managed	17
6. Confirming that Council and port partners meet the Code	18
Section 3: How Maritime NZ contributes to the Code partnership	
7. Maritime NZ's role under the Code	23
PART 2: CODE STANDARDS	
Section 4: Code standard for roles and relationships in SMSs	
8. Establishing relationships to make sure the Code is managed well	27
9. Understanding one another's roles in implementing the Code SMS	30
10. Port operator roles under the Code	30
11. Role of the port operator's designated person	31
12. Council roles under the Code	31
13. Harbourmaster roles under the Code	33
14. Managing conflicts of interest	34
Section 5: Reasons to have an SMS	
15. The importance of an SMS	37
16. Documenting an SMS	37
17. Having an effective SMS	38
18. Elements to include in an SMS for a Code partner	39

Section 6: Standard for building the framework of a Code SMS

19.	Code area assessment – identifying the hazards in the Code area	41
20.	Roles of Council and port partners in implementing an SMS	42
21.	Safety plans as part of the SMS of a port or Council	43
22.	What a Council includes in an SMS that relates to a harbour	46
23.	What a port operator includes in its SMS	48

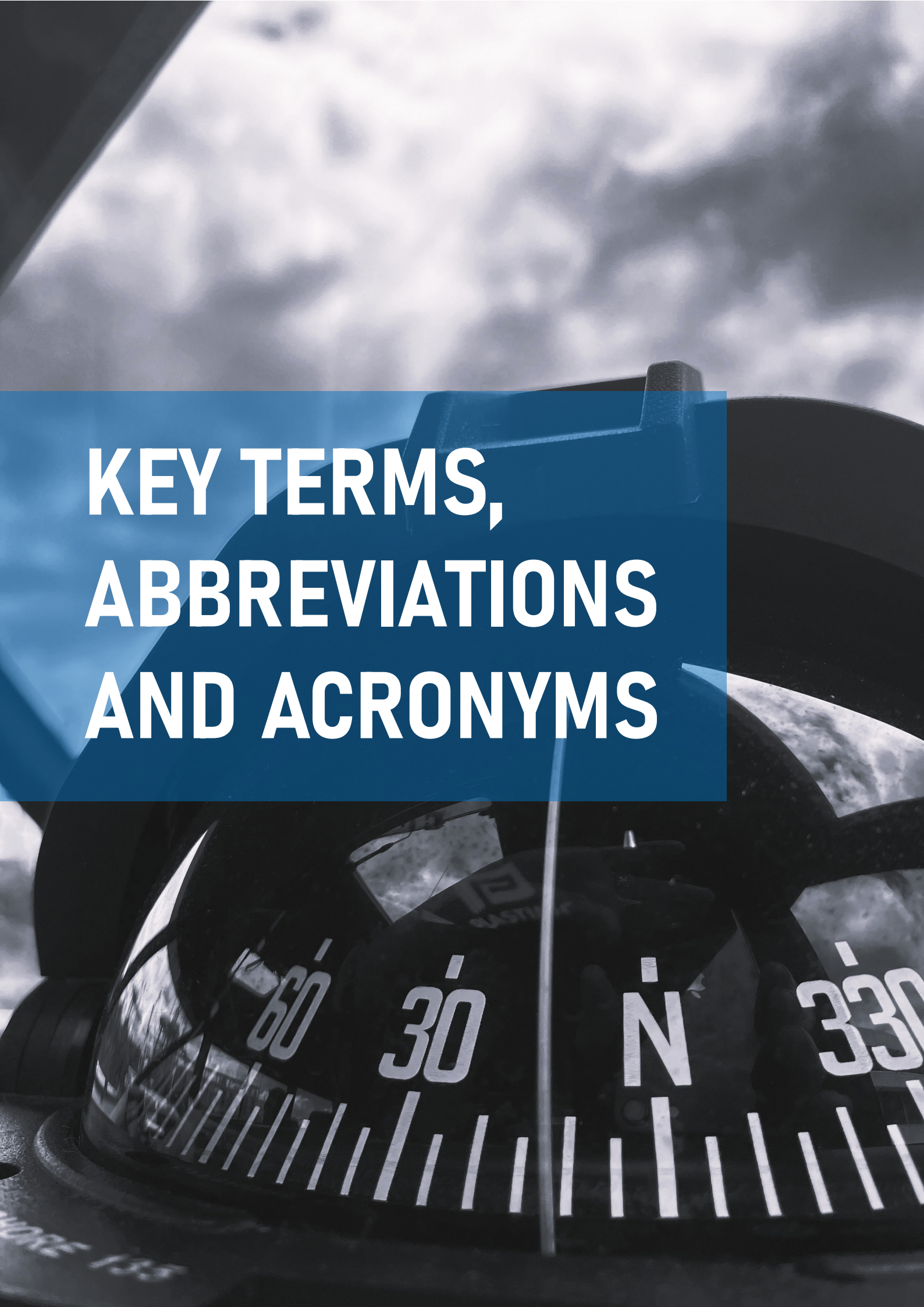
Section 7: Standards for assessing risk and implementing controls

24.	Agree on the structure of and approach to assessing risks and documenting controls	49
25.	Do a risk assessment including marine areas and activities in the Code area	50
26.	Councils and port operators work together to assess the risks	50
27.	Councils and port operators have the same understanding of the risks and controls	51

Section 8: Good practice for common critical risks and controls in Code SMSs

28.	Good practice for common critical risks and controls in an SMS	53
29.	Good practice in hydrography	53
30.	Good practice in prevailing and forecast conditions	54
31.	Good practice in aids to navigation	55
32.	Good practice in anchorages	56
33.	Good practice for removing wrecks and abandoned vessels that affect navigation safety	58
34.	Good practice in managing risks associated with fatigue	58
35.	Good practice in keeping harbour users safe around works in harbours	58
36.	Good practice in harbour communications and traffic management	59
37.	Good practice in port passage planning and guidance	61
38.	Good practice in pilotage and pilotage exemptions	62
39.	Good practice in marine services	64
40.	Good practice in berthing and mooring	65
41.	Good practice in working with dangerous goods	67
42.	Be prepared when events happen – responding to events affecting navigation safety	69





KEY TERMS, ABBREVIATIONS AND ACRONYMS

KEY TERMS

Term	Meaning
Accident	As defined in the Maritime Transport Act 1994 (MTA) section 2.
Aid to navigation (AtoN)	The Code uses the term aid to navigation in the sense that the MTA uses the term navigational aid as defined in MTA section 2.
Code	New Zealand Port and Harbour Marine Safety Code. Referred to as 'the Code' in this document.
Code area	The area in a major port and harbour with compulsory pilotage where the Council and port partners have done a Code area assessment and are applying Code standards. If necessary, the steering group will confirm the area.
Code area assessment	A high-level risk assessment conducted by the Council and port partners in the major port and harbour where they will apply the standards of the Code
Code lead	Staff member who acts as operations and administrative lead of the Secretariat.
Code partners	Maritime New Zealand (Maritime NZ), major port operators and Councils. They have representation and responsibility for applying the Code memorandum of understanding (MoU) as appropriate to their roles in the Code. The Code partners are identified in Schedule 2 of the Code MoU.
Code partnership	The collective group of Code partners who have agreed to the Code MOU and authorised their representatives to sign the Code MoU on their behalf.
Commercial port	As defined in MTA section 33B. This term is defined here for clarity. However, the Code refers to the partners who operate major ports (see definition below) as port operators .
Compulsory pilotage area	Area listed in Appendix 1 or Appendix 2 of Maritime Rules Part 90 which has been activated by the Director under rule 90.122.
Council/regional council	Regional council as defined in MTA section 33B.
Dangerous goods	As defined in Maritime Rules Part 24A . Note: This Code generally uses the term 'dangerous goods' to capture all goods defined under the International Maritime Dangerous Goods Code (IMDG Code) or any substances considered a 'hazardous substance' or 'harmful substance'. However, when discussing legislation that uses a different term, it uses that term.
Director	The Director of Maritime NZ appointed under MTA section 439.

Term	Meaning
Fatigue risk management system	As defined in Building a fatigue risk management system: Good practice guidelines for the ports industry (November 2022) a fatigue risk management system is a data-driven means of continuously monitoring and managing fatigue-related health and safety risks. Such a system is based on scientific principles and knowledge as well as operational experience. It aims to ensure relevant personnel are performing at adequate levels of alertness.
Harbour	As defined in MTA section 2.
Harbour vessel	A vessel that is used wholly or mainly within a harbour area.
Harmful substance	As defined in MTA section 225. Note: This Code generally uses the term 'dangerous goods' to capture all goods defined under the IMDG Code or any substance considered a 'hazardous substance' or 'harmful substance', except when discussing legislation that uses a different term.
Hazardous substance	As defined in Hazardous Substances and New Organisms Act 1996 section 2. Note: This Code generally uses the term 'dangerous goods' to capture all goods defined under the IMDG Code or any substance considered a 'hazardous substance' or 'harmful substance'. However, when discussing legislation that uses a different term, it uses that term.
Incident	As defined in MTA section 2, unless it is used in relation to a response. In that case it is defined as in Integrated Maritime Incident Readiness and Response Strategy .
International Maritime Dangerous Goods Code (IMDG Code)	The international code for the maritime transport of dangerous goods in packaged form. It sets out in detail the requirements applicable to each individual substance. The requirements of the IMDG Code are incorporated into Maritime Rules Part 24A .
International Safety Management Code for the Safe Operation of Ships and Pollution Prevention (ISM Code)	A mandatory code to follow for ships listed in Chapter IX of the International Convention for the Safety of Life at Sea (SOLAS) that undertake international voyages.
Lead	Staff member who acts as operations and administrative lead of the Secretariat.
Major port	Port operating within a compulsory pilotage area.
Marine activities	Activities on the water that are likely to affect navigation safety. These could also include the use of infrastructure, equipment or other property that affects or is likely to affect navigation safety.
Memorandum of understanding (MOU)	A formal written agreement between two or more parties that outlines the terms, conditions and intentions of the agreement, including each party's responsibilities, functions and tasks.
Must	In the Code, 'must' indicates a legal requirement that has to be complied with.

Term	Meaning
Navigation safety	The Code defines navigation safety as the safe movement and navigation of ships. While following New Zealand legislation and international standards, those parties focused on navigation safety take measures to: • prevent collisions • manage waterways • utilise navigation tools and equipment effectively. The Code includes matters concerning: • the safe navigation and operation of vessels • the safety of marine infrastructure related to navigation safety.
Panel advisor	Staff member of the Secretariat who leads Code peer reviews.
Pilotage area	Area listed in Appendix 1 or Appendix 2 of Maritime Rules Part 90 which has been activated by the Director under rule 90.122.
Pilotage exemption certificate (PEC)	As defined in Maritime Rules Part 90 .
Port	As defined in MTA section 2.
Port company	As defined in MTA section 33B.
Port operator	For the purposes of the Code, an entity operating a commercial port in a designated Code area that is party to the Code MoU.
Regional council	As defined in MTA section 33B
Safety management system (SMS)	For the purposes of the Code, a set of systems and processes an organisation puts in place to manage risk and identify hazards related to navigation safety. Its purpose is to prevent accidents and protect the marine environment. An SMS could be part of an organisation's wider safety management system.
Secretariat	The permanent administrative group, formed through the Code MoU, that Code partners fund to help manage the roles and responsibilities set out in the Code MoU. It consists of the Lead, the working group and the Panel Advisor. The Secretariat coordinates delivery of activities that Code partners identify as essential to achieving the Code's goals.
Ship	As defined in MTA section 2. Note: This Code generally uses the term 'vessel'. However, when the Code is referring to legislation that uses the term 'ship', it uses that term to be consistent with the legislation.
Standard operating procedures (SOPs)	Documentation of established procedures for common operations or situations.
Steering group	The strategic governance group that oversees the management of the Code and Code partnership. It is made up of representatives from chief executives of port operators, Councils and Maritime NZ.

Term	Meaning
Vessel	As defined in Maritime Rules Part 91 clause 91.2 Definitions. Note: <i>This Code generally uses the term 'vessel'. However, any time the Code is referring to legislation that uses the term 'ship', it uses that term to be consistent with the legislation.</i>
Working group	The group that supports the Secretariat. Its specific tasks are identified in its terms of reference. Members of the working group are representatives from port operators, Councils and Maritime NZ. The steering group appoints them.

