



IMO MEMBER STATE AUDIT SCHEME

AUDIT OF NEW ZEALAND

10 TO 19 SEPTEMBER 2022

FINAL REPORT

TABLE OF CONTENTS

| | | |
|----------------|---|----|
| 1 | Introduction | 3 |
| 2 | Background | 3 |
| 3 | Members of the Audit Team | 4 |
| 4 | Involved Officials from the Member State | 4 |
| 5 | Acknowledgement | 4 |
| 6 | Scope, objectives and activities of the Audit | 5 |
| 7 | Overview and general maritime activities of the State | 5 |
| 8 | Flag State activities | 12 |
| 9 | Coastal State activities | 21 |
| 10 | Port State activities | 27 |
| 11 | Comments | 31 |
| | <i>Areas of positive development</i> | 31 |
| | <i>Areas for further development</i> | 32 |
| APPENDICES | | |
| | Appendix 1 – Findings and observations | 33 |
| | Appendix 2 – Verification index | 48 |
| | Appendix 3 – Member State's corrective action plan | 55 |
| ANNEXES | | |
| | Annex 1 – Audit programme | 70 |
| | Annex 2 – Agenda and list of attendees to the opening meeting | 82 |
| | Annex 3 – Structure of the maritime administration | 84 |

1 Introduction

1.1 The IMO Member State Audit Scheme creates a basis to assess the extent to which a Member State complies with its obligations set out in the various IMO instruments to which it is a Party. In addition, the *IMO Instruments Implementation (III) Code* (resolution A.1070(28)) stipulates a number of principles a Member State should adhere to in order for its maritime administration to deliver on its obligations and responsibilities, with respect to maritime safety and protection of the marine environment, and to be capable of improving its performance in the discharge of its duties.

1.2 This report has been drafted in accordance with the *Framework and Procedures for the IMO Member State Audit Scheme* (resolution A.1067(28)).

1.3 The audit of New Zealand was undertaken from 10 to 19 September 2022 by three auditors drawn from Japan, Singapore and the IMO Secretariat. The scope of the audit included the flag, coastal and port State obligations of New Zealand in relation to the applicable IMO instruments to which it is a Party.

1.4 The audit team was appointed by IMO on 20 June 2022.

1.5 The pre-audit questionnaire (PAQ), and additional pre-audit information (based on the model in annex 3 of document C 125/6/1), as provided by New Zealand, were submitted to the audit team members on 3 August 2022. The PAQ and the additional pre-audit information are major documents for the preparatory work of the audit team prior to the audit.

1.6 The Memorandum of Cooperation (MoC) between New Zealand and IMO, concerning participation in the IMO Member State Audit Scheme, was signed on 7 April 2022.

1.7 The detailed audit timetable and programme regarding the audit of New Zealand was confirmed on 25 August 2022.

1.8 The opening meeting was held in Wellington on 12 September 2022. Those entities of the State that are involved in the implementation and enforcement of the provisions of the various mandatory IMO instruments and which were represented at the meeting were:

- .1 Ministry of Transport (MoT);
- .2 Ministry of Foreign Affairs and Trade (MFAT);
- .3 Ministry for the Environment (MFE);
- .4 Maritime New Zealand (MNZ);
- .5 Environmental Protection Authority (EPA);
- .6 Land Information New Zealand (LINZ);
- .7 Meteorological Service of New Zealand Limited (METSERVICE); and
- .8 Transport Accident Investigation Commission (TAIC).

1.9 The closing meeting was held on 19 September 2022 in Wellington.

1.10 This report provides a detailed account of the findings and the evidence on which the findings are based. Additional information on the findings, along with the corrective actions provided by the State can be found in the appendices to this report.

2 Background

2.1 The current audit of New Zealand was undertaken using fully the principles established under the *Framework and Procedures for the IMO Member State Audit Scheme*

and the III Code. This report sets out the outcome of this audit in the format adopted under section 7.2 of the Procedures for the Scheme.

3 Members of the Audit Team

| | | |
|----|-------------------------------------|-------------------|
| .1 | Mr. Kit Jam Chen (Singapore) | Audit Team Leader |
| .2 | Mr. Masashi Sugomori (Japan) | Audit Team Member |
| .3 | Mr. Aji Vasudevan (IMO Secretariat) | Audit Officer |

4 Involved Officials from the Member State

The officials who facilitated the conduct of the audit were:

- .1 Bronwyn Turley, Deputy Chief Executive, Ministry of Transport (MoT);
- .2 Megan Moffett, Manager, Regulatory Policy, Ministry of Transport (MoT);
- .3 Henry Jones, Senior Advisor (Regulatory Policy), Ministry of Transport (MoT);
- .4 Kirstie Hewlett, Chief Executive and Director, Maritime New Zealand (MNZ);
- .5 Peter Brunt, Deputy Chief Executive, Regulatory Frameworks (RF), Executive Leadership Team, Maritime New Zealand (MNZ);
- .6 Kenny Crawford, Deputy Chief Executive, Technical Advice and Support (TAS), Executive Leadership Team, Maritime New Zealand (MNZ);
- .7 Liam Brennan, Manager, Regulatory Policy, Regulatory Frameworks Group, Maritime New Zealand (MNZ);
- .8 Andrew Bell, Manager, International Engagement, Regulatory Frameworks Group, Maritime New Zealand (MNZ);
- .9 Renny VanderVelde, Manager, Response and Security, Response, Security, and Safety Systems, Maritime New Zealand (MNZ);
- .10 Scott Read, Deputy Manager, Marine Pollution Response Service, Technical Services, Response, Security, and Safety Systems, Maritime New Zealand (MNZ);
- .11 Justin Allan, Manager, Rescue Coordination Centre New Zealand and Safety Services, Response, Security, and Safety Systems, Maritime New Zealand (MNZ);
- .12 Martin Harper, Manager, Surface Investigations, Transportation Accident Investigation Commission (TAIC);
- .13 Rachel Gabara, Group Manager, Hydrography, Land Information New Zealand;
- .14 Chris Noble, Senior Meteorologist, Meteorological Service of New Zealand Limited (METSERVICE);
- .15 Julia Wiener, Policy Officer, Legal Division, Ministry of Foreign Affairs and Trade; and
- .16 Shea-Lee Phillips, Treaty Officer, Ministry of Foreign Affairs and Trade.

5 Acknowledgement

The auditors wish to express their considerable thanks to Maritime New Zealand and other entities of the State for their fullest cooperation during this audit. In particular, thanks are due to Mr. Michael Vredenburg, IMSAS Project Manager and the Single Point of Contact (SPC), for his efforts during the preparation for this audit and for its facilitation.

6 Scope, objectives and activities of the Audit

6.1 The Scope of the audit addressed flag, coastal and port State obligations of New Zealand.

6.2 The objectives of the audit were:

- .1 to determine the extent that New Zealand met the obligations imposed upon it through its adoption of the following applicable mandatory IMO instruments:
 - .1 the International Convention for the Safety of Life at Sea, 1974, as amended (SOLAS 1974);
 - .2 the Protocol of 1988 relating to the International Convention for the Safety of Life at Sea, 1974, as amended (SOLAS PROT 1988);
 - .3 the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, as amended (MARPOL 73/78);
 - .4 the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended (STCW 1978);
 - .5 the International Convention on Load Lines, 1966 (LL 1966);
 - .6 the Protocol of 1988 relating to the International Convention on Load Lines, 1966 (LL PROT 1988);
 - .7 the International Convention on Tonnage Measurement of Ships, 1969 (TONNAGE 1969); and
 - .8 the Convention on the International Regulations for Preventing Collisions at Sea, 1972, as amended (COLREG 1972); and
- .2 the effectiveness of the implementation of these objectives.

6.3 The audit was conducted using the programme set out at annex 1. The methodology used was to establish through a series of visits, interviews, examination of written records and databases, the objective evidence which would determine the extent to which the maritime administration achieved the objectives.

