



NEW ZEALAND
PETROLEUM & MINERALS

Unlawful interference with offshore petroleum and minerals activities



People are free to protest on the water as they are on land – provided they do not interfere with structures or vessels involved in lawful petroleum and minerals activities.

While a number of laws cover activities at sea, provisions specific to offshore petroleum and minerals activities were introduced following protests that hindered a seismic survey vessel in 2011.

In May 2013 the Crown Minerals Act 1991, which governs the allocation of the Crown's petroleum and mineral resources, was amended. New offences were introduced for damaging or interfering with structures or ships being used offshore in prospecting, exploration and mining activities – including incursions into specified Non Interference Zones.

Seismic vessel image from Dolphin Geophysical



**MINISTRY OF BUSINESS,
INNOVATION & EMPLOYMENT**
HĪKINA WHAKATUTUKI

[New Zealand Government](http://www.newzealand.govt.nz)

IT'S ABOUT BALANCING RIGHTS

The non-interference provisions are not about removing the right to protest. They are about balancing the right to protest with an operator's right to get on with their work – while promoting the safety of everyone involved.

Operators require a permit from New Zealand Petroleum and Minerals before undertaking offshore activity. Permissions are also required from other regulators – for example, seismic survey vessels operating in our Exclusive Economic Zone must abide by the Department of Conservation's (DOC) Code of Conduct for Minimising Acoustic Disturbance to Marine Mammals from Seismic Survey Operations. Any exploratory or production drilling requires a marine consent from the Environment Protection Authority.

Seismic surveying and petroleum and mineral exploration and production requires a high level of organisation and delays can cost operators hundreds of thousands of dollars a day. Interfering with these activities can also pose a serious health and safety risk to everyone involved.

THE NON-INTERFERENCE PROVISIONS ARE AS MUCH FOR THE SAFETY OF OTHERS OUT AT SEA AS THEY ARE FOR THE OPERATING VESSEL

Petroleum and minerals operations at sea are complex, often very precise and can be at an industrial scale. The vessels carry high-tech equipment, can be large and have limited maneuverability. Safety is paramount when undertaking activities.

SEISMIC SURVEYING

A seismic vessel may be in the order of 100 metres long and 30 metres wide and can be towing several streamers up to 12 kilometres behind it.

The streamers make it very difficult for the vessels to turn and they can require a turning radius of up to 15 kilometres or more. Seismic vessels are also unable to stop or change course abruptly so other vessels need to listen carefully to navigational warnings to maintain a safe distance.

Similarly, becoming entangled in a seismic vessel's streamer can present serious safety risks for all parties. Streamers are often submerged and not easily visible to other vessels. The cables towing this equipment are under considerable tension and could cause significant injury or loss of life if broken or run into.



Drill ship image from Anadarko

DRILL SHIPS AND RIGS

Unlike other sea going vessels petroleum drill ships and rigs can be dealing with live oil and gas.

Petroleum drill ships can be up to 300 meters long and rigs up to 100 meters wide. The drilling work they undertake allows for very limited movement, possibly as little as a few meters. For example, drill ships rotate around a fixed location with the changing weather. They use large thrusters to achieve this which can cause strong and dangerous currents close to the ship. Overall, drilling operations require rigorous planning, heavy engineering and the use of advanced technology to ensure activities are undertaken safely and effectively.

Activities taking place onboard drill ships and rigs can be like an industrial construction site. Cranes can be operating, pipes may be moved, there are flammable materials and fuel and supply vessels are frequently coming and going. At times there may also be helicopters taking off and landing. These environments have strict health and safety protocols and anyone working in them has undergone appropriate health and safety training.

In addition, there can be difficult weather conditions and at times low visibility in New Zealand's offshore waters.

This series of factors mean that interference with the vessels or the activities taking place can be dangerous for everyone involved.

THE PROVISIONS AND PENALTIES

Two new offences were added to the Crown Minerals Act in 2013.

The first (Section 101B(1)) makes it unlawful for any person or group to interfere with or damage any ship, structure or equipment used in offshore petroleum and minerals operations. It also relates to interference with any activities being carried out. For example, it can take kilometres for a seismic survey vessel to alter course when its streamers are deployed. Intentionally getting in its path – even if several kilometres away – could fall under this provision.

The maximum penalty for breaching this provision is imprisonment of up to 12 months or a fine of up to NZ\$50,000. In the case of an organisation or company, the fine can be up to NZ\$100,000.

The second provision (Section 101B(2)) enables a Non-Interference Zone around a petroleum or minerals operation at sea. These zones can extend up to 500m from the edge of the relevant structure, ship or towed seismic streamer.

Any unauthorised ship or person entering this zone could breach the provision, which carries a fine of up to NZ\$10,000.

The Chief Executive of the Ministry of Business, Innovation and Employment (MBIE) may now, at their discretion, create specified Non-Interference zones for up to three months. Further Non-Interference Zones may be specified if the activity goes beyond three months.



Seismic vessel image from Dolphin Geophysical

THE NON-INTERFERENCE PROVISIONS ARE SOME OF A NUMBER OF LAWS GOVERNING ACTIVITIES AT SEA

Exclusion zones, like Non-Interference Zones, are common internationally around offshore installations and exploration vessels and rigs.

For example, in New Zealand there are existing Continental Shelf regulations which create a 500m Safety Zone around each of the six permanent petroleum production facilities off the Taranaki coast.

Prior to the Non-Interference provisions coming into force, temporary structures and vessels did not have any specific protections like those around permanent structures.

A number of laws govern activities at sea, including those relating to petroleum prospecting

or operations. These include the Summary Offences Act 1981, Crimes Act 1961, the Maritime Transport Act 1994 and the Crown Minerals Act (CMA) 1991.

A range of agencies, including MBIE, NZ Police and Maritime NZ, work together to ensure a coordinated and appropriate response if there is any alleged breach of the law.

Masters of vessels are ultimately responsible for ensuring the safety of their vessel and any crew or passengers at sea.



WANT TO KNOW MORE ABOUT THE GOVERNMENT'S ROLE IN REGULATING PETROLEUM ACTIVITIES?

www.nzpam.govt.nz



Drilling support ship image from Anadarko



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www.nzpam.govt.nz
nzpam@mbie.govt.nz

PO Box 1473, Wellington 6140,
New Zealand

FREEPHONE (WITHIN NEW ZEALAND): 0508 263 782
INTERNATIONAL CALLS: +64 3 962 6179
FAX: +64 4 471 0187

NZP&M is a branch of the New Zealand Ministry of Business, Innovation and Employment. We manage New Zealand's Crown Mineral Estate. Our aim is to maximise the gains to New Zealand's economy from development of these resources, a key component to the government's Business Growth Agenda. To support this aim we endeavour to educate and inform New Zealanders, including consultation with indigenous stakeholders and local government.