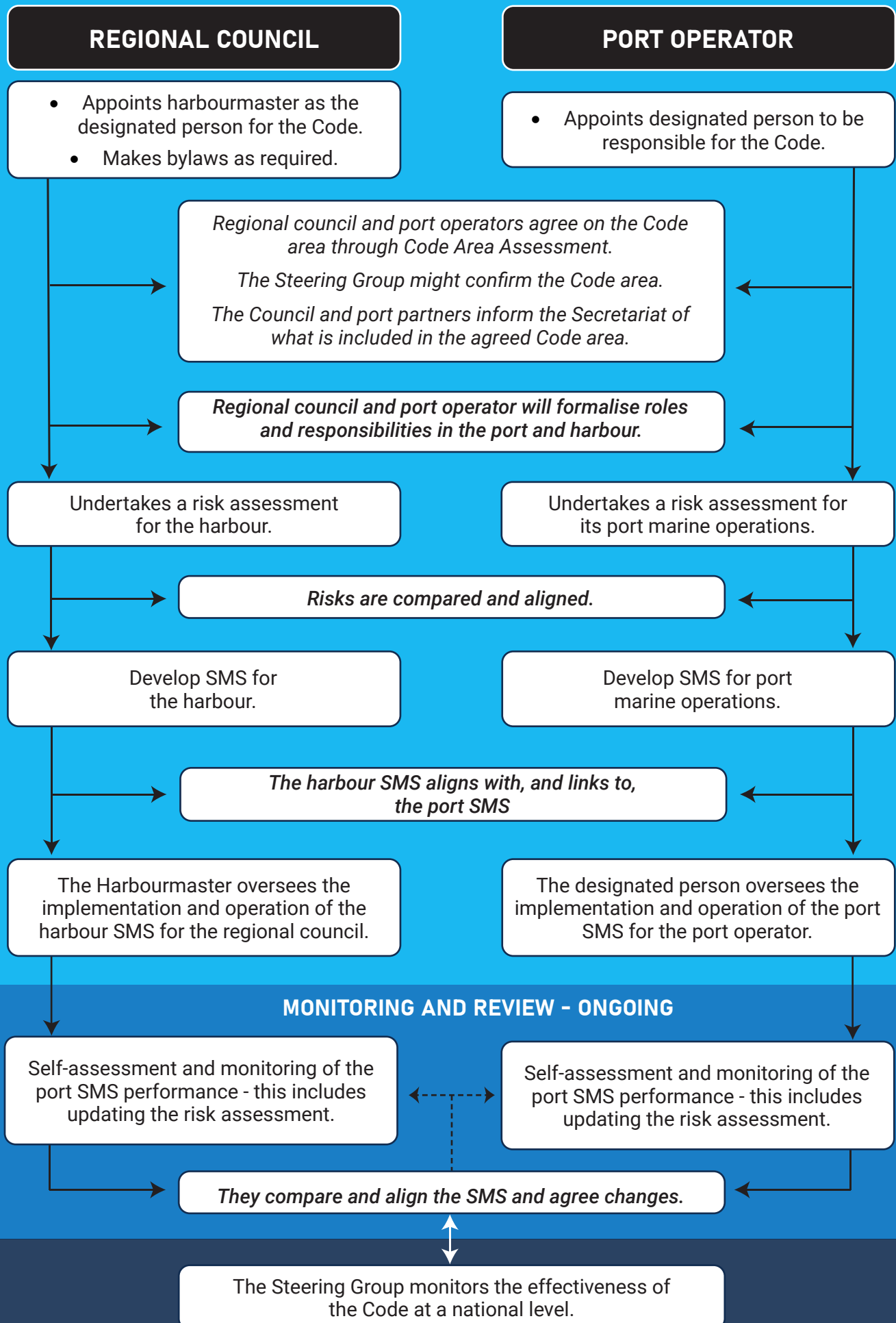
LIST OF ABBREVIATIONS AND ACRONYMS

Acronym	Term
AtoN	aid to navigation
Code	New Zealand Port and Harbour Marine Safety Code
Council	Regional council
Director	Director of Maritime New Zealand
DMC	Duty maritime controller
HSNO	Hazardous Substances and New Organisms Act 1996
HSWA	Health and Safety at Work Act 2015
IALA	International Organization for Marine Aids to Navigation
IMDG Code	International Maritime Dangerous Goods Code
ISM Code	International Safety Management Code for the Safe Operation of Ships and Pollution Prevention
LINZ	Toitū Te Whenua Land Information New Zealand
Maritime NZ	Maritime New Zealand
MOSS	Maritime Operator Safety System
MoU	Memorandum of understanding
MTA	Maritime Transport Act 1994
MTOP	Maritime Transport Operator Plan
NZMPA	New Zealand Maritime Pilots' Association
PEC	Pilotage exemption certificate
SMS	Safety management system
SOLAS	International Convention for the Safety of Life at Sea
SOPs	Safe operating procedures

PART 1: UNDERSTANDING THE CODE



Figure 1: How the Code is applied



SECTION 1:

PURPOSE AND SCOPE OF THE CODE

1. A framework that describes good practice for navigation safety

- 1.1 The New Zealand Port and Harbour Marine Safety Code (the Code) sets out voluntary standards of good practice for managing navigation safety within New Zealand's major ports and harbours.
- 1.2 The objective of the Code is to ensure the safe navigation of ships in New Zealand ports and harbours, including by preventing:
 - (a) injury to people or loss of life
 - (b) damage to the environment, particularly to the marine environment, but also to property.
- 1.3 The Code describes:
 - (a) a framework to identify and manage navigation risks in a structured and sustainable system that promotes continuous improvement of that system
 - (b) a framework for building strong relationships that support Code safety management systems (SMSs) so that people understand their roles and responsibilities in the system for managing navigation safety
 - (c) good practice standards that are used to manage common critical navigation risks and references in places legally required standards
 - (d) processes for monitoring and continuous improvement of Code good practice guidance.
- 1.4 The standards that the Code describes address:
 - (a) roles, relationships and responsibilities, including the application of legislation (for more detail, see Section 4 *Code standard for roles and relationships in safety management systems*)
 - (b) the process of developing SMSs for navigation safety (for more detail, see Section 6 *Standard for building the framework of a Code safety management system*)
 - (c) risk assessments for areas where port operators and regional councils (Councils) have determined they will apply the Code through a Code area assessment (for more detail, see Section 7 *Standards for assessing risk and implementing controls*).
- 1.5 The focus of this Code is on navigation safety. Where any person, including an organisation, has additional obligations under legislation due to the nature or circumstances of their operation or additional legal requirements, they must put in place additional steps and controls as needed under the relevant legislation beyond what is in this Code.

2. The Code is guidance for Code partners on maintaining navigation safety

- 2.1 The Code includes three specific categories of organisations or authorities:
- (a) major port operators within a pilotage area
 - (b) Councils with a major port and pilotage area in their region, meaning that they are regulators of maritime activity in their regional waters
 - (c) Maritime New Zealand (Maritime NZ) as the national regulator of maritime safety (including navigation safety) and marine protection.
- 2.2 Chief executive representatives nominated by these organisations and authorities sign the Code memorandum of understanding (MoU). These organisations and authorities are collectively known as the **Code partners**.
- 2.3 Other interested parties, such as those operating in harbours or ports that look different from a busy harbour and commercial port, can use this Code as guidance for the navigation safety elements appropriate and/or relevant to them. However, they will not be part of the formal Code partnership.
- 2.4 Each of the Code partners will manage relevant aspects of the Code according to their role.
- 2.5 The Code applies to major ports and harbours with compulsory pilotage.
- 2.6 The Code sets out guidance for good navigation safety, specifically activities relating to:
- (a) managing navigation activities safely in ports and harbours
 - (b) making sure vessels, ports and harbours maintain navigation safety.
- 2.7 Some of the requirements outlined in the Code are requirements under legislation. All Code partners must meet relevant legal requirements at all times. Code partners agree to meet other Code requirements, although they are voluntary, to be considered consistent with the Code.

Note:

Legislation changes over time. Always check that you are complying with the current version of the relevant legislation.

Other users of the Code

- 2.8 Other stakeholders may benefit from applying some aspects of the Code standards that are relevant and/or appropriate to their operation, but because of the characteristics of their operating environment they cannot apply all provisions of the Code so they will not be considered Code partners. An example might be where the operation looks very different from a busy harbour and usual port operation but still has navigation safety risks.
- 2.9 These other stakeholders can use the guidance of the Code but cannot join the Code partnership or be a signatory to the Code MoU.
- 2.10 The Code Secretariat encourages these other stakeholders to register their interest in the Code with the Secretariat. In that way, they can still engage with the partnership to continuously learn through the insights and practices of the Code. By voluntarily aligning with the Code, other stakeholders demonstrate they are being consistent with the elements of the Code relevant to them without needing to go through a formal peer review.

3. Activities the Code covers

3.1 The activities the Code covers include:

- (a) anchoring, and mooring or securing vessels at berth
- (b) managing waterways identified in the Code area assessment in New Zealand's major ports and harbours, including the interactions between commercial and recreational vessels
- (c) protecting property and the environment from activities covered by the Code
- (d) port operators and Councils conducting commercial maritime transport operations in ports and harbours safely
- (e) managing the operation of pilot services within the Code area.

4. Putting the Code into practice

4.1 All Code partners must comply with all legislation that applies to them.

4.2 Council and port partners:

- (a) identify areas where they will apply the standards in the Code through a Code area assessment
- (b) develop, document and operate an SMS based on their formal risk assessments
- (c) have internal and external relationships in place to manage the SMSs and ensure that the roles and responsibilities related to the SMSs are clear to everyone involved
- (d) for continuous improvement, regularly assess whether all relevant risks have been identified and appropriately controlled in the Code area and ensure that controls remain effective.

SECTION 2:

MANAGEMENT AND GOVERNANCE OF THE CODE PARTNERSHIP

5. How the Code is governed and managed

- 5.1 A joint steering group made up of representatives from chief executives of port operators, Councils and Maritime NZ governs the Code. It oversees applying and updating the Code and manages communication with the maritime sector.
- 5.2 All Code partners make a commitment to enter into the Code MoU. The Code MoU forms the Code partnership, which is the basis the steering group and Secretariat are formed on.
- 5.3 The MoU governs the operation of the Code. The Code MoU:
 - (a) fosters collaborative working relationships among the Code partners and supports continuous improvement in navigation safety
 - (b) provides assurance to the Director of Maritime NZ that the Code and MoU provide an appropriate system for managing navigation safety so that a more formal regulatory and audit regime does not need to be deployed under the [Maritime Transport Act 1994](#) (MTA).
- 5.4 Under the Code MoU:
 - (a) Councils and port operators commit to:
 - i. meeting the Code standards
 - ii. undertaking self-assessments
 - (b) Maritime NZ commits to:
 - i. hosting the Lead
 - ii. chairing the steering group
 - iii. where appropriate and able, collaborating and sharing information on national safety issues that interface with Council and port operator SMSs.
- 5.5 All Code partners also commit to:
 - (a) funding the Secretariat
 - (b) providing staff to undertake peer reviews that monitor Councils and port operators for consistency with Code standards.
- 5.6 The steering group appoints the Secretariat, which is made up of three parts.
 - (a) The working group includes representatives from port operators, Councils and Maritime NZ.
 - (b) The Panel Advisor leads the SMS peer review activities of the Code.
 - (c) The Lead is funded through the Code MoU and coordinates the Code work programme.

- 5.7 The Secretariat identifies activities that are essential to achieving the goals of the Code by collecting data from assessments. These activities focus on building nationally consistent good practice in navigation safety in major ports and harbours in New Zealand. The Secretariat coordinates delivery of those activities.
- 5.8 For more detail about the roles of each of these groups, see the Code MoU, the groups' terms of reference and related documents.