6.4 The programme followed a process which sought initially to determine the strategy for the implementation of the applicable IMO instruments, the review processes in place, and the arrangements for continual improvement. Following this, an examination of the national legislation in place and which provides the instruments with force of law was undertaken. The processes by which the State develops and makes known its interpretations, policies and instructions regarding these instruments, as well as the practical implementation of these arrangements were also reviewed.

6.5 An opening meeting was conducted on Monday, 12 September 2022 in Wellington, in accordance with the Procedures and agenda and list of attendees is attached as annex 2. At the closing meeting, which was held on Monday, 19 September 2022 in Wellington, a draft interim report was tabled to assist in focusing discussion and the next steps to be taken.

7 Overview and general maritime activities of the State

General

7.1 The maritime administration of New Zealand was divided between 10 entities. Annex 3 sets out in diagrammatic format the general structure of the entities involved.

7.2 The Ministry of Transport (MoT) of New Zealand was the principal entity responsible for the implementation of international transport treaties and the guardian of transport legislation within the State. The Maritime Transport Act 1994 (MTA 1994) was the primary maritime transport legislation, supplemented by other acts, rules and regulations. The maritime legislation was routinely updated through omnibus international amendment rules, in accordance with the latest international standards. The New Zealand Search and Rescue Secretariat (NZSAR) was also housed in MoT.

7.3 The Ministry of Foreign Affairs and Trade (MFAT) oversaw the process by which the State enters into or withdraws from international treaties.

7.4 Maritime New Zealand (MNZ) was the maritime regulator and the main maritime enforcement authority in the State. It also had devolved responsibility for updating maritime rules, which were also updated through omnibus changes designed specifically to be in line with the latest international standards. MNZ was headed by a Chief Executive Officer and reported to a Board. MNZ provided the national land, sea and air search and rescue (SAR) coordination service, maintained coastal navigation aids to shipping and led New Zealand's response to significant maritime incidents and emergencies, including oil spills.

7.5 The Ministry for the Environment (MFE) was the government's lead policy agency for environmental matters and was responsible for the Resource Management Act 1991 (RMA 1991) and the Exclusive Economic Zone and Continental Shelf (EEZ) Acts, both of which implement and enforce some aspects of MARPOL.

7.6 The Environmental Protection Authority (EPA) was the regulatory agency responsible for environmental protection in the Exclusive Economic Zone and Continental Shelf (only). EPA also monitored compliance, carried out enforcement and promoted public awareness of the requirements of the EEZ Act and associated regulations, including the packaging of regulations for environmentally harmful goods. EPA's remit also did not extend beyond oil and gas installations.

7.7 The Transport Accident Investigation Commission (TAIC) was responsible for determining the circumstances and causes of selected aviation, marine and rail accidents, and incidents with a view to avoiding similar occurrences in the future, rather than ascribing blame to any person. TAIC was also responsible for undertaking marine safety investigations and conducting inquiries into transport accidents and incidents if there were significant implications for transport safety or that the findings or recommendations might increase transport safety.

7.8 Land Information New Zealand (LINZ) was the Government's main agency responsible for property and location information, Crown property and managing overseas investment working across land, sea, data and regulatory areas. LINZ was also responsible for conducting surveys and mapping of the sea floor and coastline and charted the sea areas from the Southwest Pacific to the Antarctic.

7.9 Worksafe was the primary workplace health and safety regulator for workplace safety, which included work carried out in ports. MNZ was the designated health and safety regulator for ships and ships to shore procedures.

7.10 MetService, a State-owned enterprise, was the national weather authority and designated representative to the World Meteorological Organization, providing 24/7 comprehensive weather services. MetService provided marine forecasts which included warnings of gales, storms, and cyclones for sea areas of responsibility and warnings and forecasts for coastal State waters.

7.11 Regional councils carried a certain level of maritime responsibilities within the State, such as harbour navigation, safety and prevention of oil spills and other marine pollution, in coordination with other agencies such as MNZ, MFE and EPA.

7.12 The office for Radiation Safety, which was a part of the Ministry of Health, administered the Radiation Safety Act (2016) and regulated the packaging and transportation of radioactive cargoes within the State.

7.13 MTA 1994 set out the roles and functions of the maritime administration and described the broad principles of maritime law that applied to waters under the jurisdiction of the State. It also provided for the Minister of Transport to make maritime and marine environmental protection rules detailing specific standards and procedures.

Strategy

7.14 MoT had developed an overall primary policy and strategic oversight of the maritime sector. Under the Government's regulatory stewardship obligations, MoT was required to monitor, review and report on regulatory systems. The transport regulatory stewardship plan (2019-2022) outlined how the transport sector worked together to ensure effective stewardship of the transport regulatory system. IMO treaty obligations were implemented as part of the State's regulatory stewardship obligations stemming from the mandatory IMO instruments.

7.15 The Minister of Transport would express his/her expectations to the Board through an annual Letter of Expectations (LoE), and the entity's strategy and intended actions were expressed through the Statement of Intent (SoI) and Statement of Performance Expectations (SPE). Each entity had to produce a SOI and SPE, which were intended to help the Board as it developed and implemented its strategic plan. MNZ was the designated authority in the maritime sector and developed SOI and SPE based on LoE from the Minister of Transport.

7.16 The current SOI developed by MNZ was for the period 2021 to 2025. MNZ's strategic framework included the vision, key goals and strategic pivots, and the broad work programme to deliver the outcome of a safe, secure, and clean maritime environment. A methodology was in place to monitor and assess the implementation of SoI, and an SPE was prepared every year. To meet the maritime treaty obligations by the State, the strategic objectives for international engagement in support of its vision and mission were also documented in the strategy for MNZ's international engagement (2018 to 2023).

7.17 In addition to MoT, other State entities, such as the Ministry for the Environment, LINZ and regional councils were also associated with the implementation and enforcement of the mandatory IMO instruments. The State, however, could not demonstrate that entities such as Ministry for the Environment, EPA, regional councils, and LINZ were associated with the development and review of the strategy for implementation of the mandatory IMO instruments. Whilst each individual agency had well developed strategies, the State did not have an overarching strategy for implementing the mandatory IMO instruments. (See OB-1)

Legislation

7.18 The primary legislative framework that gave effect to the mandatory IMO instruments were:

- .1 MTA 1994, which contained the statutory framework to give full and complete effect to most aspects of the mandatory IMO instruments;

- .2 RMA 1991, which regulated discharges into the marine environment within the internal waters and territorial sea;
- .3 TAIC Act 1990, which gave effect to the requirements of the mandatory IMO instruments for conducting marine safety investigation, and established the Commission responsible for marine safety investigations; and
- .4 Meteorological Services Act 1990, which required the Minister of Transport to ensure the provision of a meteorological forecast and warning service.

7.19 MTA 1994 covered maritime safety and protection of the marine environment areas, including:

- .1 licensing of ships and crew;
- .2 investigation of maritime accidents;
- .3 offences, response for oil spills planning and preparedness; and
- .4 other aspects of maritime law such as salvage, liability for pollution damage, limitation of liability, and compensation.

7.20 MTA 1994 authorized the Minister of Transport and Governor General to make maritime and marine protection rules. While MTA 1994 stipulated broad principles of maritime law, the rules contained detailed technical standards and procedures. Failure to comply with the rules was an offence under the Act, with corresponding penalties set out in the regulations. MoT was responsible for administering this legislation and for making recommendations to the Government if it needed to be improved or changed in any way.

7.21 New Zealand's marine environment protection was managed by RMA 1991, administered by the Ministry for the Environment. Discharges from ships and offshore installations within territorial waters and regional coastal plans and marine pollution regulations were developed under this act. Monitoring and enforcement in ports, harbours, and waters in their regions were carried out by regional councils. The regional councils also managed permit applications for dumping of waste at sea within this zone.

