



Maritime Transport Act 1994

Marine Protection Rules

Marine Protection Rules Various Amendments 2016

Pursuant to sections 386, 387, 388, 389, and 390 of the Maritime Transport Act 1994 I, Craig Foss, Associate Minister of Transport, having had regard to the criteria for making Marine Protection Rules in section 392 of the Maritime Transport Act 1994, hereby make the following Marine Protection Rules.

Signed at Wellington

This 20th day of September 2016

By Hon Craig Foss

Associate Minister of Transport

Marine Protection Rules

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Objective

The objective of the Marine Protection Rules Various Amendments 2016 is to correct minor errors contained in the Marine Protection Rules Parts 100, 102, 103, 121A, and 150.

Marine Protection Rules are disallowable instruments under the Legislation Act 2012. Under that Act, the rules are required to be tabled in the House of Representatives. The House of Representatives may, by resolution, disallow any rules. The Regulations Review Committee is the select committee responsible for considering rules under that Act.

Extent of consultation

In July 2016, Maritime New Zealand consulted, via its website, with the public on drafts of the proposed amendments to the Marine Protection Rules in accordance with the Act, including the expected costs and benefits. A notice regarding this consultation was placed in the New Zealand Gazette on 30 June 2016. The deadline for making a submission was 29 July 2016. No submissions were received.

Entry into force

These rules enter into force 1 November 2016

Part 100: Port Reception Facilities – Oil, Noxious Liquid Substances and Garbage

1 Part 100.2: Definitions

In rule 100.2, replace the definition of “Garbage” with:

“Garbage—

- (a) means all kinds of food waste, domestic waste, operational waste, plastic, cargo residue, incinerator ash, cooking oil, fishing gear, and any animal carcass generated during the normal operation of the ship and liable to be disposed of continuously or periodically; but
- (b) does not include—
 - (i) any substance that is defined or listed in any annex to MARPOL other than Annex V; or
 - (ii) fresh fish and parts of fresh fish generated as a result of fishing activity undertaken during a voyage, or as a result of aquaculture activity that involves the transport of fish including shellfish for placement in an aquaculture facility and the transport of harvested fish including shellfish from such facilities to shore for processing;”.

Part 102: Certificates of Insurance

2 Part 102: Part objective

In Part 102, replace the “Part objective” with:

“Part objective

A principal objective of Part 102 is to give effect to the following:

- New Zealand obligations and privileges under the 1992 Protocol to the International Convention on Civil Liability for Oil Pollution Damage, 1969 by requiring owners of oil tankers carrying more than 2,000 tons of oil in bulk as cargo, (regulated oil tankers), to hold insurance or financial security to cover potential liability for oil pollution damage;
- New Zealand obligations and privileges under the International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001 by requiring owners of ships of 1,000 gross tonnage and above to hold insurance cover for potential liability for the costs of cleaning up oil pollution or oil pollution damage from bunker oil (oil used on board ships for propulsion and other on board operations);
- national requirements for owners of ships of 400 gross tonnage and less than 1,000 gross tonnage to hold insurance for potential liability for the costs of cleaning up oil pollution costs and oil pollution damage from bunker oil and oil carried as cargo;
- national requirements for owners of offshore installations in New Zealand continental waters to hold insurance for potential liability for the costs of cleaning up oil pollution and oil pollution damage.

The basis for Part 102 is found in sections 363, 363A, 385H, 386, 387, and 390 of the Maritime Transport Act 1994.

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Part 103: Notifications – Oil and Noxious Liquid Substances

3 Part 103.6: Procedure for notifying of STS operations

- (a) In rule 103.6(2), replace “within 48 hours before the operation” with: “not less than 48 hours in advance of the operation beginning; and”.
- (b) In rule 103.6(3)(a)(i), replace “within 48 hours before the operation” with: “48 hours or more in advance of the operation beginning; and”.
- (c) In rule 103.6(3)(b), replace subrule (i) with: “not less than 48 hours in advance of the operation beginning; and”.

Part 121A: Ship Design and Construction – Oil Tankers

4 Rule 121A.9: Protection of cargo tank length

In rule 121A.9(5), replace “The Director may by,” with “The Director may, by”.

5 Rule 121A.21: Protection of cargo tank length

- (a) In rule 121A.21(7)(c)(ii), replace both occurrences of “OMB” with “O_{MB}”.
- (b) In rule 121A. 21(7)(e)(i), replace “PB” with “P_B”.

Part 150: Carriage of Cargoes – Harmful Substances Carried in Packaged Form

6 Part 150: Part objective

In Part 150, replace the “Part objective” with:

“Part objective

The purpose of Part 150 is to give effect to certain requirements in Protocol I and Annex III of MARPOL concerned with the prevention of pollution by harmful substances carried by sea in packaged form and reporting of occurrences involving harmful substances falling under the control of this Annex.

Other Annex III requirements – for packaging, marking, labelling and associated documentation, and on board stowage – are implemented by Part 24A: Carriage of Dangerous Goods through maritime rules giving effect to international standards for these matters found in the International Maritime Dangerous Goods Code for “marine pollutants” – a category encompassing “harmful substances” and “dangerous goods”.

The authority for Part 150 is found in sections 386 and 388 of the Maritime Transport Act 1994.

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Marine Protection Rules Various Amendments 2014

7 Amendment 29: “Rule 150.2: Definitions”

In the Marine Protection Rules Various Amendments 2014 made on 24 November 2014, delete amendment rule 29.

Summary of Submissions

These Marine Protection Rules Various Amendments 2016 were consulted on in conjunction with Maritime Rules Various Amendments 2016, as one package of rule amendments, between 30 June and 29 July 2016.

No submissions were received in relation to the proposed rules.