

# Guide to the use of Small Autonomous Surface Vessels (ASVs) in New Zealand's Maritime Area

August 2024

Guidance Document



## Guide to the use of Small Autonomous Surface Vessels (ASVs) in New Zealand's Maritime Area

This guide aims to help operators of small ASVs comply with New Zealand regulations when intending to operate their vessels within the territorial sea and/or Exclusive Economic Zone (EEZ) of New Zealand (the **Maritime Area**).

The operation of small / non-Safety of Life at Sea ([SOLAS](#)), autonomous (uncrewed) surface vessels (hereafter referred to as small ASVs) in New Zealand's maritime area is a regulated activity. This includes launching into the territorial sea from the New Zealand coast or a port, being deployed from another vessel, or sailing into New Zealand's EEZ, and territorial sea<sup>1</sup>.

Small ASVs do not currently meet the International Maritime Organisation's vessel size and function definitions under SOLAS. Regulations for large / SOLAS vessels are available separately<sup>2</sup>.

New Zealand agencies regulating small ASVs include Maritime New Zealand, New Zealand Customs Service, Biosecurity New Zealand, Fisheries New Zealand, Department of Conservation, Environmental Protection Authority, and the Ministry of Foreign Affairs and Trade. Whilst this guide aims to summarise those regulatory regimes in one document to assist operators' regulatory compliance, individual agency regulatory systems remain the authoritative source.

The guide is in two parts:

- Part One: A high-level flow diagram showing which regulations apply to an operator's proposed activity.
- Part Two: A summary of agency regulatory regimes with hyperlinked references and agency single points of contact for assistance.

The guide uses the terms Must and Should:

- Must = A regulated requirement which must be complied with.
- Should = A recommendation based on best practice.

Under New Zealand regulations, most small ASVs are likely to be considered commercial, non-SOLAS vessels for the purpose of operating in New Zealand's maritime area.

In addition to New Zealand's specific regulatory regimes, New Zealand expects all ASV operators to comply with all applicable international maritime regimes e.g. the prevention of collision as defined in COLREG 1972<sup>3</sup>.

Nothing in New Zealand regulations interferes with the right of vessels to exercise innocent passage in the territorial sea as defined in the United Nations Convention on the Law of the Sea Article 19. The exercise of innocent passage does not allow the conduct of research. The conduct of research (including any form of survey, sampling or other scientific research) within the New Zealand territorial sea and EEZ may only be conducted with approval.

Please note that New Zealand regulations may differ from those of other countries.

---

<sup>1</sup> See sections 3 and 9 of the Territorial Sea, Contiguous Zone and Exclusive Economic Zone Act 1977 for definitions.

<sup>2</sup> See [Legislation we administer - Maritime NZ](#), along with rules from the [International Maritime Organisation \(IMO\)](#) e.g., *International Convention for the Safety of Life at Sea (SOLAS)* and *Convention on the International Regulations for Preventing Collisions at Sea*, (COLREGs).

<sup>3</sup> <https://www.imo.org/en/OurWork/Safety/Pages/Preventing-Collisions.aspx>

## Part One: Overview of Regulations for Small Autonomous Surface Vessels (ASVs)

### Is my small ASV regulated in NZ?

It is highly likely that your small ASV is regulated in NZ.

If it is powered in any way, then it is likely regulated as a commercial vessel - contact MNZ.

Even if it is non-SOLAS it is regulated by MNZ.

Even if you are not a New Zealand company or institution or business then you are still required to comply with NZ regulations and requirements.

### Where am I allowed to launch my ASV from?

- You **MUST** contact both [NZ Customs](#) and [Biosecurity NZ](#) before launching/departing if intending to transit beyond the territorial sea.
- You **SHOULD** also contact the NZ Port or Harbourmaster before launching.

### When sailing into NZ, can my ASV arrive anywhere?

- No. ASVs **MUST** arrive at a location that is **both** a [Customs Port of Entry](#) and [Biosecurity Place of First Arrival](#) unless you have arranged an exemption.
- Prior to, and on arrival you must supply NZ Customs and Biosecurity with required documents.

### Can my ASV transit NZ's territorial sea enroute to another destination (innocent passage)?

- Yes, if it complies with UNCLOS Art 19.