6. Confirming that Council and port partners meet the Code

- 6.1 Councils and port operators that are formally part of the Code partnership (that is, who are party to the Code MoU) voluntarily agree to be formally assessed against the Code SMS standards. The outcome of these assessments determines whether they are Code consistent. They submit the results of the assessments to the Secretariat, which records them. The formal assessments are:
- (a) regular SMS peer reviews
 - (b) joint self-assessments.
- 6.2 In these peer reviews and self-assessments, Council and port partners provide evidence that they apply all the standards outlined in the Code to the best of their ability given the specific environment that they operate in. Every environment is unique, so each Council and port partner meets the Code in a different way.
- 6.3 Each year, Council and port partners internally review their own individual risk assessment for areas where they are applying the Code and SMS.
- 6.4 Council and port partners in a Code area conduct the annual Code joint self-assessment of their SMSs collaboratively. Working together, they specify:
- (a) any changes made to the risk assessment for areas where they are applying the Code and the related SMS over the year
 - (b) the actual operation of the system against intentions set out in the SMSs.
- 6.5 Council and port partners report the outcomes of a joint self-assessment to:
- (a) the Council that is part of their Code area and its chief executive
 - (b) the chief executive and board of the port operator
 - (c) the Secretariat and the Code steering group.
- 6.6 In addition, they are required to provide evidence of completing the self-assessment at the SMS peer review.
- 6.7 The steering group oversees a national programme of SMS peer reviews and site visits that covers all Code areas.
- 6.8 The SMS peer reviews are based on the application of the Code standards in the Code area of a region. They cover activities of relevant stakeholders operating in the Code area.
- 6.9 The working group oversees the collection and analysis of the data from the joint self-assessments and the SMS peer reviews. It reports the results of the analysis to the Code partnership annually.
- 6.10 The Secretariat will provide templates for Council and port partners to use to report their joint self-assessments and SMS peer reviews.



MNZ 142388

Harbourmaster



HM7

Review panels

- 6.11 The Panel Advisor leads a panel of Code partners in conducting SMS peer reviews, which include a site visit. Panel members are drawn from a pool of suitably qualified and competent people who chief executives of Councils, port operators and Maritime NZ have nominated.
- 6.12 This activity is conducted independently of Council and port partners' own Code area assessments. The Secretariat sets up the annual programme and priorities for the SMS peer reviews, taking into account:
- (a) the length of time since the last Code SMS peer review
 - (b) any significant changes in the port or harbour that are relevant to navigation safety – these may include changes in personnel such as the marine operations manager or harbourmaster
 - (c) any significant changes in the nature or scale of maritime operations in the port or harbour
 - (d) the outcome of the Council and port operator self-assessments
 - (e) the analysis of data collected
 - (f) any reported events or patterns of events of significance.



What SMS peer review panels look for

- 6.13 When carrying out a review, an SMS peer review panel looks for the following as evidence that an SMS is functioning effectively, using the Code standards to improve safety.
- (a) The Council or port operator that has the SMS has completed all annual self-assessments.
 - (b) Together, the SMSs and the relationships within the Code area work to reduce the overall risk profile.
 - (c) There is clear evidence that the top levels of the local Council and the port operator take ownership of the SMS.
 - (d) The division of responsibilities is clear. (That is, it is clear which organisation, and which part of the organisation, take on each of the navigation safety responsibilities.)
 - (e) Relevant staff within each organisation are familiar with the SMS and their roles in it.
 - (f) Staff who have responsibilities related to safety are qualified and competent to do their jobs.
 - (g) Staff who have responsibilities related to safety are adequately resourced to implement the SMS. Resourcing includes people, time, financial delegations, equipment, boats and other resources as necessary.
 - (h) Staff who have responsibilities related to safety have procedures and means to escalate a problem if necessary.
 - (i) There is a functioning safety plan, manual or set of standard operating procedures (SOPs) that is regularly reviewed and updated.
 - (j) There is regular and effective communication between the harbourmaster and port operator about safety, for example joint safety committee meetings.
 - (k) The working relationships around safety among the various parts of the port and harbour operations are documented in the safety plan, manual or SOPs and function well.
 - (l) There are reviews of accidents, incidents and mishaps involving vessels in the Code area. As a result of the reviews, the port operator and Council reassess relevant risks.
 - (m) The port operator and Council have collaborative working relationships with Maritime NZ within the Code area, in line with their roles as outlined under the Code.
 - (n) There is evidence of continuing work to improve the system (continuous improvement).
- 6.14 The panel might also look for further evidence of commitment to the management of navigation safety and to the Code. Places they are likely to look at are long-term planning, annual plans or reports, and websites of relevant Code partners.

SECTION 3:

HOW MARITIME NZ CONTRIBUTES TO THE CODE PARTNERSHIP

7. Maritime NZ's role under the Code

Regulatory functions

- 7.1 Maritime NZ undertakes its safety, security, marine protection, and other functions in a way that contributes to the aim of achieving an integrated, safe, secure, clean and sustainable transport system, as it involves shipping and port operations.
- 7.2 Maritime NZ has a range of regulatory functions under the [MTA](#) and in accordance with New Zealand's international obligations that have relevance to, but sit outside, the Code. These include:
 - (a) promoting maritime safety and security
 - (b) protecting the marine environment from marine pollution
 - (c) providing information and advice about maritime transport, navigation safety and marine protection
 - (d) licensing ships, maritime transport operations and people
 - (e) overseeing aids to navigation (AtoNs) in New Zealand waters.
- 7.3 The Director of Maritime NZ (the Director) (under [MTA](#) section 431(1)(b)) upholds New Zealand's commitments to international conventions and other International Maritime Organization instruments such as codes of best practice.
- 7.4 The Director does this through regulatory tools such as the enforcement of the [MTA](#), [Maritime and Marine Protection Rules](#) and education and guidance.
- 7.5 The Director also has independent statutory functions to administer and enforce the MTA and has various powers that have relevance to, but sit outside, the Code. These include enforcing obligations under the [MTA](#) and in [Maritime and Marine Protection Rules](#) relating to the operation of ships and ports, such as:
 - (a) licensing pilots and issuing pilotage exemption certificates (PECs)
 - (b) approving AtoNs
 - (c) directing that a pilot must be carried
 - (d) requiring Councils to remove or deal with wrecks
 - (e) issuing directions regarding hazardous ships
 - (f) inspecting and auditing port operations and prohibiting or imposing conditions on the use or operation of the port
 - (g) inspecting and auditing ships or operators.

- 7.6 The Director and Maritime NZ also have functions under other Acts regarding ports and ships, including:
- (a) [Maritime Security Act 2004](#) for ports and ships
 - (b) [Health and Safety at Work Act 2015](#) (HSWA)
 - (c) [Hazardous Substances and New Organisms Act 1996](#) (HSNO) on board ships.
- 7.7 The Director's regulatory roles give the Director power to intervene in matters related to navigation safety in ports and harbours.
- 7.8 It is possible that the Steering Group in the course of monitoring Council and port partners and their SMSs to determine whether they meet the Code will realise that a Code partner is not managing risks appropriately. When this happens, if it is possible and appropriate, all Code partners work together to address the issues collaboratively to support compliance of the Code partner to manage the risks appropriately.
- 7.9 The Director may also use their regulatory powers and carry out monitoring or enforcement activity related to the events they know about. For example, when the Director has significant safety concerns about the operation of a port or operator, they can use corrective tools and/or initiate an audit or inspection of relevant matters using powers under the [MTA](#) or [HSWA](#) and any other regulatory powers.

Why Maritime NZ is part of the Code

- 7.10 When Council and port partners implement the Code fully and effectively, including safety management systems and SMS peer reviews, this provides assurance to Maritime NZ that there is a robust system for navigation safety. For these reasons, Maritime NZ as the national regulator is a partner to the Code.
- 7.11 Where a port chooses not to participate in the Code, Maritime NZ does not have the same visibility or assurances. In this case Maritime NZ may initiate regular audits of relevant navigation matters using powers it has under the [MTA](#), [HSWA](#) and any other regulation.

Maritime NZ's role as a Code partner

- 7.12 While Maritime NZ may have independent functions that have relevance to, but sit outside, the Code, there are things that Maritime NZ does commit to as a Code partner. These are:
- (a) making available the resources necessary for it to be an effective Code partner, including housing the Code Lead and supporting the updating of the Code and guidance under it
 - (b) understanding which harbour areas and ports the Code is being applied to and how these have been designated as Code areas
 - (c) participating fully in all Code peer review panels
 - (d) working closely and constructively with other Code partners to make sure roles and responsibilities are clear, and all organisations understand them
 - (e) chairing the Code steering group
 - (f) where appropriate and able, collaborating and sharing information on national navigation safety issues relating to vessels or operators within Council and port operators' Code area.

A large ship's hull, likely a cargo ship, is shown from a low angle. Two thick, dark ropes run diagonally across the frame. The background is a solid blue color. The text "PART 2: CODE STANDARDS" is written in white, bold, sans-serif capital letters.

PART 2: CODE STANDARDS

SECTION 4:

CODE STANDARD FOR ROLES AND RELATIONSHIPS IN SMSs

8. Establishing relationships to make sure the Code is managed well

- 8.1 To manage safety effectively, the Council and port partners in a particular area are clear about:
- (a) how they work together
 - (b) what they are responsible for
 - (c) how they work with non-Code partners in the Code area who share responsibility for a risk or for controlling it, including:
 - i. third-party marine service providers in the Code area
 - ii. other commercial operators in the Code area
 - iii. in cases where different Councils share responsibility, the Council or Councils they share a responsibility with.

Develop appropriate types of relationships collaboratively

- 8.2 Councils and port operators work together collaboratively to put the Code SMS into practice. They begin by developing an agreed plan, which might involve formal engagement documents or a less formal arrangement. The partners agree to meet regularly to discuss specific navigation safety matters. The goals are to:
- (a) agree to actions related to navigation safety matters
 - (b) make decisions relevant to navigation safety in a Code area.

Developing formal relationships – engagement documents

- 8.3 Organisations that share responsibility for the risks in the SMS in a particular area enter into a formal engagement document (an MoU or similar) that sets in place the division of responsibilities in that area to support their SMS. Organisations that are likely to need an engagement document include individual Councils, Councils working together, port operators and other commercial users of a port or harbour.
- 8.4 Engagement documents state both joint and individual:
- (a) roles and responsibilities
 - (b) functions
 - (c) tasks.

- 8.5 Examples of situations that require a formal engagement document include, but are not limited to, any specific agreements:
- (a) between the Council and the port operator about division of responsibilities for survey, AtoNs or dredging
 - (b) for a port operator to provide a harbour radio service on behalf of a Council, including details about level of service
 - (c) related to cross-Council relationships.
- 8.6 All such agreements include provisions for resolving issues and conflicts between the Code partners.
- 8.7 Those who are part of a formal relationship of this kind have regular meetings to support that relationship. For each of these meetings, they have an agenda and designate someone to take minutes or make another type of record of the meeting and the decisions coming from it so that everyone is clear about the outcomes of the meeting.

Engagement with Maritime NZ

- 8.8 Given its role in the Code MOU, and as the national regulator, Maritime NZ is not a party to an SMS. However, as the national regulator it will from time to time have information about navigation safety issues which may be of use to regional navigation. Where possible, it should look to share this information with relevant Code partners. Other Code partners should also seek to share information about national regulatory navigation issues with Maritime NZ and must comply with statutory notification requirements.

Informal engagement

- 8.9 In addition to having formal relationships, where possible all Code partners engage more informally with one another and other harbour users in the area where they are applying the Code. Informal opportunities for engagement allow individuals to build relationships that they can call on as needed and make sure the group shares the same purpose and expectations about the outcomes.

Building a strong relationship

- 8.10 Whether a relationship is formal or informal, it is important that everyone involved agrees what they will do and how they will do it. This allows them to avoid situations where:
- (a) communication breaks down
 - (b) one organisation operates in a way that surprises other partners
 - (c) one organisation mistakenly thinks that someone else is doing a particular task or that the task does not need to be done.
- 8.11 Strong relationships are built on trust. To foster trust, those involved in relationships are:
- (a) reliable, transparent and committed to the same outcomes
 - (b) focused, respectful, constructive and supportive of one another's perspectives and goals
 - (c) committed to doing as they have agreed.
- 8.12 To be able to do this, they communicate effectively and regularly.



9. Understanding one another's roles in implementing the Code SMS

- 9.1 Port operators and harbourmasters clearly set out the roles they each play in implementing an SMS. They each outline these roles in their SMS documentation to make sure both the harbourmaster and port operator know how the other meets the objectives of the Code. Where appropriate, they also outline these roles in MoUs or similar documents.