7.22 The processes for becoming a Party to the mandatory IMO instruments, their incorporation into national law and effective implementation were prescribed. As a ready reference document for relevant entities in the State, these processes were compiled into a booklet form by MFAT. In summary, such processes would require the main government agency related to the instrument/treaty to prepare a cabinet paper in conjunction with a national interest analysis (NIA), after appropriate stakeholder consultation. Upon approval by the Cabinet, the treaty and NIA were presented to the House of Representatives. A select committee considered the treaty and NIA and reported back to the House. The House would debate the report of the select committee and take a decision. After confirming that domestic procedures had been completed, including institutional and funding arrangements, procedures and guidance were in place, formal documents were exchanged to bring the treaty into force for the State.

7.23 MNZ undertook a regular review to identify relevant amendments to conventions that needed to be incorporated into State legislation and rules. This was achieved for multiple maritime/marine protection rules simultaneously by way of an omnibus rules amendment process. The omnibus rules were signed by the Minister of Transport and tabled in the House of Representatives, who could disallow any rules. The omnibus rules system enabled the State

to transpose and implement amendments from international treaties into national law expeditiously.

7.24 The State had generally transposed the mandatory IMO instruments into the national laws, however, the State had not transposed the amendments to SOLAS 1974, adopted by resolutions MSC.436(99) and MSC.437(99), into national legislation, which entered into force on 1 January 2020. (See FD-1)

7.25 Effective implementation and enforcement of the primary and secondary maritime legislation were monitored and assessed as part of the administering agencies' operational strategies and performance expectations, as well as through the reporting requirements that applied to all government departments and Crown entities.

7.26 The national legislation captured various reporting obligations and communication requirements to IMO under the mandatory IMO instruments and MNZ was the entity responsible for forwarding the reports. However, at the time of the audit, it was noted that there was no system in place to ascertain and implement various reporting requirements under the mandatory IMO instruments. It was also observed that the State had not fulfilled some of its obligations regarding communication of information to IMO under the mandatory IMO instruments, for example information on text of laws and regulations, specimen of statutory certificates, and information on recognition of certificates of competence. (See FD-2)

Records and improvement

7.27 The Public Records Act 2005 (PRA 2005) established a regulatory framework for information and records management across the public sector. PRA 2005 set out obligations for assisting public offices and local authorities in creating, maintaining, transferring and disposing of records. PRA 2005 also covered access to information and records.

7.28 Under Section 17 of PRA 2005, every public office and local authority had to create and maintain full and accurate records of its affairs, in line with normal prudent business practice. In addition, every public office had to maintain in an accessible form, so as to be able to use subsequent reference, all public records or all protected records that were in its control, until their disposal was authorised.

7.29 At the time of the audit, it was noted that no one person could dispose of, or authorise the disposal of, public records or protected records except with the authority of the Chief Archivist, unless the disposal of a public record or protected record was required by or under another act. In addition, PRSA 2005 set out requirements for the mandatory transfer of public records (of more than 25 years), adequate protection and preservation of a protected record, requirement to classify access status and public inspection of open access records, etc.

7.30 MNZ was subject to the PRA 2005 whereby its record retention and disposal was controlled by Disposal Authorities (DAs) issued by the Chief Archivist, Archives New Zealand. DAs also specified how long records must be kept and the fate of records once retention periods had expired.

7.31 In addition, regional councils gathered information, monitored and kept records under Section 35 of RMA 1991, while the Environmental Protection Authority kept records under Section 17 of the EEZ Act. TAIC had a comprehensive records retention and disposal scheme, whereby records of inquiries into marine incidents were retained for 10 years and then transferred to Archives New Zealand to be retained as public archives.

7.32 Under Section 34 of PRA 2005, the Minister commissioned an independent audit of the recordkeeping practices of the Chief Archivist at intervals of not less than five and not more than 10 years after the date of the previous audit. The audit should cover the aspects of recordkeeping practices specified for the purpose of the audit by the Minister; and be based on criteria specified by the Minister on the advice of the archive's council.

7.33 MoT monitored the wider transport system comprising four Crown entities: MNZ, TAIC, Civil Aviation Authority and New Zealand Transport Agency. The Crown entity Boards governed these entities and were responsible for setting their strategic and performance objectives and for ensuring that the entities act in a manner consistent with their statutory obligations and ministerial expectations. The Minister of Transport maintained an output agreement, which covered expectations and responsibilities of MNZ. Every year, MoT held an interactive board forum event which was attended by board members from the four entities for the purpose of discussing issues of interest across the portfolio and to hear the views of board members. These typically occurred in the third quarter of the calendar year.

7.34 A system was in place to stimulate maritime culture which included sector engagement initiatives, such as monthly industry forums, meetings with various key stakeholder groups, regular conferences with stakeholder associations covering key industry developments and innovation and presentations by MNZ on regulatory matters.

7.35 There were also efforts to enhance training matters, such as partnering with MarineSafe which provided video-based training programmes for the domestic maritime industry and involving maritime staff to review scripts and appearing in the training videos. In addition, MNZ had adopted incentive mechanisms under the maritime operator safety system framework to reward operators with good safety records and low risk profiles and, as a result, they would be audited less frequently.

7.36 MNZ issued bulletins and guidance on key safety and environmental issues, including learning and innovative practices in its monthly electronic newsletter and was working on developing a "case notes" system to further disseminate learnings. As an example, New Zealand Ports and Harbours Marine Safety Code (PHMSC) was created to assist port operators and regional councils. PHMSC enabled MNZ to work together to manage safety of marine activities in ports and harbours by providing a voluntary standard to support national and local legislation. PHMSC issued guidance on areas of interest to port operators and harbour masters. Annual seminars were also held to update recognized surveyors on key developments, share good practices, and provide an opportunity for them to raise issues of concern with MNZ.

7.37 Findings (FD)

- .1 The transposition of amendments to SOLAS 1974 had not been carried out in a timely manner by the State. Specifically, amendments to chapters II-1 and IV of SOLAS that came into force 2020 had not been transposed into national law (SOLAS 1974, article I; III Code, paragraph 8.1). See Form A, FD-1**

Corrective action

The following actions will be implemented:

- .1 MNZ will introduce omnibus international amendment rules that will align New Zealand's maritime legislation with the**

latest international standards, including the amendments identified in this finding in 2023, with entry into force in 2024;

- .2 MNZ has also created a new regulatory policy team, which will contribute to better resourcing the process of transposing amendments to the mandatory IMO instruments into national maritime legislation; and
- .3 MNZ will also implement procedures and seek to develop a digital platform that will identify all current and future international obligations in advance by the international engagement team and ensure that these are registered with the regulatory policy teams. These procedures will include active tracking, monitoring and recording of decisions on both mandatory and non-mandatory outputs to enable appropriate transparency, discoverability and visibility of actions taken against all IMO outputs.

Target completion date: 31 December 2025

Root cause

Inadequate resourcing dedicated to updating New Zealand's maritime legislation and poor record keeping of upcoming and outstanding amendments to the mandatory IMO instruments created a backlog of required changes to New Zealand's maritime legislation.

FD

- .2 The State has not fulfilled some of the obligations regarding communication of information to IMO under the mandatory IMO instruments (SOLAS 1974, article III; STCW 1978, article IV; Ill Code, paragraph 9). See Form A, FD-2

Corrective action

The following actions will be implemented:

- .1 MNZ will design and implement processes and systems that will identify all current international reporting obligations under the mandatory IMO instruments, as well as anticipate future reporting obligations, and integrate them as part of our regular IMO reporting process in a consistent and timely manner; and
- .2 responsibilities for ensuring that reporting obligations to IMO are fulfilled will be assigned and there will be procedures to actively track, monitor and record such reporting to ensure that the reporting obligations are met.