### Location: What do I need to do to bring my ASV into NZ waters (territorial sea)

ASV arriving by freight or cargo	ASV sailing into NZ waters	ASV manufactured in NZ	ASV deployed from another vessel	Innocent passage
MUST contact MNZ to verify safety system	MUST contact MNZ to verify safety system	MUST contact MNZ to verify safety system	MUST contact MNZ to meet requirements	MUST comply with UNCLOS Art 19
MUST contact Customs for importing requirements	MUST contact Customs for importing requirements/ pre-arrival & arrival docs		MUST contact Customs and Biosecurity NZ to discuss requirements	
MUST contact <a href="#">Biosecurity NZ</a>	MUST contact Biosecurity NZ			

MUST not undertake any research without permit from MFAT/EPA

Foreign government owned/sponsored/military ASVs should contact MFAT diplomatic clearance team for guidance

**Any other method not described here: MUST contact MNZ , Biosecurity NZ, and NZ Customs to discuss.**

### Activity: What do I need to do while undertaking activities in the NZ territorial sea and EEZ?

Type of Activity/Activities	What I need to do
Foreign registered small ASV conducting research or survey in territorial sea or EEZ	MUST comply with <a href="#">MFAT</a> and <a href="#">EPA</a> requirements
NZ registered small ASV – any activities	MUST comply with EPA, Biosecurity, Customs and MNZ requirements
Small ASV departing NZ territorial sea	MUST comply with <a href="#">Customs</a> requirements
Small ASV operating in the Kermadec and Subantarctic Islands	MUST comply with <a href="#">DOC</a> requirements
Any fishing activity including fisheries research	MUST comply with Fisheries NZ <a href="#">MPI</a> requirements
Entering any marine protected areas	MUST comply with <a href="#">DOC</a> requirements

## Part Two: Summary of New Zealand's maritime regulatory regimes

This part of the guide summarises the agency-specific regulations for small / non-SOLAS ASVs.

It starts with Maritime New Zealand (MNZ) which is NZ's maritime regulator with jurisdiction over all vessels regardless of activity. NZ Customs and Biosecurity NZ then follow because most ASVs are likely to cross NZ's border. Thereafter, Fisheries NZ, Department of Conservation, Environmental Protection Authority, and Ministry of Foreign Affairs and Trade requirements depend on the type of ASV activity conducted.

### Maritime NZ

Maritime and [marine protection rules \(i.e. pollution controls\)](#), are regulated by [MNZ](#), through the [Maritime Transport Act](#) and its associated Maritime Rules. Small ASVs are likely considered commercial vessels in New Zealand. They are required to have an **approved safety system** and as such will have their safety cases assessed either under [Maritime Operated Safety System](#) or [Maritime Rule Part 40G](#) by MNZ.

- ASVs powered by solar energy to operate sails and motors, are considered 'powered' craft and therefore 'commercial' vessels under the Maritime Transport Act and MR 40G<sup>4</sup>. Safety cases under MR 40G must be approved by the Director MNZ and may include bespoke conditions for the safety case to be approved and operated. It may also include the requirement that the master of the vessel be physically within NZ's jurisdiction.
- Please also refer to: [ITN-002-20 Rev2: Autonomous Ship Operation in New Zealand \(maritimenz.govt.nz\)](#)
- Small ASVs will be **assigned a unique identifier, i.e., a number**. That unique identifier allows for identification of the specific vessel, especially in cases where there are multiple identical or similar ASVs from the same manufacturer being used. The number may need to be clearly displayed on the vessel, and it may need to be clearly visible from the air.
- Approval is likely to include the requirement for location transmitting technology e.g., Automatic Identification System or other similar location transmitting technology, readily accessible by NZ agencies.

Contact: [enquiries@maritime.govt.nz](mailto:enquiries@maritime.govt.nz)

### New Zealand Customs Service

- Although ASVs do not carry people or goods they are capable of being used for the transportation of goods by water, so meet the definition of 'craft', and come under the [Customs & Excise Act](#).
- NZ Customs requires information on how ASVs arrive<sup>5</sup> in New Zealand, specifically whether they were imported (container or as cargo), sailed in, or were manufactured in New Zealand. ASV operators must contact Customs (via ITOC email) to determine what import entry and/or duties may be required.
- An Advanced Notice of Arrival (ANA) is required '*no less than 48 hours before the estimated time of arrival*' for both NZ owned and foreign owned ASVs arriving into NZ waters under the [Customs and Excise Act](#). Other mandatory documentation will be required on the ASV's arrival (to a port of entry). [Full requirements are detailed on the Customs website](#).
- Owners/operators or agents for ASVs which intend to depart NZ territorial waters MUST supply an [Advanced Notice of Departure](#) to NZ Customs, which will issue a Certificate of Clearance after which the ASV may depart.
- ASVs which arrive as part of a ship's equipment/deploy from a parent vessel may require additional compliance with NZ Customs as well as MNZ. Please check with these agencies for details.