Note:

Port operators and Councils have very specific roles in developing an SMS. For more detail, see clause 20 *Roles of Council and port partners in implementing an SMS*.

- 9.2 The port operators and harbourmasters champion the SMS as a living system – that is, a system that needs to be reviewed and refreshed at least annually, as well as promptly following an incident. To do this, the port operators and harbourmasters regularly engage with other key staff, contractors and stakeholders to make sure the SMS is meeting the needs of the safety system. This engagement includes having regular joint meetings on navigation safety.

10. Port operator roles under the Code

- 10.1 Under [MTA](#) section 33S, port operators must ensure that port operations do not cause unnecessary danger or risk to ships or to people or property on the ship or at sea. Examples of actions that port operators could take for this purpose include:
- (a) making sure the port is in a fit condition for use by the vessels it serves, including providing adequate channels and berths
 - (b) providing port users and the harbourmaster with adequate information about the port facilities and operating limitations.
- 10.2 The chief executive and the port operator's board are accountable for this responsibility.
- 10.3 Under the Code, port operators:
- (a) develop an effective SMS, as specified in clause 20.3
 - (b) appoint a person to be responsible for their port's SMS
 - (c) provide the resources needed to meet Code partnership requirements
 - (d) determine which areas of their operation the Code applies to, working with the harbourmaster and referring to the Code area assessment
 - (e) obtain approval from the Director (or the local harbourmaster if the Director has delegated this function to them) for AtoNs they wish to install, alter or remove in the port or harbour
 - (f) provide the resources needed to meet the Code in their port operations
 - (g) work closely and constructively with the local harbourmaster to make sure the roles of all organisations in the Code area are clear and all organisations understand them
 - (h) consider the safe and efficient operation of services and amenities that are provided in the port.

- 10.4 Port operators are accountable for the safety of their port's marine activities and take specific actions to promote safety in those activities. In line with their assessment of any risks, they:
- (a) mark, monitor and maintain the navigable channels necessary for the port to operate safely
 - (b) take reasonable care to maintain stated water depths
 - (c) provide any necessary marine services such as pilotage and towage
 - (d) make sure senior leaders of the organisation are kept fully and regularly informed about the safe management of the port
 - (e) clearly assign executive and operational responsibilities for navigation safety in their ports
 - (f) promote information sharing and continuous improvement.

11. Role of the port operator's designated person

- 11.1 The port operator's designated person is usually the marine operations manager or equivalent. The designated person:
- (a) conducts a risk assessment that includes marine areas and activities covered by the operations of the port
 - (b) monitors the port's SMS as specified in clause 20.5(b)
 - (c) works collaboratively with the harbourmaster
 - (d) actively contributes in meetings with local Code partners, including by providing:
 - i. advice on navigation safety matters
 - ii. support, advice and information to Code partners when requested
 - (e) promotes and shares relevant safety information, data and insights for continuous improvement
 - (f) promotes the importance of navigation safety
 - (g) promotes Code consistency in the organisation
 - (h) notifies Maritime NZ of any accidents, incidents or mishaps.

12. Council roles under the Code

- 12.1 Under [MTA](#) section 33C, Councils may regulate ports, harbours, waters and maritime-related activities in their region.
- 12.2 To meet the Code, Councils exercise all their powers and perform their duties related to ports, harbours, waters and maritime activities in their region outlined in [MTA](#) Part 3A. This includes:
- (a) appointing harbourmasters who are suitably qualified to perform the functions of a harbourmaster
 - (b) using their statutory powers to manage and maintain the harbours so they are fit for their intended uses.
- 12.3 The elected chair, councillors and chief executive of the Council are accountable for this function

- 12.4 In addition to fulfilling their legislative responsibilities, to meet the Code Councils:
- (a) provide enough information about the condition of their harbours, including about prevailing environmental conditions, that their users can determine whether the harbours are safe
 - (b) complete a Code area assessment with the port operator
 - (c) determine which risks within the Code area they apply the Code standards to
 - (d) develop an effective SMS, as specified in clause 20.3
 - (e) provide the resources needed to meet Code partnership requirements
 - (f) work closely and constructively with the local port operator(s) to make sure the roles of all organisations in the Code area are clear and all organisations understand them
 - (g) consider the safe and efficient operation of services and amenities that are provided in the harbour
 - (h) make enough resources available to discharge their maritime safety functions and powers under the [MTA](#).
- 12.5 Councils do not allow commercial considerations to interfere with the effective discharge of their duties to the public or to navigation safety.
- 12.6 Specific actions Councils take to make sure harbour users can operate safely include but are not limited to:
- (a) working with Land Information New Zealand (LINZ) to keep hydrographic and hydrological records, taking reasonable care to make sure that stated depths are correct
 - (b) working with LINZ to provide hydrographic and hydrological records to the public and harbour users, including appropriate warnings if information is not current
 - (c) working with the port operator to monitor and mark the shipping channels in the harbour
 - (d) exercising powers to remove wrecks and obstructions to allow safe navigation.
- 12.7 Actions that Councils take to make sure they have full oversight of navigation safety in their harbour include:
- (a) making sure they are fully and regularly informed about the safe management of the region's harbours
 - (b) clearly assigning executive and operational responsibilities for navigation safety in their ports and harbours, including appointing a harbourmaster
 - (c) arranging for the harbourmaster to have direct access to the highest tier of management within the Council so they can raise concerns about exceptional issues to do with navigation safety when necessary.

How Councils can regulate ship movements

- 12.8 The main powers available to Councils under [MTA](#) Part 3A to regulate ship movements are appointing harbourmasters and making bylaws. Additionally:
- (a) a harbourmaster has powers under [MTA](#) section 33F, including the power to issue directions
 - (b) a Council may carry out harbour works, including erecting, placing and maintaining AtoNs
 - (c) a Council may remove obstructions and impediments to navigation.

Principles behind Councils using regulatory powers

- 12.9 The Council Code SMS includes clear operational policies and procedures to support the Council's exercise of its regulatory powers. The SMS is based on the risk assessment that includes marine areas and activities in the Code area.
- 12.10 A Council may make bylaws under [MTA](#) section 33M. Bylaws focus on managing local conditions rather than matters already regulated at a national level.
- 12.11 Bylaws must be consistent with [Maritime Rules](#).
- 12.12 The Council may appoint or authorise officers of the Council to enforce bylaws and [Maritime Rules](#), as outlined in [MTA](#) section 33G.
- 12.13 The Council clearly communicates to other Code partners who is responsible for enforcing Council bylaws where relevant to the Code. It does so regardless of whether the person responsible is the harbourmaster or another enforcement officer of the Council.

13. Harbourmaster roles under the Code

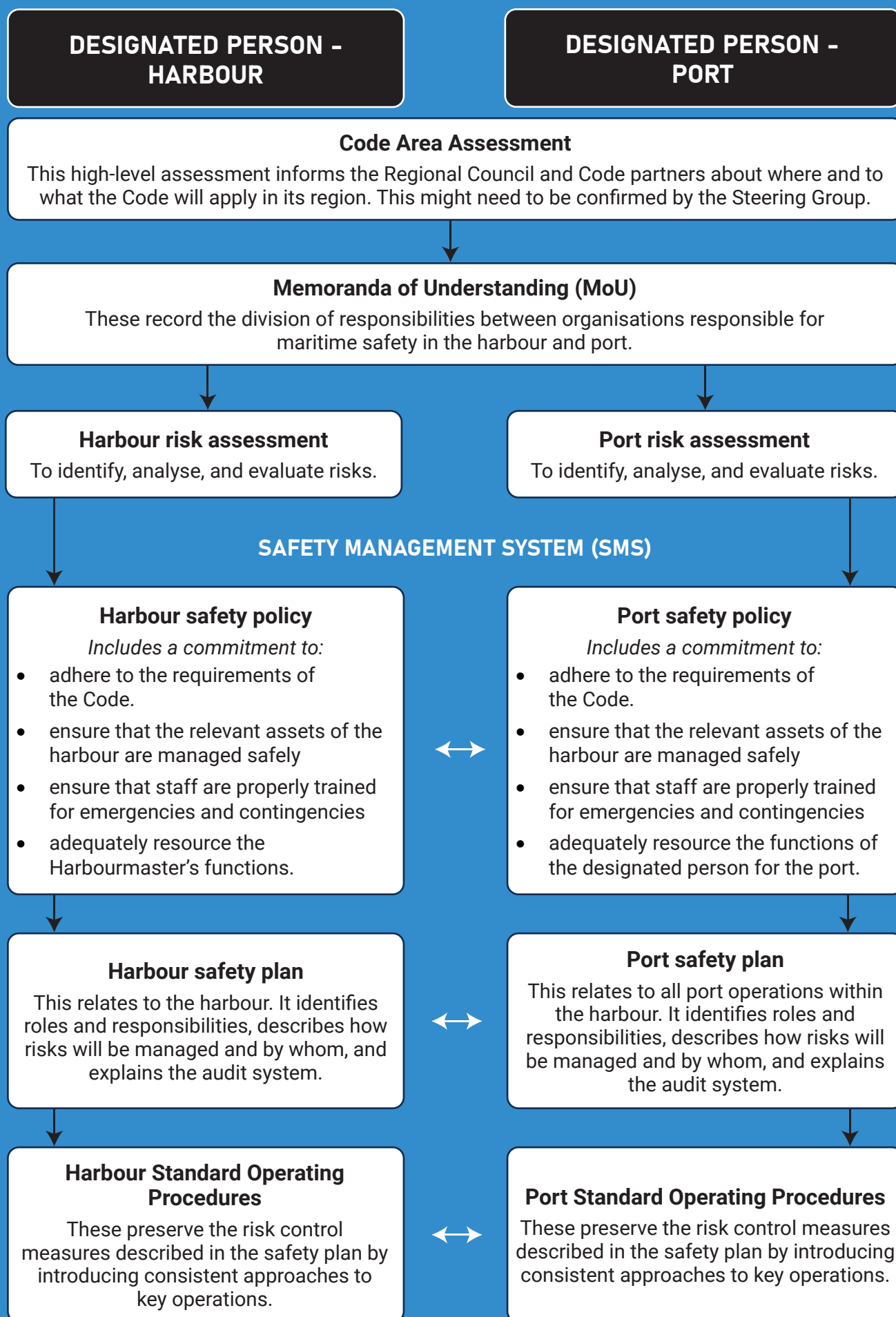
- 13.1 The Council is responsible for the appointment of the harbourmaster and effective performance of the harbourmaster's statutory functions.
- 13.2 Harbourmasters have operational powers outlined in [MTA](#) Part 3A. They need these powers to exercise their functions and duties to ensure maritime safety for all waters of the regions to which they have been appointed. Sections covering these powers, functions and duties include:
- (a) section 33E *Functions of harbourmasters*
 - (b) section 33F *Harbourmasters' general powers*
 - (c) section 33H *Powers of entry*.
- 13.3 To perform these functions and duties effectively, the harbourmaster is available or has cover to deal with the following issues at all times:
- (a) responding to exceptional circumstances or emergency situations
 - (b) identifying any risks
 - (c) taking necessary action that is part of their role in response to such situations.
- 13.4 As the person designated to act on behalf of the Council, the harbourmaster:
- (a) conducts a risk assessment that includes navigation activities in the Code area
 - (b) monitors the Council SMS as specified in clause 20.7(b)
 - (c) works collaboratively with the port operator's designated person
 - (d) actively contributes in meetings with Code partners
 - (e) provides advice to the public on navigation safety matters
 - (f) provides support, advice and information to Code partners when requested
 - (g) promotes and shares relevant safety information, data and insights for continuous improvement
 - (h) promotes Code consistency in the Council
 - (i) promotes the importance of navigation safety within the Council.

14. Managing conflicts of interest

- 14.1 It is the responsibility of all Code partners to identify and manage potential conflicts of interest, particularly where they have statutory powers. An example of such a conflict is where the Council is a shareholder of the port operator and may appoint councillors or Council executives as board members for the port.
- 14.2 A particularly important time to manage conflicts of interest is when a harbourmaster is employed by a port operator. In such cases, the Council identifies potential conflicts of interest that could affect navigation safety and manages them to ensure the independence of the harbourmaster. For example, when a harbourmaster acts as a pilot, they will not exercise the powers or functions of a harbourmaster while they are engaged on pilotage duties.