Target completion date: 31 December 2025

Root cause

Lapses in MNZ processes and a lack of clear allocations of responsibility has resulted in some specific reporting obligations to the IMO not being implemented.

7.38 Observation

- .1 Although the State had a strategic framework, it did not fully comply with paragraph 3 of the III Code towards a comprehensive overall strategy to ensure that all its obligations and responsibilities under the mandatory IMO instruments were met (III Code, paragraph 3). See Form A, OB-1.**

Corrective action

New Zealand will develop a collective picture outlining the State's obligations and responsibilities under the mandatory IMO instruments, while undertaking a review of the State's primary maritime legislation that will ensure New Zealand maintains alignment with the mandatory IMO instruments. This will help to form an overall strategy ensuring that New Zealand's obligations and responsibilities under the mandatory IMO instruments, including the III Code are met.

Target completion date: 31 July 2026

Root cause

Development of a strategy for ensuring that New Zealand's responsibilities and obligations are implemented has not been prioritised given the desire to respond to other government policy directions.

8 Flag State activities

8.1 Maritime New Zealand (MNZ) was responsible for all flag State activities within the State.

8.2 The State had promulgated national legislation to facilitate the transposition and implementation of the mandatory IMO instruments and issued appropriate guidance for implementation and enforcement of these requirements. The Maritime Transport Act 1994 (MTA 1994) was the primary maritime law and was supported by secondary legislation, such as the Maritime Rules and Marine Protection Rules (from Part 19 to Part 300) to discharge the responsibilities and obligations under the mandatory IMO instruments.

8.3 At the time of the audit, the Administration had 177 passenger ships and 17 cargo ships flying the flag of the State. However, these ships were not engaged in international voyages. MTA 1994 empowered 16 local authorities (12 regional councils and four territorial authorities) to regulate maritime safety and other maritime-related activities in ports, harbours, and waters in their regions. Local authorities were granted authority to develop bylaws to implement and enforce these provisions. The Director of MNZ had the authority to inspect or audit commercial ports in the interests of ensuring maritime safety or preventing marine pollution in port areas.

Implementation

8.4 Powers for granting dispensation or exemptions from the requirements of the mandatory IMO instruments were vested with the Director of MNZ under Section 40AA to 40 AC (for maritime safety) and Section 395 (for marine protection) of MTA 1994. The Administration had a documented policy and guidelines for granting exemptions from maritime and marine protection rules. This procedure was followed while granting exemptions and the exemptions granted by the Administration to ships flying the flag of the State had been communicated to IMO.

8.5 Maritime Rules Part 48 covered tonnage measurement in compliance with TONNAGE 1969. Tonnage of ships of less than 24 metres in length were not measured.

8.6 Under Section 54 of MTA 1994, the Director of MNZ was authorised to request an audit of any maritime operator system or product at any time. The audits of ships and companies under the ISM Code were carried out only by the Administration. MNZ auditors/inspectors audited ships' ISM and other safety systems through an audit programme whereby safety management systems of shipping companies were audited annually, and their ships were audited twice over a period of five years.

8.7 At the time of the audit, the Administration had communicated information pursuant to article IV and regulation I/7 of STCW 1978 to IMO and the Maritime Safety Committee (MSC) had confirmed that the State had given full and complete effect to the provisions of STCW 1978. The Administration had not adopted any other equivalent educational and training arrangements for seafarers. The Administration recognized certificates issued by 27 countries in accordance with regulation I/10, and agreements were in place with these countries. However, reports on the measures taken by the Administration to ensure compliance with regulation I/10 had not been submitted to IMO. It was noted that the Administration did not employ seafarers holding alternative certificates issued under regulation VII/1 on ships entitled to fly its flag. The last report of independent evaluation pursuant to regulation I/8 was sent to IMO in March 2019 which contained the implementation of 2010 amendments to STCW 1978, however, the report has not yet been approved by MSC. The Administration did not issue any dispensation, and reports related to dispensations issued during each year were not communicated to IMO. The Administration had established measures to enforce fatigue prevention and for the prevention of drug and alcohol abuse on board ships through Maritime Rules Part 31. The Administration also ensured that safe continuous watches appropriate to prevailing circumstances and conditions were maintained in all seagoing ships at all times.

8.8 When new requirements were introduced or amended, MNZ developed an implementation plan that included the preparation of guidance for regulated parties. The service design unit developed criteria for those areas left to the satisfaction of the Administration, and these criteria were then included in the guidance and training material for MNZ staff and the industry. MNZ published a range of accessible guidance to the Maritime Rules aimed at the New Zealand audience. IMO guidance was also promulgated through "incorporation by reference" into the relevant Rules. Where obligations were discretionary, this was cast in specific legal provisions under the relevant Rules and explained in guidance material. The guidelines and administrative instructions developed by the Administration to implement the provisions of the mandatory IMO instruments were accessible through the MNZ webpage.

8.9 The Maritime Rules Part 42A and Part 42B prescribed that all New Zealand commercial ships must be equipped with lifesaving appliances and fire-fighting appliances. These appliances were required to meet the applicable performance standards, as set out in

the Rules, and had an approval certificate or a statement of acceptance issued by MNZ or approved by another maritime administration or authority approved by the Director.

8.10 With regard to those requirements that are left to the satisfaction of the Administration, such areas were left to the satisfaction of the Director, in accordance with the provisions of the Maritime Rules Part 40B. There were gaps in fulfilling the obligations since some of the obligations were yet to be fulfilled by MNZ. This shortcoming had been recognized by MNZ and this area was being strengthened. (See FD-3)

8.11 The requirements for minimum safe manning of ships within the State were set out in the Maritime Rules Part 31. Requirements to implement SOLAS 1974, regulation V/14 and the principles of safe manning, set out in resolution A.1047(27), were covered in these rules. Similarly, manning scales for different categories of ships and crew qualifications were prescribed in a tabular form. All ship operators were required to develop and submit a minimum safe crewing plan to MNZ for approval. These plans were then assessed against the requirements in the existing rules and a minimum safe crewing document was issued.

8.12 The carriage requirements for Global Maritime Distress and Safety System (GMDSS) installations were set out in the Maritime Rules 40 series (design, construction and equipment). In national legislation, including Maritime Rules 40 series, sea areas A1 and A2 had not been established as required under SOLAS 1974, regulation IV/2. In conjunction with the issues mentioned above, national legislation had not provided any carriage requirement for NAVTEX or any other instrument which were capable of receiving maritime safety information (MSI) and SAR-related information for ships operating within sea areas A1 and A2 in accordance with SOLAS 1974, regulation IV/7. In addition, there was no evidence that the Administration had determined how the provisions listed in SOLAS 1974, regulation V/1.4 were applied to ships below 150GT on any voyages, ships below 500GT not engaged on international voyages, and fishing vessels. (See FD-3)

Delegation of authority

8.13 The Administration had delegated authority to the following recognized organizations (ROs) to carry out statutory functions under the mandatory IMO instruments:

- .1 American Bureau of Shipping;
- .2 Nippon Kaiji Kyokai;
- .3 Det Norske Veritas;
- .4 Bureau Veritas; and
- .5 Lloyd's Register.

8.14 Authorisations for the ROs to carry out statutory functions on behalf of the Administration were given effect through an instrument of delegation granted by the Director, pursuant to section 444(2) of MTA 1994. Formal instruments of delegation were verified during the audit for all five ROs.

8.15 Statutory services rendered and certificates issued by an RO under delegation of authority would be accepted by MNZ, as services rendered or certificates issued by the Director, provided these were undertaken in accordance with the delegation and applicable provisions of the RO Code. Delegation was issued for a specified period (but no more than five years) and could be revoked or withdrawn at the discretion of the Director.