Contact: [ITCOOperationsCentre@customs.govt.nz](mailto:ITCOOperationsCentre@customs.govt.nz)

---

<sup>4</sup> If undertaking any activities which are not solely recreational.

<sup>5</sup> Arrival in New Zealand in relation to a craft is defined by the [Customs and Excise Act](#) – "to enter into New Zealand from a point outside..." where "New Zealand, ... means the land and waters enclosed by the outer limits of the territorial sea of New Zealand (as described in section 3 of the Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977)". The territorial sea is defined as the outer limits at 12 nm. See UNCLOS.

## Biosecurity NZ (Ministry for Primary Industries)

Biosecurity is regulated by the Ministry for Primary Industries under the [Biosecurity Act](#). As well as an Advanced Notice of Arrival (ANA) provided to NZ Customs, [other border clearance documentation will be required](#) prior to arrival.

- [Vessels must arrive into New Zealand's territorial waters with a 'clean hull'](#), complying with the Craft Risk Management Standard.
- ASVs must arrive at an approved location in NZ – this must be a port or marina which has been approved to receive vessels from overseas. [These are called 'places of first arrival' \(POFAs\)](#). Any arrival outside a POFA must be approved by MPI prior to arriving.

Contact: [vessels@mpi.govt.nz](mailto:vessels@mpi.govt.nz)

## Department of Conservation

- The [Department of Conservation](#) (DOC) has mandatory biosecurity controls under the [Kermadec and Subantarctic Islands Regional Coastal Plan](#). If you plan to operate in these areas<sup>6</sup>, you may need a permit which meets **Conservation and marine wildlife requirements**.
- In addition to mandatory biosecurity controls covered above, DOC also has rules for [behaviour around marine mammals](#) ([Marine Mammals Protection Act 1978](#) and [Regulations 1992](#)), and in [marine reserves](#) apply under the [Marine Mammals Protection Act](#) and [Regulations](#). Guidance is provided in the links, but to ensure compliance please contact DOC.

Contact: [info@doc.govt.nz](mailto:info@doc.govt.nz)

## Ministry of Foreign Affairs and Trade (MFAT)

- Foreign ASV operators wishing to undertake any marine scientific research in NZ's territorial sea and/or EEZ must apply for consent via the [Ministry of Foreign Affairs and Trade](#).

Contact: [msr@mfat.govt.nz](mailto:msr@mfat.govt.nz)

- Government owned or sponsored ASVs including military vessels, should contact the diplomatic clearance team.

Contact: [diplomaticclearance@mfat.govt.nz](mailto:diplomaticclearance@mfat.govt.nz)

## Environmental Protection Authority (EPA)

The [EPA](#) regulates some marine activities within the EEZ and in/on the continental shelf through the [Exclusive Economic Zone and Continental Shelf \(Environmental Effects\) Act](#) and associated regulations.

- Owners/operators of ASVs wishing to undertake certain marine activities (e.g. marine scientific research) must provide a pre-activity notification prior to operating in the EEZ, and report on your activity once it is underway.
- EPA requirements are additional to those required for MFAT.

Contact: [monitoring@epa.govt.nz](mailto:monitoring@epa.govt.nz)

## Fisheries New Zealand (Ministry for Primary Industries)

- Fisheries are regulated by the Ministry for Primary Industries under the [Fisheries Act](#) and its Regulations and cover any fishing, fisheries survey or research inside the EEZ.
- Requirements apply to both NZ owned and operated small autonomous vessels, and foreign ASVs.

Contact: [fcc@mpi.govt.nz](mailto:fcc@mpi.govt.nz)

## Local harbourmasters

- Council bylaws applicable to ports and harbours are generally regulated by regional harbourmasters.

Contact the [relevant harbourmaster](#) (see page 276).

---

<sup>6</sup> The applicable areas fall within the territorial seas adjacent to these islands.