Figure 2: Overview of the development of a port and harbour SMS



SECTION 5:

REASONS TO HAVE AN SMS

15. The importance of an SMS

- 15.1 An SMS guides the culture of work and safety in the organisation that uses it and has a direct impact on how people do their jobs.
- 15.2 Every Council and port operator develops and maintains its own SMS. In some cases Council and port partners might develop a shared SMS for matters related to navigation safety.
- 15.3 The SMS shows how the Council or port operator allocates accountabilities, responsibilities, roles and resources to maximise its ability to make effective decisions on navigation safety matters.
- 15.4 The organisation managing a risk is responsible for developing and documenting the SMS that deals with that risk. However, an organisation that is not responsible for the risk may contribute to controls for that risk. In that case, the organisation managing the risk works collaboratively with that other organisation to make certain all systems align in any SMS it is responsible for.

16. Documenting an SMS

- 16.1 For any SMS, whether it is small and simple or large and complex, its owner documents and describes it. They maintain detailed records to make sure that the system and controls implemented under it continue to be effective. This methodology supports continuous improvement and demonstrates good practice.
- 16.2 Each organisation determines how to best document and present its SMS. Decisions about how to document the SMS and how to organise it will reflect the needs and level of complexity of the organisation.
- 16.3 The system is as simple as possible so everyone, from frontline workers to top administrators, can understand it and use it easily.
- 16.4 The SMS is incorporated into the organisation's overarching risk management system.
- 16.5 Regular internal risk assessment adds layers of control and granular detail to the SMS about how controls will be implemented to complement the port or harbour risk assessment. Organisations that have an SMS are required to do what is necessary to safely manage their work activities.
- 16.6 An organisation's Code SMS is likely to include information from many of its documents. To avoid confusion between a source document and the information in the SMS, the SMS refers to any given source document rather than quoting from it.
- 16.7 When an SMS refers to a source document, it gives a general idea of why the document will be useful or summarises what the document is about and tells the user where they can find that document.

- 16.8 The documents that record the various elements of the SMS may fit into an organisation's systems in different places and link into systems related to:
- (a) health and safety
 - (b) resource allocation
 - (c) operational management
 - (d) quality assurance
 - (e) environmental management.
- 16.9 Because of the variety of systems that can be involved, a high-level overarching document that gives an overview of the system can help to clarify the SMS. Such a document identifies all the different aspects of the system and how they fit together. Each organisation identifies whether such a document could clarify all the different aspects of its system and how they all fit together.

Note:

When an organisation goes through an SMS peer review as described in Section 2 *Management and governance of the Code partnership*, such an overarching document can help the process run smoothly and quickly.

17. Having an effective SMS

- 17.1 Port operators and Councils have a structured approach to managing the risks and hazards identified. This requires hazard identification and risk assessment to capture all the elements required in their SMSs. It also requires that the SMS include safety statements setting a clear direction for the organisation to follow.
- 17.2 An effective SMS includes processes and systems for monitoring, assessing and reviewing safety. These processes and systems promote a culture of collaboration, information sharing and learning that fosters continuous improvement. They work together as a whole. They include specifics about the processes for:
- (a) hazard identification
 - (b) risk management
 - (c) regular reporting to management
 - (d) ways to report navigation safety accidents, incidents and mishaps
 - (e) meeting legislative obligations for notifying Maritime NZ under the [MTA](#) and [HSWA](#)
 - (f) quality assurance to measure the performance of the system
 - (g) safety training and investigation
 - (h) accident, incident and mishap response planning
 - (i) effective information sharing and accountability for the system among Code partners
 - (j) continuous improvement in safety systems.

17.3 For an SMS to be effective, it is necessary for several things to work well.

- (a) The relationships among all the individuals and groups involved in operationalising the SMS are collaborative.
- (b) The SMS includes layers of protection – that is, independent mitigations for common risks that work together to prevent the risk from occurring or mitigate the harm that results if the risk occurs. This means that sometimes it is necessary to apply more than one control to a particular risk.
- (c) The organisation takes a joint approach to matters related to the system, including involving key stakeholders in developing and maintaining the system.
- (d) There are clear lines of accountability for the risks and controls in the system, and for how the organisation responds to accidents, incidents or mishaps. These lines go up to the chief executive of each organisation involved.
- (e) The SMS includes a way to capture lessons learnt from events so that they can be fed back into the system for continuous improvement. This process forms the detailed records that clause 16.1 identifies as being important.
- (f) The SMS includes plans for how the operator will respond to events.

18. Elements to include in an SMS for a Code partner

18.1 Tools used as part of an SMS include:

- (a) SOPs
- (b) reporting
- (c) databases
- (d) software, apps and other technological solutions
- (e) organisation policies
- (f) safety statements and plans.

SECTION 6:

STANDARD FOR BUILDING THE FRAMEWORK OF A CODE SMS

19. Code area assessment – identifying the hazards in the Code area

Where to apply the Code

- 19.1 As stated in clause 2.5, the Code applies to major ports and harbours with compulsory pilotage.
- 19.2 The Code area assessment establishes what hazards need to be managed within the Code area – that is, it sets the scope for Council and port partners. They consider what risks they need to manage by using the Code within the port and harbour area. The process of doing this, and any text or document that describes it, are both called the **Code area assessment**. The information can appear in a separate document, but often it is included in broader risk assessment documents of the organisations managing the risk.
- 19.3 The Council and port partners will review and update the Code area assessment at least once every two years.
- 19.4 The Code area assessment includes a statement that:
 - (a) outlines where the Code is to be applied within the port and harbour boundaries
 - (b) describes the process to decide where it applies and the reasoning used in the process
 - (c) identifies relevant harbour users in the area
 - (d) states how often the Code area will be reviewed or gives the date of the next review.
- 19.5 Where there is a dispute about where the Code should apply, the partners will apply to the Code steering group for guidance.
- 19.6 When Council or port partners confirm or review a Code area, they will send the Code area assessments through to the Code Secretariat to help inform peer reviews.
- 19.7 In areas where there may be significant risk but that are not within the scope of the Code, users of this Code may wish to consider alternative risk management processes.

What to consider when doing a Code area assessment

- 19.8 Each Code area has different risks. Items that might affect a decision about what risks to address in a particular Code SMS include:
 - (a) navigation complexity
 - (b) volume and type of shipping
 - (c) movement, size and frequency of traffic
 - (d) traffic flow
 - (e) past history of known accidents, incidents and mishaps

- (f) physical features of the harbour and port – for example, channel dimensions, depth and underwater features
- (g) environmental conditions, including:
 - i. how sheltered an area is
 - ii. whether there are long period waves
 - iii. locations of bars
 - iv. currents
 - v. high tide and tidal differences
 - vi. exposure to strong winds
- (h) other operators in the Code area
- (i) infrastructure in the area
- (j) whether the Code area contains environmental protected areas
- (k) whether there is any special risk.

20. Roles of Council and port partners in implementing an SMS

- 20.1 When Council and port partners are managing a risk together, they each have particular tasks to complete. While those tasks are slightly different for each partner, all Councils, port operators and the individuals who represent them work together closely, collaboratively and constructively. This includes making sure that each partner's roles and responsibilities are clear and everyone understands them.
- 20.2 The Council and port partners prepare a comprehensive safety plan and regularly assess their performance against that plan.
- 20.3 The Council and port partners develop effective SMSs, based on formal risk assessments, for marine activities covered by the operations of the port.
- 20.4 The **port operator**:
- (a) as specified in clause 10.3(b), makes sure a specific person is responsible for its SMS
 - (b) shows an understanding of its SMS.
- 20.5 The port operator's **designated person** (usually the marine operations manager or equivalent) has the following responsibilities in terms of the SMS.
- (a) They lead a risk assessment for the port operator, as specified in clause 11.1(a). The SMS is based on this risk assessment.
 - (b) They monitor the port operator's SMS to make sure it:
 - i. is complete, adequate and effective for intended operations
 - ii. is implemented effectively
 - iii. is consistent with the Code standards.
 - (c) They report to the port operator's chief executive about the implementation of the SMS.
 - (d) The Council makes sure that a senior manager is responsible for the SMS. The chief executive is accountable for the implementation of the SMS. The SM makes sure the CE and governance are informed about the outcomes of the annual joint self-assessment and understand the implications of the results.

20.6 The harbourmaster has the following responsibilities in terms of the SMS.

- (a) They conduct a risk assessment for the Council, as specified in clause 13.4(a). The SMS is based on this risk assessment.
- (b) They monitor the Council's SMS to make sure it:
 - i. is complete, adequate and effective for intended operations
 - ii. is implemented effectively
 - iii. is consistent with the Code standards.
- (c) They report to the Council chief executive about the implementation of the SMS.
- (d) They work collaboratively with the relevant port operator's personnel to allow the Council's SMS to function effectively and independently of commercial interests.
- (e) They make sure that, where connections and crossovers between SMSs occur, the port operator's SMS is in line with the wider Council SMS.

21. Safety plans as part of the SMS of a port or Council

21.1 The SMSs of port and Council partners include a safety plan. Each safety plan:

- (a) describes the methods the organisation uses to identify and manage risks
- (b) identifies who the organisation designates to manage those risks
- (c) describes how the safety plan works together with the safety plans of other harbour users.

21.2 The safety plan, risk controls, monitoring and review must meet legislative requirements, including those set out in:

- (a) the [MTA](#)
- (b) relevant [Maritime and Marine Protection Rules](#)
- (c) [HSWA](#) and associated regulations.

21.3 Safety plans developed under the Code consider and work seamlessly with the safety plans of other harbour users, where applicable.

21.4 Each safety plan developed under the Code describes the provisions the port operator or Council has made relating to:

- (a) the roles and responsibilities of all parties, including confirmed arrangements for any functions that are delegated or contracted out
- (b) communication channels
- (c) how the organisation reviews its risk assessment for areas where it is applying the Code and keeps it up to date, including:
 - i. how it meets its obligation to notify Maritime NZ under [MTA](#) section 31 and [HSWA](#) section 56
 - ii. any triggers for review
 - iii. evidence that the process works in practice
 - iv. identifying the person or people responsible for maintaining the risk assessment for the Code areas

- (d) how the organisation monitors and reports performance – for example, how the harbourmaster reports to the Council and how marine service providers report to port operator management
- (e) how and when the organisation will review and update the SMS
- (f) any arrangements for ongoing auditing of the SMS
- (g) the system for recording accidents, incidents and mishaps, including:
 - i. arrangements for responding to an accident, incident or mishap
 - ii. how the organisation follows up on accidents, incidents and mishaps
 - iii. how this system feeds back into the organisation's risk assessment, policies, procedures and operating practices
- (h) a list of matters that SOPs apply to – demonstrating that comprehensive risk management provisions are in place and that the scope of those provisions is clear
- (i) training provisions for workers operating under the SMS, including:
 - i. how people identify training needs
 - ii. what training individuals have undertaken
 - iii. how workers undertake training and the system for documenting it
- (j) the process the organisation follows for change management, including:
 - i. any specifics about the use of new technology or equipment
 - ii. ways the organisation will assess and manage risks from new operations or changed conditions
- (k) a process for assessing requirements for technical equipment that enhances safety, including:
 - i. electronic equipment, including portable pilot units (PPUs) and AtoNs
 - ii. other equipment or electronic applications that are relevant to support navigation safety
 - iii. written procedures for safe and proper use of the equipment
- (l) a programme of future work, if applicable, identifying actions the Council and port partners will take in response to risks they have identified or changes to operations
- (m) provisions they have made in relation to critical risks and controls as outlined in Section 8 *Good practice for common critical risks and controls in Code SMSs* (clauses 29 to 42).