8.16 During the audit, no objective evidence could be provided to demonstrate that the duty of the Administration to determine whether the ROs being recognized had adequate

resources, in accordance with the RO Code, had been exercised prior to signing of the instruments of delegation. (See FD-4)

8.17 In addition, it could not be verified whether the Administration had issued specific instructions detailing actions to be followed by ROs, in the event that a ship was found unfit to proceed to sea without danger to the ship or persons on board, or an unreasonable threat of harm to the marine environment. (See FD-4)

8.18 Apart from ROs, the Administration had recognized surveyors, radio surveyors, and authorized persons performing functions for the Administration under the mandatory IMO instruments. Part 44 of the Maritime Rules prescribed the recognition requirements, processes, proficiency requirements and maximum duration of recognition. The performance of nominated surveyors could be monitored through audits conducted under section 54 of MTA 1994, however, there was no evidence that these had been carried out on any nominated surveyors nor had an oversight programme been established. A recognition of nominated surveyors was for a five-year period and their competency and suitability were reassessed before renewal.

8.19 At the time of the audit, it was established that MNZ had not established an oversight programme, with adequate resources to exercise effective oversight of its ROs or nominated surveyors to ensure international obligations of the Administration were fully met. (See FD-4)

Enforcement

8.20 Sections 54 and 396 of MTA 1994 and the Maritime Rules Part 46 authorized the Director of MNZ to carry out inspections for the purpose of flag State control, and Sections 55, 101A, 101B, and 397 of MTA 1994 provided enforcement powers to support the process. To implement these provisions, MNZ developed a flag State control inspection policy, issued in December 2009, as well as a flag State inspection procedure and aide-memoire and flag State inspection checklist.

8.21 Sections 66 to 69A of MTA 1994 contained the offences that prohibited ships from proceeding to sea without complying with the mandatory IMO instruments.

8.22 Sections 54 and 396 of MTA 1994 provided for flag State inspections and audits. The Administration had established a policy for conducting flag State inspections which prescribed the selection and frequency criteria for inspections. Inspection procedures were documented in the flag State control inspection procedure and flag State inspection checklist. Flag State inspections of ships were carried once every year and a plan was available for inspections during the current year. A sample report and interview with flag surveyors indicated that the condition of the ship, safe manning of ships, crew certificates and emergency preparedness of the crew were verified during such inspections.

8.23 Maritime (Offences) Regulations 1998 and Marine Protection (Offences) Regulations 1998 prescribed maximum penalties and infringements for offences for individuals and body corporates, which included individuals holding certificates and endorsements issued by the Administration. According to sections 4(4) and 415 of MTA 1994, proceedings against violators could be instituted irrespective of the location where the violation has occurred. The penalties listed in the rules were of adequate severity to discourage violations.

8.24 The Administration had a programme to maintain and analyse data on flag State inspections, marine casualty data and reports received from other sources on ships flying the flag of the State. All statistical data collated in these areas were maintained in electronic form.

8.25 In cases of non-compliance with the mandatory IMO instruments by ships flying the flag of the State, MNZ routinely issued non-conformities. It maintained a record of issue and rectification of non-conformities under ISM, deficiencies under other conventions reported through annual flag State inspections and detention reports of ships flying the flag of the State.

8.26 At the time of the audit, there was no formalised standing procedure for following-up on detentions, however MNZ flag State policy was being reviewed and procedures would be amended, as appropriate, to provide clear instructions for compliance and for staff to follow, in the event of detention or other adverse interactions with other coastal and port State authorities. (See FD-5)

Flag State surveyors

8.27 MNZ maritime officers, including flag State control officers (FSCO) and port State control officers (PSCO), who performed surveys, inspections and audits on ships and companies, marine investigations and certification of seafarers were required to have their qualifications as recommended in paragraph 29 of the III Code.

8.28 The recruitment process, led by the relevant Deputy Compliance/Compliance Managers, specified the prescribed criteria for the role before recruitment commenced.

8.29 At the time of the audit, the Administration had six flag State surveyors to conduct flag State inspections. They were located at five field offices/ports and travelled to other ports/locations on a case-by-case basis. Since there were very few ships engaged in international voyages, port State detentions of ships flying the flag of the State in other jurisdictions were dealt with on a case-by-case basis.

8.30 Regarding technical training, new maritime officers were required to attend structured technical training programmes to enable them to perform their functions effectively. The structured training programmes consisted of on-the-job training (OJT), continuous training and updating of knowledge, and specialist training.

8.31 During the audit, it was observed that the State had not defined or documented the responsibilities, authority and interrelation of all personnel who manage, perform and verify work relating to and affecting safety and pollution prevention.

8.32 It was further noted that the Administration had not implemented a documented system for the continuous updating of the knowledge of the flag State surveyors with regard to the tasks they were authorized to undertake. (See FD-6)

Evaluation and review

8.33 The evaluation of the Administration's performance in meeting the requirements of the mandatory IMO instruments was performed on an annual basis. The measurement of MNZ's performance was set out in the Statement of Intent (SOI) and the annual Statement of Performance Expectations (SPE). MNZ reported periodical reports on its performance against the criteria set out in the Statement of Performance Expectations and Statement of Intent.

8.34 SPE prepared by MNZ contained quantitative measures of the Administration's performance. It included flag State areas such as annual flag State control inspections, inspection and oversight of domestic commercial operators and ships, and the percentage of serious or very serious marine casualties involving SOLAS ships. SPE was submitted to MoT by MNZ once every year.

Investigation of maritime accidents

8.35 MNZ was responsible for investigating and reviewing all maritime transport accidents and incidents as documented under section 431 of MTA. Under Section 57 of MTA, the Director of MNZ was authorized to independently investigate accidents and incidents. The State Sector Act 1988 and guidelines required any conflicts of interest to be declared and considered.

8.36 The Transport Accident Investigation Commission (TAIC) investigated maritime transport accidents subject to TAIC Act and Commissions of Inquiry Act 1908. TAIC was a standing commission of inquiry. It was part of the transport sector but completely independent of other public sector organizations, and the executive Government, in the conduct of its inquiries. TAIC comprised four members (Commissioners) appointed by the Governor General on the recommendation of the Minister of Transport. The principal purpose of TAIC was to determine the circumstances and causes of accidents and incidents with a view to avoiding similar occurrences in the future rather than to ascribe blame to any person. TAIC inquiry reports were only recommendatory in nature.

8.37 All accidents, incidents and mishaps were required to be reported in accordance with Section 31 of MTA. These were defined in MTA and advice was provided on MNZ reporting forms. MNZ could be notified of an "event" which would then be investigated or similarly, MNZ would identify an event through its own intelligence or other MNZ action.

8.38 At the time of the audit, it was noted that TAIC and MNZ had a triage process to determine which accidents were to be investigated. As required by section 60 of MTA, MNZ notified TAIC of every marine accident and incident notification. All notifications were assessed by the regional Deputy Compliance Managers of MNZ, as well as the TAIC Chief Investigator of Accidents. They were triaged against a matrix and assigned a priority rating. This determined which accidents were investigated.

8.39 In accordance with its principal purpose, TAIC would open an inquiry into a marine accident or incident when it believed lessons or recommendations to help improve transport safety might come from the inquiry. TAIC's legal framework and working practices were designed to be consistent with international obligations and standards for safety focused investigations of significant transport accidents or incidents as set out in the Casualty Investigation Code. TAIC's decision making guide set out some of the relevant factors to consider when deciding whether to open an inquiry. One of the factors considered in the decision-making guide was whether the occurrence was required to be investigated under the Casualty Investigation Code. In addition, TAIC was responsible for implementing SOLAS 1974 and the Casualty Investigation Code, and submitting accidents to IMO through the Global Integrated Shipping Information System (GISIS). During the interviews with TAIC and MNZ, it was stated that the Administration did not identify or list external expertise readily accessible for the conduct of marine safety investigations of the State. (See OB-2)

8.40 MNZ maintained a Regulatory Management Information System ('Triton'), which was one of MNZ's core systems that supported its regulatory functions. TAIC's website contained a comprehensive database of all open investigations and all reports that had been published. MNZ also published in open data form of all maritime incidents, accidents and mishaps on its website for a period of six-months.

