



**SUBMARINE CABLES AND PIPELINES PROTECTION  
AMENDMENT ORDER 1999**

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MICHAEL HARDIE BOYS, Governor-General

ORDER IN COUNCIL

At Wellington this 23rd day of August 1999

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to section 37 of the Submarine Cables and Pipelines Protection Act 1996, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, makes the following order.

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ANALYSIS

- 1. Title and commencement
- 2. New clauses substituted
- 2. Interpretation

- 2A. Protected areas
- 3. First Schedule amended

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ORDER

**1. Title and commencement**—(1) This order may be cited as the Submarine Cables and Pipelines Protection Amendment Order 1999, and is part of the Submarine Cables and Pipelines Protection Order 1992\* (“the principal order”).

(2) This order comes into force on the 28th day after the date of its notification in the *Gazette*.

**2. New clauses substituted**—The principal order is amended by revoking clause 2, and substituting the following clauses:

“**2. Interpretation**—(1) In this order, ‘fishing vessel’ means any vessel that is capable of being used for fishing.

“(2) Positions stated in this order are expressed in terms of the co-ordinates used in the New Zealand Geodetic Datum 1949.

“**2A. Protected areas**—(1) The areas within the territorial sea or internal waters of New Zealand described in Schedule 1 are protected areas for the purposes of the Submarine Cables and Pipelines Protection Act 1996 in respect of all ships.

“(2) Subclause (1) does not apply to ships that are being used for research carried out by or for the Ministry of Fisheries, as long as the research is carried out without directly or indirectly attaching any of the ships involved to the seabed, whether by anchoring or by any other means.

“(3) In the area described in Schedule 1 under the heading ‘Area 7—Cook Strait’, subclause (1) does not apply to fishing vessels that are being used for setting or lifting nets or rock lobster pots, or for paua or kina fishing, as long as those activities are carried out—

“(a) During the hours of daylight; and

“(b) Without directly or indirectly attaching any of the vessels involved to the seabed, whether by anchoring or by any other means; and

“(c) Either—

“(i) Within 200 metres of the low-water mark of the North Island, other than the line of low-water mark between the notice board placed at a position in latitude 41°17′.85S, longitude 174°37′.12E and the notice board placed at a position in latitude 41°18′.32S, longitude 174°37′.78E; or

“(ii) Within 200 metres of the low-water mark of the South Island, other than the line of low-water mark between the notice board placed at a position in latitude 41°19′.60S, longitude 174°12′.90E and the notice board placed at a position in latitude 41°19′.90S, longitude 174°11′.80E.

“(4) Subclause (1) does not apply to ships that are being used for laying, monitoring, maintaining, or repairing submarine cables, or for undertaking other operational activities in respect of submarine cables, if any of those activities are carried out—

“(a) By or for Transpower New Zealand Limited in the area described in Schedule 1 under the heading ‘Area 7—Cook Strait’; or

“(b) By or for Telecom New Zealand Limited or Southern Cross Cables Limited in any of the areas described in Schedule 1 under the following headings:

“(i) Area 2—Hauraki Gulf:

“(ii) Area 5—Muriwai Beach.

“(5) In the area described in Schedule 1 under the heading ‘Area 8—Oaonui’, subclause (1) does not apply to any of the following:

“(a) Ships that are being used for constructing, repairing, maintaining, or servicing Maui gas field off-shore platforms, submarine pipelines, and associated off-shore facilities:

“(b) Fishing vessels that are being used for setting or lifting nets or rock lobster pots, or for puaa or kina fishing, as long as those activities are carried out—

“(i) During the hours of daylight; and

“(ii) Without directly or indirectly attaching any of the vessels involved to the seabed, whether by anchoring or by any other means; and

“(iii) Within 2 miles of the low-water mark of the North Island.”

**3. First Schedule amended**—The heading to the First Schedule is amended—

(a) By omitting the expression “First Schedule”, and substituting the expression “Schedule 1”:

(b) By omitting the expression “Cl. 2”, and substituting the expression “Cl. 2A”.

MARIE SHROFF,  
Clerk of the Executive Council.

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#### EXPLANATORY NOTE

*This note is not part of the order, but is intended to indicate its general effect.*

This order, which takes effect on the 28th day after its notification in the *Gazette*, makes the following changes to the Submarine Cables and Pipelines Protection Order 1992:

- To remove a loophole, the expression “dropping anchor” is replaced by the comprehensive expression “directly or indirectly attaching any of the vessels involved to the seabed, whether by anchoring or by any other means”:
- Kina fishing is added to the activities that are conditionally permitted in areas specified by the order:
- Ships used by or for Transpower New Zealand Limited are permitted to lay, monitor, maintain, or repair submarine cables in Cook Strait:
- Ships used by or for Telecom New Zealand Limited or Southern Cross Cables Limited are permitted to lay, monitor, maintain, or repair submarine cables in Hauraki Gulf and Muriwai Beach.

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Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 26 August 1999.

This order is administered in the Ministry of Transport.