22. What a Council includes in an SMS that relates to a harbour

- 22.1 In cases where the Council's SMS is addressing a risk that is also addressed in the port operator's SMS, the controls work together. They do not have to be identical, but they are not different in ways that create confusion or increase risk.
- 22.2 The SMS includes:
- (a) a Code area assessment
 - (b) a statement about the characteristics of the area and the maritime activities that take place in it
 - (c) the harbour safety policy
 - (d) the findings of the harbour risk assessment
 - (e) the safety plan, including the points specified in clauses 21.1 to 21.4
 - (f) SOPs to:
 - i. implement and maintain risk control measures
 - ii. regulate vessel movement within the harbour, including the safe arrival, berthing, departure and other movement of all vessels
 - iii. protect harbour users from dangers arising from navigation activities within the harbour
 - iv. enable the Council to carry out all its functions with special regard to their possible environmental impact
 - v. prevent acts or omissions that may cause personal injury to employees or others, or damage to the environment
 - (g) response and recovery plans appropriate to their jurisdiction
 - (h) a statement of the duties and powers of Councils in establishing navigation safety
 - (i) external and internal delegations
 - (j) descriptions of how navigation bylaws and harbourmaster directions are enforced, along with confirmation that adequate resources are available to do so
 - (k) MoU(s) or other formal document(s) recording the division of responsibilities between the Council and the port operator, marine service providers and other relevant organisations as required.

Harbour safety statement as part of an SMS

22.3 The Council includes a harbour safety statement in its SMS.

22.4 The harbour safety statement:

- (a) states the Council's commitment to meeting its legal obligations
- (b) describes the characteristics of the area and outlines the maritime activities in it
- (c) outlines how the Council will measure itself, and be measured by others, against the Code and its supporting guidelines
- (d) states how the Council safely manages the relevant assets of the harbour
- (e) describes how the Council enforces bylaws and harbourmaster directions appropriately
- (f) outlines how staff are trained for emergencies and contingencies, and trained in the processes to follow in any such event

- (g) outlines the measures used to address conflicts of interest
 - (h) states how the Council will provide adequate resources to manage port and harbour navigation safety.
- 22.5 The statement outlines how the Council will undertake and regulate navigation safety in a way that safeguards the harbour, its users, the public and the environment.
- 22.6 This statement of the Council's commitment to safety promotes a positive safety culture, fostered by the visible and active leadership of senior management. It aims to motivate and empower staff to work safely, going beyond just avoiding accidents, incidents and mishaps.
- 22.7 The Council publishes the harbour safety statement in appropriate publications, such as annual reports, websites and long-term plans. This demonstrates the Council's commitment to the Code and navigation safety, and shows that it involves harbour and port users.
- 22.8 The Council includes its harbour safety statement in its SMS.

SMS requirements for pilotage

- 22.9 [**Maritime Rules Part 90**](#) identifies compulsory pilotage areas and outlines thresholds for pilotage. The SMSs of the port and Council must follow Part 90. The SMSs also include specifics about pilotage, such as:
- (a) tugs
 - (b) master pilot exchange
 - (c) pilot plans
 - (d) passage plans.
- 22.10 When the power of the Director to conduct examinations for pilot licences and PECs has been delegated to harbourmasters, the Council's SMS covers arrangements for such examinations. Harbourmasters may include in their SMSs protocol for when they may require PEC holders to report certificate numbers and confirm currency in accordance with rule 90.65(2).



23. What a port operator includes in its SMS

- 23.1 In cases where the port operator's SMS is addressing a risk that is also addressed in the Council's SMS, the controls work together. They do not have to be identical, but they are not different in ways that create confusion or increase risk.
- 23.2 Because the level of risks and controls is unique to each port, depending on the complexity of the port and operation, each SMS is unique.
- 23.3 A port SMS includes:
- (a) a statement about port safety that outlines how the port operator meets its legal obligations and commits it to following good practice as outlined in the Code
 - (b) a statement about the characteristics of the port and the maritime activities within it
 - (c) findings of the port risk assessment
 - (d) the safety plan, which:
 - i. identifies roles and responsibilities
 - ii. defines communication channels
 - iii. describes how the port operator manages risks, and identifies who it designates to manage them
 - iv. explains the review and audit system
 - (e) SOPs to:
 - i. establish and maintain risk control measures
 - ii. make sure all vessels in the harbour can safely arrive, berth, depart and move within the harbour
 - iii. inform other port users about dangers that arise from port activities
 - iv. enable the port operator to carry out all its functions with special regard to their possible environmental impact
 - v. prevent acts or omissions that may cause personal injury to employees or others, or damage to the environment
 - (f) response and recovery plans appropriate to the port operations and the port operator's ability to continue to provide navigation safety controls after an event
 - (g) a statement of the duties of port operators in establishing a standard for safe maritime operations
 - (h) MoU(s) or other formal document(s) recording the division of responsibilities between the port operator (and, if relevant, the Council), marine service providers and other relevant organisations as required.

SECTION 7:

STANDARDS FOR ASSESSING RISK AND IMPLEMENTING CONTROLS

24. Agree on the structure of and approach to assessing risks and documenting controls

- 24.1 Council and port partners consult the guidance document Key principles for marine safety risk management, available on the [Port and Harbour Marine Safety Code webpage](#). They follow the principles it lays out in their risk assessment.
- 24.2 After determining the Code area, the harbourmaster and the port operator's designated person work together to decide how to do the risk assessment and develop the SMS. This could be a combined document, or each organisation might have its own risk assessment. Code partners should share any individual risk assessments as there will be overlapping responsibilities.
- 24.3 The harbourmaster and the port operator's designated person determine the following about the risk assessment:
- (a) leadership
 - (b) responsibilities
 - (c) risk assessment process
 - (d) standards for documenting and recording
 - (e) communication management
 - (f) joint reporting protocols
 - (g) performance measurement and quality assurance
 - (h) agreed capability standards
 - (i) joint emergency response planning.
- 24.4 The risk assessment process includes:
- (a) identifying the hazards
 - (b) assessing the risk
 - (c) documenting findings
 - (d) identifying and implementing controls
 - (e) setting expectations for monitoring
 - (f) agreeing triggers and the schedule for reviews.

25. Do a risk assessment that includes marine areas and activities in the Code area

- 25.1 Council and port partners use the information from the completed Code area assessment to do a full risk assessment for all relevant maritime activities in the Code area, including all other port facilities in the area. They then use the information they gather from the risk assessment to develop their SMS.
- 25.2 When a port operator or Council partner does any risk assessment, it considers all the sources of risk present in the system. Information about risks is identified through a variety of sources. It includes but is not limited to information about:
- (a) past events
 - (b) local operations experience and intelligence
 - (c) reports of accidents, incidents and mishaps
 - (d) outcomes of Maritime NZ regulatory actions and Transport Accident Investigation Commission investigations
 - (e) potential and emerging risks
 - (f) the interactions of multiple systems and how those interactions might create risk.
- 25.3 Council and port partners use a systematic approach to identify and manage risk, for both known incidents and potential dangers. They prioritise hazard control measures using the hierarchy of controls.
- 25.4 Council and port partners may on occasion consider bringing in someone from outside to help develop or review their risk assessment.
- 25.5 Council and port partners review risks and controls at least annually or after a trigger event. Trigger events for a review include but are not limited to:
- (a) realisation because of routine monitoring that existing controls are ineffective
 - (b) occurrence of an accident, incident or mishap
 - (c) purchase of new or different plant or equipment
 - (d) a change to vessels (types, cargo, schedules or timelines)
 - (e) a change to related work processes
 - (f) a change to something in the operating environment, including to:
 - i. port layout
 - ii. economic or environmental factors that may lead to additional pressures and risks
 - (g) a significant change in the operation or personnel.

26. Councils and port operators work together to assess the risks

- 26.1 Councils and port operators work together to make sure that their risk assessments align in areas where they are applying the Code, particularly in the areas where the risk is shared. The risk assessment covers all relevant risks.
- 26.2 Councils and port operators may involve Maritime NZ and other stakeholders as needed to gather information that is relevant for assessing risks.

27. Councils and port operators have the same understanding of the risks and controls

27.1 Councils and port operators have a common understanding of:

- (a) critical navigation safety risks in the port and harbour
- (b) events that need to be avoided to minimise risk
- (c) how the Council and the port operator work together to manage the risks.

27.2 Once the Council and port operator have identified all critical risks, they work to manage them using the good practice guidance outlined in Section 8 *Good practice for common critical risks and controls in Code SMSSs*.



SECTION 8:

GOOD PRACTICE FOR COMMON CRITICAL RISKS AND CONTROLS IN CODE SMSs

28. Good practice for common critical risks and controls in an SMS

- 28.1 This section includes information about good practice in managing and mitigating particular risks to navigation safety. Where it is relevant, it includes information about legislation relating to the risks that will help a Council or port partner manage them.
- 28.2 A Code SMS addresses all the risks to navigation safety that a Council or port partner has identified in its risk assessment and outlines how to appropriately manage or mitigate them. Clauses 29 to 42 describe good practice for doing so.
- 28.3 Those assessing or managing the risks outlined in clauses 29 to 42 work collaboratively with all other relevant Code partners.
- 28.4 The organisation reviews and updates all controls regularly to fully apply all best practice guidance in the Code.
- 28.5 The SMS includes specifics about how the organisation manages all risks that it has identified in its SMS. For Code purposes, the relevant risks are those to navigation safety.
- 28.6 Organisations using the Code fully apply all good practice guidance related to risks and mitigations that are relevant in their situation. The best way to do that is to work collaboratively with others who share the navigation risks associated with the Code. An organisation makes sure it applies good practice guidance consistently by reviewing and updating all controls in the spirit of continuous improvement.

29. Good practice in hydrography

- 29.1 It is essential to have accurate hydrographic information to allow ships to navigate safely within the port and harbour areas identified in the Code area assessment.
- 29.2 For information about good practice in conducting hydrographic surveys, consult the current version of the [guidance about conducting hydrographic surveys](#) published by Maritime NZ and LINZ.
- 29.3 This guidance informs and supports all those involved in making decisions about planning, contracting, specifying and conducting hydrographic surveys in New Zealand ports and harbours. Be familiar with it and follow it where it applies.
- 29.4 Councils and port operators document who is responsible for hydrographic surveying and dredging or they have an MoU in place that sets out this information.
- 29.5 The Council is accountable for making sure hydrographic surveys and its records about them are up to date. It may contract out the surveying work to a third party, but it is still responsible for making sure that surveys are completed regularly and the information is shared.
- 29.6 The Council refers to the hydrographic policy and lists the procedures to put it into practice in its SMS.

- 29.7 The harbourmaster works with the port operator to develop a hydrographic policy. All Council and port partners follow the policy and make sure that relevant hydrographic information about the port and harbour area is readily available, accurate and up to date.
- 29.8 The policy includes details about:
- (a) how often the Code partner responsible for conducting hydrographic surveys does so, and how much of the harbour area the surveys cover – the Code partners involved determine this based on the risk assessment for areas where they are applying the Code and keep reviewing the frequency
 - (b) how the Council and port operator maintain channels and depths, as applicable, and any dredging programme to achieve that
 - (c) how hydrographic information is distributed through Notices to Mariners, including the publishing of warnings on reductions in depth or navigation hazards
 - (d) who will be responsible for providing hydrographic information to Notices to Mariners at LINZ, so that LINZ can update official nautical charts and publications, and how the person responsible will do that
 - (e) the criteria the Council and port operator use to determine when resurveying may be required, including when changes occur to harbour operations such as:
 - i. the use of berths
 - ii. the use of larger vessels
 - iii. significant increases in harbour traffic, which may require additional passing places and anchorages
 - iv. when there is a significant natural event, such as an earthquake, tsunami, flood or other weather event, that might have led to silting or caused the seabed to move.

30. Good practice in prevailing and forecast conditions

- 30.1 For vessels to navigate safely and operate without incidents, accidents or mishaps, they need reliable and timely information about prevailing and forecast conditions in the port and harbour.
- 30.2 The SMS includes arrangements for:
- (a) determining what information harbour users need about prevailing and forecast conditions and how to navigate safely in those conditions
 - (b) making sure that harbour users are provided with the appropriate information to enable them to navigate safely
 - (c) advising incoming vessels and giving precautions on forecast conditions.
- 30.3 Council and port partners agree on responsibilities for these arrangements as part of their risk assessments.
- 30.4 Harbour users can access information about prevailing and forecast conditions in a timely and systematic way.