8.41 At the time of the audit, the Casualty Investigation Code had not been transposed into the process of conducting marine safety investigations within the State. In addition, the procedures for conducting marine safety investigations by the Administration did not include the requirements of the Code, and the procedures did not differentiate between types of accidents (e.g. serious and very serious marine casualties). (See FD-7)

8.42 Findings (FDs)

- .1 The Administration had not established resources and processes capable of administering a safety and environmental protection programme, which includes:
 - .1 administrative instructions to effectively implement the mandatory IMO instruments and their amendments to which the State is Party; and
 - .2 provisions to address those requirements that are left "to the satisfaction of the Administration" and criteria for type approval of materials and equipment as required in the mandatory IMO instruments

(SOLAS 1974, regulation II-1/3-6; SOLAS 1974, regulation V/1.4; MARPOL, Annex I, regulation 14.3; III Code, paragraph 16.1; III Code, paragraph 16.5). See Form A, FD-3

Corrective action

The following actions will be implemented:

- .1 MNZ has established a dedicated operational policy team and will develop a range of new policy frameworks and work programmes to build our capability around operational policy and practice as part of MNZ's evolving organizational strategy; and
- .2 MNZ will develop processes and systems that ensure all IMO obligations are identified and are transposed into domestic rules and other instruments in a manner that provides clear guidance to operational teams in instances where the obligation allows for discretion.

Target completion date: 31 December 2025

Root cause

Inadequate resourcing and a lack of prioritisation in developing operational policy to give effect to IMO obligations caused that MNZ failed to develop the necessary rules and operational policies around how to effectively implement a number of the mandatory IMO instruments, including provisions for which there is discretion.

FD

- .2 There was no evidence that the Administration had:
 - .1 determined that the RO had adequate resources in term of technical, managerial and research capabilities;

- .2 issued specific instructions to ROs detailing actions to be followed in the event a ship is found unfit to proceed to sea; and**
- .3 established or participated in an oversight programme with adequate resources for monitoring of, and communication with, its ROs and nominated surveyors**

(SOLAS 1974, regulation XI-1/1; RO Code, part 2, section 8; III Code, paragraph 18.1 ; III Code, paragraph 18.3; III Code, paragraph 20). See Form A, FD-4

Corrective action

A forthcoming review of MNZ’s funding arrangements will include consideration of the capacity and capability needed to provide for proper third-party oversight. Following identification and allocation of sufficient resources, the specific gaps identified in the finding will be addressed to ensure a system is established that provides ongoing monitoring of third parties.

Target completion date: 31 December 2025

Root cause

The specific finding arises from a lack of adequate resourcing for third-party monitoring and oversight by MNZ. MNZ has authorised over 250 third parties to variously perform 23 different regulatory functions but has to date not had adequate resources to take a systematised and comprehensive oversight approach. This has led to inconsistencies and gaps in oversight of, support for and instructions to third parties; including those identified in this finding.

FD

- .3 In case of detention of a ship entitled to fly the flag of the State, the Administration did not ensure that appropriate corrective measures were taken to bring the ship in question into immediate compliance with the applicable international instruments (III Code, paragraph 25). See Form A, FD-5**

Corrective action

MNZ has established a new Maritime Inspection team with a dedicated and ongoing focus on flag State Control. MNZ will develop operational practice, processes and systems to ensure that the flag State work of the newly established team will reflect and give full effect to our IMO obligations, including those identified in this finding, and have in-built quality assurance and reporting elements as part of MNZ’s Operational Policy and Practice Framework.

Target completion date: 31 December 2025

Root cause

A lack of focused resourcing on flag State control led to a failure to take a systematised and comprehensive oversight approach on MNZ's flag State responsibilities, including documenting and fully assuring processes for following up on New Zealand ships detained overseas, which is ultimately a rare occurrence given the size of the New Zealand fleet.

FD

- .4 The Administration had not defined or documented the responsibilities, authority and interrelation of all personnel who managed, performed and verified work relating to, and affecting safety and pollution prevention. There was no evidence available for a documented system for qualification of surveyors and continuous updating of their knowledge as appropriate to the tasks they are authorized to undertake (III Code, paragraph 28; III Code paragraph 35). See Form A, FD-6.**

Corrective action

With the establishment of a new Maritime Inspection team, MNZ has developed the necessary position descriptions and mandate to identify the various roles and responsibilities of personnel within the organisation that manage, perform and verify flag State obligations. MNZ will develop a documentation system to ensure the continuous updating of the knowledge of the flag State surveyors with regard to the tasks they were authorized to undertake.

Target completion date: 31 December 2025

Root cause

A lack of focused resourcing on flag State control, including adequate third-party monitoring by MNZ, led to a failure to take a systematised and comprehensive oversight approach on MNZ's flag State and port State responsibilities, which included a failure to adequately document roles and responsibilities in MNZ and amongst third parties.

FD

- .5 The mandatory requirements of the Casualty Investigation Code had not been included into the procedures established by the Administration for conducting marine safety investigations (SOLAS 1974, regulation I/21; SOLAS 1974, regulation XI-1/6; Casualty Investigation Code, paragraph 1.3 ; III Code, paragraph 41). See Form A, FD-7**

Corrective action

The processes and procedures for conducting marine safety investigations have been reviewed and updated.

Target completion date: 31 December 2024

Root cause

The Casualty Investigation Code has not been transposed into New Zealand's domestic process of conducting marine safety investigations. Specifically, the process did not explicitly require marine safety investigation into every very serious marine casualty involving a New Zealand-registered convention-size ships.

8.43 Observation

- .1 The Administration did not ensure ready access to expertise, in specific areas, in the conduct of marine safety investigations (III Code, paragraph 39). See Form A, OB-2**

Corrective action

TAIC has added a Maritime Contact Database to its Investigation Systems Map. The Investigation Systems Map is TAIC's repository for all Investigation policy, processes, tools and guidelines.

Target completion date: Completed

Root cause

No central database was available within TAIC's Investigation Systems Map that could compile the contact information of experts consulted by the Commission for its marine inquiries.

9 Coastal State activities

Implementation

9.1 The entities responsible for coastal State functions in the State were MNZ, MetService, Land Information New Zealand (LINZ) and Marine Pollution Response Service (MPRS). MNZ had the overall responsibility for coordination between these entities in performing their functions.

9.2 The provisions of the mandatory IMO instruments under the coastal State obligations were implemented through the powers under MTA 1994 and the agreements signed by MNZ with MetService and LINZ. MNZ provided radiocommunication services, search and rescue services and aids to navigation under the authority of MTA 1994. MetService was responsible for meteorological warnings to ships and LINZ was responsible to provide hydrographic services. MPRS was the agency established by the State, responsible for maintaining and developing the State's readiness to respond to marine oil spills. These entities had developed and implemented policies to assist the implementation and enforcement of the mandatory IMO instruments related to in their respective functions.

Radiocommunication services

9.3 Under section 431(1)(e) of MTA, Maritime New Zealand (MNZ) was responsible for providing appropriate distress and safety radio communication systems and navigational aids for shipping for both the New Zealand Search and Rescue Region (NZSRR) and NAVAREA XIV. These services were primarily provided by Kordia via the National Maritime Distress and Safety Radio Service (NMDSCS). NMDSCS services included a 24/7 maritime

operations centre (MOC), reception of distress calls on medium frequency (MF), high frequency (HF) and very high frequency (VHF, Channel 16 only). MOC also disseminated maritime safety information (MSI) through Inmarsat EGC and radiotelephony via VHF channel 16 and managed general communication.