- 30.5 As part of the risk assessment for areas where they are applying the Code, the Council and port operator agree on the extent of the information that they provide. This information covers general conditions and includes:
- (a) wind speed and direction
 - (b) tide, including details about times and heights
 - (c) wave height
 - (d) current
 - (e) visibility
 - (f) any other factors that could be affected by the weather or the way the harbour is used, such as swell conditions, long period swells and tsunamis.

31. Good practice in aids to navigation

- 31.1 The purpose of an AtoN is to help vessels move safely in the port and harbour.
- 31.2 Each operator of a maritime facility, including a port operator or a Council, must apply to the Director of Maritime NZ for approval to erect or place AtoNs for their own port or facility and approaches. It must also maintain them.
- 31.3 Council and port partners determine where AtoNs should be located and what types are necessary as part of their risk assessments for areas where they are applying the Code.
- 31.4 Under [MTA](#) sections 33I and 200, Councils may erect, place and maintain AtoNs in their regions to ensure navigation safety in accordance with [Maritime Rules](#) and subject to approval by the Director.
- 31.5 Council and port partners make sure that there is a database of all AtoNs in the port and harbour area. The database includes AtoNs for all maritime facilities in the Code area.
- 31.6 The database identifies:
- (a) who owns the AtoN
 - (b) who maintains the AtoN
 - (c) who is responsible for reporting and recording outages
 - (d) who will make sure harbour users are notified of problems and outages.
- 31.7 Any AtoN design will comply with the standards, recommendations and guidelines of the International Organization for Marine Aids to Navigation (IALA).

Note:

Current versions of all international standards, recommendations and guidelines are searchable on the [IALA publications page](#).

- 31.8 IALA sets categories for AtoNs in its publication [Categorisation and availability objectives for short range aids to navigation](#). Each category has a recommended response time for making repairs when someone reports an outage of the AtoN. The owner of the AtoN will repair the AtoN within the time frame IALA sets out for the category it falls into. Port and Council partners agree on the categorisation of individual AtoNs for the purposes of navigation safety.

- 31.9 Where different parties share responsibility for providing, owning or maintaining AtoNs, they reach a clear agreement on what each Code partner is responsible for, including who is responsible for maintaining the AtoN. The agreement is recorded appropriately.
- 31.10 The Director must approve the erection, alteration or removal of any AtoN. The Maritime NZ website has guidance about [applying for approval to install, alter or remove an AtoN](#). Anyone submitting an application to install, alter or remove an AtoN to Maritime NZ should first submit it to their local harbourmaster for review.
- 31.11 Before submitting an application to Maritime NZ, anyone applying consults with marine users following any relevant consultation guidelines of the organisation applying for approval. In deciding what to install and where, they consider:
- (a) traffic density and flow
 - (b) vessel size and type
 - (c) commercial and recreational use of the area.
- 31.12 An SMS includes information about the systems that are in place for:
- (a) reporting and recording that an AtoN is not functioning
 - (b) making sure all outages are fixed within agreed time frames and in accordance with the IALA publication [Categorisation and availability objectives for short range aids to navigation](#)
 - (c) notifying harbour users of problems and outages.

32. Good practice in anchorages

- 32.1 The up-to-date version of the Code guidance [Establishing and managing anchorages under the Port and Harbour Marine Safety Code](#) outlines current good practice. The guidance provides information for harbourmasters and port operators about establishing and managing anchorages. It helps them consider a range of potential safety, environmental and other impacts when establishing anchorages, and helps with the ongoing management of anchorages in their harbour.
- 32.2 Harbourmasters and port operators have a policy and procedure for the use of anchorages and make this information available to vessels.
- 32.3 Harbourmasters and port operators make information available to vessels about safe anchorages in the port and harbour and its approaches.



33. Good practice for removing wrecks and abandoned vessels that affect navigation safety

- 33.1 Wrecks or abandoned vessels in harbours or near the approaches to harbours may create a navigation hazard.
- 33.2 Councils undertake a risk assessment of any wreck or abandoned vessel that might be a hazard to navigation. The purpose is to determine what course of action to take so that the level of risk is as low as reasonably practicable.
- 33.3 Under [MTA](#) section 33J, Councils may take steps to remove or deal with a wreck. They may also remove:
 - (a) other obstructions and impediments to navigation ([MTA](#) section 33I)
 - (b) abandoned vessels, including ones that are moored or anchored ([MTA](#) section 33L).
- 33.4 The Director may direct a Council to remove a wreck or take steps to remove it.
- 33.5 Before removing a wreck or abandoned vessel, Councils make sure they have the correct powers or delegations.

34. Good practice in managing risks associated with fatigue

- 34.1 Fatigue can contribute to incidents and increase the likelihood of incidents occurring due to other risk factors. As part of minimising other risks, Council and port partners set up controls to manage fatigue.
- 34.2 Council and port partners make sure they have adequate resources in place to manage fatigue.
- 34.3 The starting point for managing fatigue is to be aware of what the drivers of fatigue are. They include but are not limited to:
 - (a) having too few people on shift, especially at night or on a long shift
 - (b) staff working long hours at night
 - (c) staff having insufficient down time between shifts
 - (d) having insufficient staff to provide 24-hour cover.
- 34.4 For more details about managing fatigue, see [Building a fatigue risk management system: Good practice guidelines for the ports industry](#). This guidance is written specifically for ports, but portions of it might apply for harbourmasters as well. Fatigue risk management system guidelines under specific areas may also be relevant to an operation.

35. Good practice in keeping harbour users safe around works in harbours

- 35.1 Works in harbours – for example dredging or berth construction – may interfere with navigation. The wake from vessel movements in the harbour may also create a hazard for people undertaking such works – for example if they are working on a floating platform or under wharves. To minimise risks arising from the interactions between works in harbours and harbour users, it might be necessary to control the movement of vessels in the area when such works are underway.

35.2 These controls might include:

- (a) establishing protocols for issuing permits that control the conduct of certain activities at certain times
- (b) harbourmaster directions for movement of specific vessels while the works are under way.

35.3 An SMS that relates to a port or harbour includes:

- (a) arrangements for managing works that might affect safety in the harbour, including a special assessment in each case where new hazards are likely to arise
- (b) arrangements or controls for dredgers and other vessels associated with the works
- (c) processes and procedures for handling conflicting activities in a high-risk navigation area.

35.4 Council and port partners are aware of the possibility that new problems – things that no one in the organisation has ever encountered before – might occur.

36. Good practice in harbour communications and traffic management

36.1 Harbourmasters and port operators have arrangements in place to allow information to be communicated between themselves and the ships on the harbour. They use the risk assessment for the areas where they are applying the Code to guide the level of service and how they provide it.

36.2 Where appropriate, the harbourmaster and port operator work together to establish a radio service and traffic monitoring system. Where they share ownership or the port operator provides the service on behalf of the Council, they formalise arrangements for owning and operating the system in an MoU or a similar document.

Information for port operators and Councils to include in their SMSs

36.3 Council and port operator SMSs include specifics about:

- (a) the service(s) available
- (b) hours of operation
- (c) the level of monitoring
- (d) the radio channels used
- (e) how the Council or port operator communicates with ships in the harbour
- (f) what the reporting requirements for movements of ships in the harbour are
- (g) what staff training and qualifications need to be to provide the level of service being considered
- (h) how the service is resourced to prevent fatigue from causing errors
- (i) how they determined the appropriate level of service
- (j) how the service meets local and international requirements such as the [Radiocommunications Act 1989, Chapter V of the International Convention for the Safety of Life at Sea \(SOLAS\)](#), and [IALA standards, recommendations and guidelines](#).



37. Good practice in port passage planning and guidance

- 37.1 Port passage planning for vessels in the pilotage area is a risk control that identifies potential hazards, assesses risks, and establishes safety settings, ultimately minimising the likelihood of accidents, incidents and mishaps.
- 37.2 Port passage planning applies to all ships that take a pilot or are under the conduct of someone holding a PEC. When a ship carries a pilot, they use the port passage plan together with the master–pilot exchange.
- 37.3 Information about the port passage plan is publicly available – for example, on a port’s website.
- 37.4 The aim of port passage planning and guidance is to make sure that everyone involved in the movement of ships in the harbour has a clear shared understanding of the port passage and what will happen when a vessel undertakes the passage.
- 37.5 Port passage plans are adaptable enough to allow for any unforeseen circumstances. The plans include:
 - (a) potential hazards
 - (b) margins of safety
 - (c) requirements for use of tugs and whether tugs are available outside those requirements
 - (d) contingency plans
 - (e) constraints and limitations.
- 37.6 Once the plan is developed, the owner of the plan reviews it regularly and updates it as necessary.

Developing a passage plan

- 37.7 In most cases, the port operator leads development of the passage plan and guidance. They consult with the harbourmaster and pilotage providers as part of this development.
- 37.8 Council or port partners who are developing a port passage plan consult the most up-to-date versions of the following documents.
 - (a) [IMO Resolution A.893\(21\) – Guidelines for voyage planning](#) outlines the international guidelines for voyage planning, including passage plans.
 - (b) The New Zealand Maritime Pilots’ Association (NZMPA) Good practice guide to pilotage planning is available on the [NZMPA Resources page](#). The guide describes a process for producing fit-for-purpose passage plans and pilotage plans. It lays out what type of information to include in each kind of plan and stresses the importance of communication in getting a vessel safely through a pilotage area to its berth.

Information to include in an SMS related to a port or harbour

- 37.9 An SMS related to a port or harbour describes processes to:
 - (a) identify the risks that the port passage plan needs to manage
 - (b) develop a port passage plan
 - (c) communicate the plan to a vessel.

Information to include in port passage plan guidance

37.10 Guidance focuses on critical port movements. It covers matters such as:

- (a) entry to and exit from the port
- (b) entry to specific berths – for example, the movement of deep draft ships to a particular berth
- (c) ship sizes and cargoes
- (d) prevailing conditions and tidal constraints
- (e) tug allocation
- (f) holding areas
- (g) recommended tracks, as appropriate
- (h) contingency planning.

38. Good practice in pilotage and pilotage exemptions

38.1 [Maritime Rules Part 90](#) identifies compulsory pilotage areas and outlines thresholds for pilotage. It minimises the risks of accidents and groundings.

Relevant legislation

38.2 When Council and port partners develop their SMS provisions relating to pilotage and pilotage exemptions, they consider the requirements included in the following [Maritime Rules](#).

- (a) [Maritime Rules Part 90](#) includes pilotage requirements and requirements for the issue of pilot licences and PECs, including those related to training and proficiency.
- (b) [Maritime Rules Part 53](#) sets out requirements related to pilot transfer arrangements.
- (c) [Maritime Rules Part 19](#) includes requirements for Maritime Transport Operator Plans (MTOPs). Pilot boat operator MTOPs cover boarding, disembarkation and the operation of pilot boats, and pilot boats must comply with specific requirements of [Maritime Rules Part 40C](#).

Purpose and principles

38.3 Pilotage in harbours and ports provides masters of visiting ships with advice and information on:

- (a) local conditions
- (b) port passage planning
- (c) marine services and berths
- (d) how to navigate safely within the port and harbour area.

38.4 In consultation with other relevant Code partners, port operators regularly review the scope of pilotage services they provide. They base their decisions about the services they provide on risk assessments for marine areas and activities covered by the operations of the port, both those they conduct themselves and relevant portions of those conducted by their local Council.

38.5 Pilotage service providers operated by parties other than the port operator fully integrate their SMS with the SMSs of the Council and port partners.

38.6 SMSs include SOPs and documentation to cover the following as required by [Maritime Rules](#):

- (a) providing pilotage services
- (b) pilot training and proficiency
- (c) pilot transfer procedures
- (d) allocating pilots
- (e) PECs.

Providing pilotage services

38.7 All providers of pilotage must have a valid proficiency plan approved by Maritime NZ, as specified in [Maritime Rules Part 90](#) clause 90.101.

Pilot training and proficiency

38.8 Pilots must be licensed and trained in accordance with [Maritime Rules Part 90](#). When a port operator provides pilotage services, it develops structured pilot training programmes in accordance with [Maritime Rules Part 90](#) and integrates them into its SMS.

38.9 The port SMS refers to or describes policies and processes to make sure training plans, proficiency plans and pilot certification remain valid and are reviewed periodically. Port operators update them at regularly scheduled intervals or any time the risk profile changes.