9.4 MOC provided MSI and SAR related information in text format only via Inmarsat EGC as NAVAREA/METAREA XIV coordinator. However, at the time of the audit, the infrastructure to disseminate MSI and SAR related text information through international NAVTEX had not been developed for the purpose of safe navigation to ships navigating within sea areas A1 and A2. (See FD-8)

Meteorological services and warnings

9.5 MetService was responsible for transmitting meteorological services and warnings in New Zealand under SOLAS 1974, regulation V/5, as a METAREA XIV coordinator. MetService had a 12-year contract with the Ministry of Transport (MoT) to provide meteorological data. MetService provided maritime meteorological information and warnings to MOC, which was located within the MNZ-operated Rescue Coordination Centre New Zealand (RCCNZ) and transmitted meteorological information, navigational warnings and ionospheric predictions to ships on a 24-hour basis through satellite communication system and MF/HF radio. All meteorological forecasts and warnings were also posted in text format on the website of MetService and were distributed through the WMO Global Telecommunication System (GTS).

Search and rescue (SAR) services

9.6 New Zealand's SAR region covered over 37 million square kilometres of ocean, and relatively small, isolated landmasses. Under the authority of section 431(3) of MTA 1994, MNZ was responsible for the overall coordination of SAR services. The Search and Rescue Coordination Centre (RCCNZ) was established in Wellington and provided on a 24-hour basis land, sea and air SAR operations. New Zealand had two SAR coordinating authorities, New Zealand Police and RCCNZ with clearly identified responsibilities between them. SAR services were jointly coordinated by New Zealand Police and RCCNZ, in partnership with other agencies such as New Zealand Defence Force, Emergency Medical Services Helicopters and New Zealand Coast Guard. At the time of the audit, 52 aircraft, over 350 ships and around 12,800 personnel were made available for SAR coordinating authorities from partner agencies. RCCNZ was the coordinator for NAVAREA XIV. Long range SAR assets were available to conduct operations through SAR region and in support of neighbouring SAR regions. The State had an agreement with Fiji on SAR operations.

9.7 The New Zealand Search and Rescue (NZCAR) Council provided strategic leadership and direction to the State's SAR sector. NZCAR Consultative Committee provided a national forum for all SAR stakeholders to provide information and advice. Formal review of SAR services was carried by MNZ once every year. Records of evaluation of performance was available in the annual report on Statement of Performance Expectations.

Hydrographic services

9.8 Land Information New Zealand (LINZ) was the government entity responsible for providing hydrographic services to ensure the State fulfilled its obligations under SOLAS 1974, regulation V/9. LINZ' was also responsible for the purchase, management and specification of hydrographic and bathymetric services, the safe passage of maritime ships through New Zealand's territorial seas and for charting, through ongoing maintenance and delivery of publicly available hydrographic and bathymetric information and the delivery of nautical charting in support of the management of New Zealand's marine resources and the protection

of the marine environment. LINZ also provided the Electronic Navigation Charts (ENCs) in addition to paper charts, covering the coastal waters around New Zealand and parts of both the Antarctic and the South-West Pacific.

9.9 In 2015, LINZ undertook an evidence-based risk assessment of maritime traffic within New Zealand waters to identify areas of risk and, in 2017, developed a document that outlined long-term outcomes and strategic objectives (HYPLAN). Using an evidence-led risk-based approach, areas and levels of hydrographic risk were identified and subsequently prioritised as a continual improvement mechanism to develop this long-term hydrographic survey plan. HYPLAN was reviewed on an annual basis in consultation with MNZ and other key stakeholders. Hydrographic surveying was outsourced to two companies and their standards of performance was monitored by LINZ.

9.10 LINZ had a cooperation agreement with Australia and the United Kingdom on hydrographic services. Although the United Kingdom Hydrographic Office (UKHO) issued the sailing direction as “NP51 New Zealand Pilot” covering New Zealand waters, LINZ or MNZ as a coastal State had not communicated data pertaining to the coastal and port approaches to UKHO. It was observed during the audit that the State did not fulfill its obligations to provide information regarding the sailing direction covering safe navigation in their jurisdiction to fulfill the requirement of SOLAS 1974, regulation V/9.2.2. (See FD-9)

Ships' routing, ship reporting systems and vessel traffic services

9.11 At the time of the audit, there were no vessel traffic services or ship reporting systems in the State that had been adopted by IMO.

9.12 The State had three ships' routing measures adopted by IMO, two of them being areas to be avoided (ATBA) and the third a precautionary area. One of the ATBA which was set around the Poor Knights Islands was mandatory since 2004. The mandatory routing system was to be reviewed by the State in accordance with the guidelines and criteria developed by IMO, in accordance with SOLAS 1974, regulation V/10.8. However, there was no evidence that a review had been undertaken by the State, as required by the SOLAS 1974. (See FD-10)

Aids to navigation (AtoN)

9.13 MNZ was the regulatory authority to provide AtoN services within the State under sections 200 and 431 of MTA. A risk assessment of AtoN was carried out in 2015 based on the ship traffic in its coastal waters.

9.14 MNZ owned and maintained AtoN on the coast and regional councils provided and maintained AtoN within harbours. Operators of ports and marine structures were responsible for providing and maintaining AtoN for their facilities. The New Zealand Port and Harbour Marine Safety Code provided guidance on the provision and maintenance of navigational aids in harbours and harbour approaches. MNZ maintained an asset database for coastal aids to navigation, maintenance, and asset documentation in the MNZ file system. MNZ website contained information and location maps for AtoN in the State. Changes to AtoN were also promulgated via coastal navigation warnings and published fortnightly in the NZ Notice to Mariners.

9.15 The maintenance of AtoN was outsourced to two separate entities under one-year contracts. Their performance was reviewed through audits. There was an effective working relationship between MNZ, regional councils and ports in establishing and maintaining AtoN.

AtoN was included under output 4 of Statement of Performance and the performance was evaluated every year.

Oil spill response

9.16 The Marine Pollution Response Service (MPRS), as the main oil spill response agency for New Zealand and was responsible for maintaining and developing the State's readiness to respond to marine oil spills. MPRS managed responses to large oil spill incidents and provided support to regional councils and oil industry representatives, who dealt with smaller incidents. In addition, MPRS was also responsible for managing the national response plan, maintaining and supplying response equipment, training response staff and running practice exercises.

9.17 Under MTA 1994, notice of pollution incidents within internal waters or the territorial sea were required to be given to the Director of MNZ and the regional council within whose region the incident occurred. If an incident occurred in the exclusive economic zone (EEZ), notice had to be provided to the Director of MNZ and EPA.

9.18 New Zealand had implemented a three-tiered approach to all aspects of marine oil spill readiness and response. This approach meant an appropriate response capability was readily available to deal with oil spills proportionate to the risks. The three tiers were as follows:

- .1 Tier 1 oil spill responses were managed by the operator, who must have an appropriate shipboard or Site Marine Oil Spill Contingency Plan.
- .2 Tier 2 oil spill responses were generally those beyond the capability of the operator acting alone. The response was led and resolved by the Regional On-Scene Commander for the local regional council, in accordance with their Regional Marine Oil Spill Contingency Plan.
- .3 Tier 3 oil spill responses were required for spills that were generally more complex, of longer duration and higher impact, and beyond the response capability of the regional council or operator. The response was nationally led and coordinated by the National On-Scene Commander for MNZ, which would likely call on considerable resources from around the State and overseas.

9.19 Under MTA 1994, the polluter paid all costs from an oil spill response and subsequent clean up. If the spiller could not be identified, the cost of the response could be recovered from the Oil Pollution Fund.

9.20 At the time of the audit, the State had carried out oil spill exercises in accordance with its National Marine Oil Spill Contingency Plan, with the most recent of these exercises being exercise Whai Mana, conducted in May 2022. It could not be confirmed whether the State had developed a national chemical spill contingency plan to manage chemical spills occurring in New Zealand waters.