38.10 Any organisation that trains pilots must have a training programme approved by Maritime NZ. The Code partner's SMS includes information about how:

- (a) the training complies with [Maritime Rules Part 90](#) and addresses the risks in the local environment
- (b) the training organisation meets its obligations
- (c) the training organisation remains up to date with structured training requirements and proficiency programmes as specified in [Maritime Rules Part 90](#).

38.11 Pilotage providers consult with the harbourmaster, port operator and other interested parties when preparing their training programme and proficiency plans.

Pilot transfer procedures

38.12 Pilotage operating procedures must meet the requirements of [Maritime Rules Part 53](#).

38.13 An SMS related to a port or harbour identifies safe boarding and disembarkation areas for pilots. Pilotage providers make sure that pilots board or disembark from ships in line with these requirements.

38.14 Procedures follow good practice as identified in Maritime NZ's [Pilot transfer arrangements: Good practice guide](#).

Allocating pilots

38.15 A pilotage service provider has processes and procedures in its SMS that:

- (a) allow pilots enough time to prepare port passage plans
- (b) provide pilots with relevant information in a systematic way
- (c) make sure the service operates effectively and safely
- (d) manage pilot workload and fatigue.

PECs

38.16 Under [Maritime Rules Part 90](#), Maritime NZ issues PECs.

38.17 Holders of PECs must comply with the conditions of their PEC as prescribed by the Director when the PEC is issued. They are responsible for their actions under the [MTA](#).

38.18 In their SMSs, harbourmasters include protocols for when they may require PEC holders to report certificate numbers and confirm currency in accordance with rule 90.65(2).

39. Good practice in marine services

39.1 Marine services in a port or harbour can be provided directly by a port operator or by a third party. These services include:

- (a) the use of harbour vessels such as tugs, pilot boats and workboats
- (b) advice on procedures for safe mooring and berthing.

39.2 Marine service providers must comply with all [Maritime Rules](#) and with their own vessel SMSs.

General principles for marine services

39.3 An SMS related to a port or harbour covers the use of harbour vessels and berthing procedures where appropriate.

39.4 A port or harbour risk assessment for a Code area identifies the need for the safe management of harbour vessels, and the potential benefits of managing them safely.

39.5 Third-party providers of marine services align their operations with the port operator's SMS.

39.6 Marine service providers conducting a business or undertaking and workers (including workers in pilotage services) must meet their obligations under [HSWA](#), including the management of fatigue and stress.

Tugs

39.7 The risk assessment and SMS of a port or third-party provider address how tugs are used to reduce risk. For example, tugs might:

- (a) escort ships – either actively or passively – as they navigate in the harbour
- (b) work together to reduce risks in berthing or navigation.

39.8 The risk assessment also considers:

- (a) the capacity of available tugs to berth ships safely
- (b) how to assist the navigation of ships within the harbour
- (c) the experience of tug crews in the prevailing conditions.

SOPs for tugs

39.9 The port may decide whether vessels have to take tugs. In addition, the harbourmaster can use powers of direction to require a specific vessel to take a tug.

39.10 The port SMS outlines what conditions and purposes tugs will be required under and how they will be used. It also describes how the master of a vessel can request a tug if they judge they need one.

39.11 During the risk assessment for marine areas and activities covered by the operations of a port and development of an SMS related to those risks, the port operator:

- (a) develops operational policies and procedures for the safe use of tugs
- (b) consults with the harbourmaster, relevant users, and pilots when it develops procedures
- (c) takes account of:
 - i. the physical environmental conditions of the harbour and the port(s) in it
 - ii. the types of ships using the port.

40. Good practice in berthing and mooring

40.1 Berthing involves close manoeuvring of a vessel in tight quarters, so it presents risks to the safety of the berthing vessel, the vessels around it and nearby structures. Following good practices minimises that risk.

40.2 Port operators work closely with relevant Code partners and other parties to develop standard berthing plans. In some cases they consult the harbourmaster to address risks when they are developing new berthing plans.

40.3 Standard berthing plans:

- (a) contain minimum agreed requirements for berthing
- (b) align with good industry practice
- (c) identify:
 - i. limits to the depth and length of each berth
 - ii. how the port operator makes sure that all wharves are suitable for the vessels that use them (including the structure, decking, berthing facilities and bollards of the wharf)
 - iii. how the port operator makes sure the wharves are properly inspected and maintained
 - iv. how mooring lines are configured
 - v. procedures for handling mooring lines
 - vi. information about how shore lines are provided, if appropriate
 - vii. if the port operator provides mooring lines, procedures for procuring, maintaining, testing and replacing them
 - viii. procedures for any other mooring arrangements in use at the port or specific berths
 - ix. details of how lines crews are trained and supervised to make sure they are competent for that port
 - x. any other relevant limitations.

40.4 A port operator may refuse a ship the right to berth if it seems unsafe for it to moor. For example, they may refuse if the master of a ship is unwilling to use a tug when a pilot advises them to do so. The port operator:

- (a) describes such a refusal in SOPs
- (b) uses this provision prudently
- (c) uses this provision in consultation with the harbourmaster, who has powers under [MTA](#) section 33F.



41. Good practice in working with dangerous goods

Note:

In this Code we use the term 'dangerous goods' to also cover 'hazardous substance' or 'harmful substance', except when discussing legislation that uses a different term.

- 41.1 Navigation safety is important when dangerous goods are involved because an incident could cause the goods to spill and injure someone or damage the environment.

Legislation related to dangerous goods

- 41.2 Council and port partners consult all relevant New Zealand legislation, including [Maritime Rules Part 24A](#), which incorporates the International [Maritime Dangerous Goods \(IMDG\) Code](#), to find out how to meet all requirements when dealing with particular types of dangerous goods. Legislation related to dangerous goods includes:

- (a) [Maritime Rules Part 24A](#)
- (b) [MTA](#) sections 225, 229 and 230
- (c) [Marine Protection Rules Part 103](#)
- (d) [Resource Management \(Marine Pollution\) Regulations 1998](#) clause 3
- (e) [HSNO](#) sections 2(1), 51 and 97
- (f) [HSWA](#)
- (g) [Health and Safety at Work \(Hazardous Substances\) Regulations 2017](#)
- (h) [Health and Safety at Work \(General Risk and Workplace Management\) Regulations 2016](#).

- 41.3 Council and port partners make sure that risks associated with dangerous goods carried aboard ships in their ports and harbours are managed effectively.

Information to include in an SMS

- 41.4 The main goal of Council and port partners is to prevent incidents that involve dangerous goods. Harbourmasters and port operators put controls in place to help achieve this goal.
- 41.5 Where the risk to the safe transit of vessels is significant, Council and port partners consider additional controls. These controls include but are not limited to traffic movement plans and anchorage plans.
- 41.6 Where Council or port partners know of specific risks or have particular concerns around berths or anchorages and dangerous goods in their waters, they put controls in place to minimise the relevant risks.
- 41.7 Council and port partners include in their SMSs:
- (a) processes and procedures for setting up controls to prevent incidents that involve dangerous goods
 - (b) processes and procedures that deal with the different classes of dangerous goods that may come to or through the Code area
 - (c) controls on the safe movement of vessels that have dangerous goods on board, as appropriate to the port or harbour in the Code area
 - (d) plans for managing incident response when dangerous goods are involved, including how they will work with agencies such as Maritime NZ and Fire and Emergency New Zealand when they are involved.

Notification requirements

- 41.8 Under the [MTA](#) and the [Marine Protection Rules Part 103](#) the master or owner of a ship must notify the Director or the Council if they are carrying or transferring oil or noxious liquid substances. They must do so within specified time frames:
- (a) 12 hours before their estimated time of arrival in a port or harbour when they are carrying oil or any noxious liquid substance in bulk as cargo
 - (b) not less than 3 hours and not more than 96 hours before they intend to carry out an operational transfer of oil or a noxious liquid substance to or from their ship.
- 41.9 [Maritime Rules Part 24A](#) specifies the master of a ship carrying dangerous goods must notify the harbourmaster:
- (a) at least 48 hours before their arrival if they are on an international voyage
 - (b) as soon as practicable if they are on a coastal voyage, but before they enter the harbour.
- 41.10 After carefully considering the risks associated with ships carrying dangerous goods under [Maritime Rules Part 24A](#) and the context of the Council's wider safety obligations, a harbourmaster may decide to only be notified of certain classes of dangerous goods. In that situation, they allow the master of a ship to make all other relevant notifications to another party, such as the port operator.
- 41.11 Some activities relating to dangerous goods require approvals from other agencies. For example:
- (a) the Environmental Protection Authority approves transshipment of hazardous substances under section 51 of [HSNO](#)
 - (b) the Director for Radiation Safety approves shipments of radioactive substances through ports.
- 41.12 Other agencies consult with harbourmasters, port operators and Maritime NZ when considering applications for approval.
- 41.13 Council and port partner SMSs include processes and procedures for:
- (a) responding to notifications and working with ships involved in transferring oil and noxious liquid substances
 - (b) complying with all notification requirements outlined in legislation.

Additional controls for managing dangerous goods

- 41.14 On board a ship, the ship operator manages dangerous goods through their SMS.
- (a) For foreign ships and New Zealand SOLAS ships, this means following the [International Safety Management \(ISM\) Code for the Safe Operation of Ships and Pollution Prevention](#).
 - (b) For other New Zealand commercial ships, this means following the Marine Operator Safety System (MOSS).
- 41.15 Port operators should also manage the handling of dangerous goods through their health and safety management system.

Other hazardous substances on board vessels

- 41.16 Hazardous substances are often part of a ship's stores and equipment. This includes refrigerants in refrigeration systems, paints, cleaning agents, compressed gases and hydraulic fluids. These substances are not treated as cargo, and are not covered by [Maritime Rules Part 24A](#). However, they are still subject to [HSNO](#).
- 41.17 Operators of ships must identify and manage hazards on board their ships that are part of the workplace. Management includes managing hazardous substances their crews may come into contact with.
- 41.18 Maritime NZ is responsible for the enforcement of [HSNO](#) on ships, and [HSWA](#) on ships and on land within major ports.

42. Be prepared when events happen – responding to events affecting navigation safety

- 42.1 The SMSs of Council and port partners outline how they will respond to local marine emergency events that may impact their ability to implement their SMS. Specifically, they include:
- (a) dealing with fires on board a ship
 - (b) emergencies caused by hazardous substances, as outlined in the [Integrated Maritime Incident Readiness and Response Strategy](#)
 - (c) a civil emergency, such as flood, earthquake, tsunami or similar disruptive events.
- 42.2 These plans may be part of a wider emergency response plan and are likely to be integrated and coordinated with the plans of other agencies, such as Fire and Emergency New Zealand, New Zealand Police and National Emergency Management Agency.
- 42.3 Where Council and port partners operate commercial ships under MOSS, the response and recovery plans in their MTOP for the operation of their ships form part of their wider marine response and recovery plans. Councils also operate and exercise regional Tier 2 oil spill response plans, which align with port and harbour marine emergency plans.
- 42.4 The SMS outlines the plans and procedures that are in place to deal with all reasonably foreseeable adverse events. It also specifies the review cycle or schedule for the plans, and a policy about conducting training exercises for them.
- 42.5 Council and port partners are responsible for managing minor/routine maritime incidents within the Code area. The SMS includes a response plan related to this which describes the capability and capacity in place to respond to minor/routine maritime incidents, including the personnel, processes and equipment available.
- 42.6 The response plans, including the roles of ports and Councils and triggers for escalation, is governed by the [Integrated Maritime Incident Readiness and Response Strategy](#) and its plans and procedures, and associated documents such as the [New Zealand Marine Oil Spill Readiness and Response Strategy](#), the [National Marine Oil Spill Contingency Plan](#), and the mass rescue plan. If there is any doubt about how to proceed in an incident, Maritime NZ should be contacted.
- 42.7 When safety of life is a concern, the appropriate Council representative will contact the Rescue Coordination Centre New Zealand, which is a function of Maritime NZ.

The background of the entire page is a dark blue field filled with a complex, white, topographic map pattern. This pattern consists of numerous irregular, concentric, and overlapping contour lines that create a sense of depth and movement, reminiscent of a nautical chart or a detailed topographic map of a coastal area.

PORT & HARBOUR
Marine Safety Code

NEW ZEALAND