Enforcement

9.21 MTA 1994 had suitable provisions to enforce the coastal State obligations of the State. For example, under Section 200 of MTA 1994, the Director of MNZ was authorized to inspect navigational aids in the State and enforce the provisions. Regional councils were empowered to issue infringement notices to violations in their region. Offences and their penalties were listed in Maritime (Offences) Regulations 1998 and Marine Protection (Offences)

Regulations 1998. The State had a suitable arrangement to enforce the mandatory ATBA around Poor Knights Islands through 24/7 monitoring.

9.22 MNZ had a set of policies and procedures for responding to pollution incidents. The Director of MNZ was authorized under MTA 1994 to investigate and take appropriate action for oil pollution incidents within designated areas. Pollution occurring in harbour limits was dealt with by regional councils who could prosecute offenders.

9.23 TAIC had powers to board ships in coastal waters under the jurisdiction of the State to investigate maritime casualties and to gather information and documents.

Evaluation and review

9.24 A comprehensive review of coastal navigational safety of the State was carried out in 2015, covering all coastal State responsibilities. In addition, procedures were in place to carry out annual evaluation of performance of coastal State functions by respective agencies, such as radiocommunications, SAR services, hydrographic services and AtoN, and these evaluations were reviewed by MNZ. Meteorological services were reviewed by MetService every year and formally reviewed by MoT once every four years. Performance of hydrographic services was measured through its LINZ annual performance report. AtoN services were reviewed through regular onsite visits of installed aids.

9.25 Every five years, MNZ carried out marine oil spill risk profiling. It tested the New Zealand National Oil Spill plan and training regime by conducting annual national response team exercises. In addition, major oil spill exercises within an integrated response structure were carried out every three years involving all government entities. This major exercise was evaluated through a formal evaluation process. The most recent of these exercises was conducted in May 2022.

9.26 The NZSAR Council had a system of conducting reviews for certain SAR events to review and learn from them. RCCNZ carried out reviews of various land, maritime, and aviation SAR events to enforce 'lessons learned', modifications to standard operating procedures and any other improvements.

9.27 MNZ, through its Statement of Performance Expectations and annual reports to the Minister, reported on the performance of SAR, distress beacons and distress radio performance and availability. RCCNZ also carried out various exercises internally and within the wider New Zealand emergency management sector. Over the past several years RCCNZ had conducted a number of marine-focused mass rescue exercises.

9.28 At the time of the audit, the State had three ships' routing measures including mandatory areas to be avoided adopted by IMO. However, a review of the mandatory ATBA had not been conducted. (See FD-10)

9.29 Findings (FDs)

- .1 The State did not make available the appropriate shore-based facilities for providing radiocommunication services to transmit navigational warnings, danger messages, meteorological and other urgent messages relating to safety of navigation in text other than satellite communication system (SOLAS 1974, regulation IV/5; SOLAS 1974, regulation V/4; SOLAS 1974, regulation V/5; Ill Code, paragraph 47). See Form A, FD-8**

Corrective action

MNZ will develop a system to educate other agencies about the communications process on an ongoing basis and ensure there is availability and sharing of information through resources and contact points for agencies.

Target completion date: 31 July 2025

Root cause

The system established by the maritime administration for dissemination of marine safety and search and rescue related information was not fully demonstrated to the audit team. A lack of awareness and communication between agencies in the maritime administration led to a fundamental misunderstanding as to whether New Zealand is in fulfilment of its obligations and resulted in the finding.

FD

- .2 The hydrographic services provided by the State did not undertake to arrange for the preparation and issuance of sailing directions as required by regulation V/9 of SOLAS 1974 (SOLAS 1974, regulation V/9; III Code, paragraph 47). See Form A, FD-9**

Corrective action

LINZ will engage with MNZ, port operators, Harbour Masters, and establish and implement a system with procedures to communicate data pertaining to the coastal and port approaches to UKHO for the maintenance of Sailing Direction NP51 New Zealand Pilot.

Target completion date: 31 July 2025

Root cause

There was no specific agreement/procedure between LINZ, MNZ, port operators and Harbour Masters to coordinate and communicate data to UKHO for the maintenance of Sailing Direction NP51 New Zealand Pilot.

FD

- .3 The maritime administration had not carried out periodic evaluation and review of its performance in respect to the three ships' routing measures adopted by IMO (SOLAS 1974, regulation V/10; III Code, paragraph 51). See Form A, FD-10**

Corrective action

MNZ will develop a project plan identifying key stakeholders and responsible agencies and resourcing to develop procedures to undertake periodic reviews. The project will then be implemented and MNZ will then implement processes to ensure periodic reviews of

coastal State obligations are undertaken to evaluate the effectiveness of current systems and identify any gaps and improvements.

Target completion date: 15 June 2026

Root cause

Multiple stakeholders and agencies have varying degrees of responsibilities in meeting New Zealand's coastal State obligations under the mandatory IMO instruments. There was a lack of awareness amongst responsible stakeholders and agencies regarding their coastal State obligations, and there were no procedures in place to ensure periodic evaluation and reviews are undertaken of its performance in conducting coastal State activities under the mandatory IMO instruments.

9.30 Observation

None

10 Port State activities

Port State control (PSC)

10.1 Sections 54 and 396 of MTA 1994 permitted the Director of MNZ to carry out inspections for the purpose of PSC. Sections 55 and 397 of MTA 1994 provided enforcement powers which supported this process, including the power to detain, seize and prohibit or impose conditions on the use or operation of any ship.

10.2 The State exercised the right to conduct PSC measures and adhered to IMO Procedures on PSC (resolution A.1155(32)) and to the guidance set out under the Tokyo MoU (TMOU) of which New Zealand had been a founding member.

10.3 Port State control officers (PSCOs), when conducting PSC inspections were guided by their internal policy, procedures, and aide-memoire. They routinely record the findings for each initial or follow-up inspection into the Asia Pacific Computerised Information System (APCIS) under the "five-day rule" established by the Tokyo MoU. The "rule" required each port State authority to internally review inspection reports and upload them onto APCIS within five days of the inspection. Two PSCOs at MNZ had been designated to conduct reviews under the virtual national centre function in APCIS and served as the intermediate step between the inspection and uploading the information onto APCIS.

10.4 At the time of the audit, there were six PSCOs to conduct PSC inspections and the State carried out about 200 inspections annually. With the improvement of the COVID-19 situation, the State was planning to expand its team of PSCOs in order to increase the annual target for PSC inspections to more than 200 inspections in the coming years.

10.5 It was noted that the State had a structured training programme in place consisting of the on-the-job training (OJT), continuous training and updating of knowledge, and specialist training. As part of the PSCO induction training, a new PSCO candidate would be required to perform a self-gap analysis in conjunction with senior PSCOs, whereby they would be guided and be placed under the supervision of a senior PSCOs to be qualified as a PSCO, subject to approval by the Director. After the training, a final assessment was made before the candidate

was certified as a PSCO. During the audit, it was observed that an appraisal mechanism was in place.

Reception facilities

10.6 Part 100 of the Marine Protection Rules (MPR) required ports to provide reception facilities for oil, noxious liquid substances, garbage, and ballast water and sediment. The complete list of reception facilities within New Zealand was uploaded onto GISIS.

10.7 Part 100 of MPR, also gave effect to regulation 38 of Annex I, regulation 18 of Annex II and regulation 7 of Annex V of MARPOL 73/78. It covered the provisions of adequate reception facilities for ship-sourced harmful substances - oil, noxious liquid substances (chemicals) and garbage.

10.8 Under Section 444A of MTA, the Director was authorized to require any person who operated a port in New Zealand or in New Zealand continental waters to provide a reception facility to collect waste from ships.

10.9 Although the State was Party to MARPOL 73/78, the State could not demonstrate that the port reception facilities available were adequate to accept all types of wastes generated from ships. (See FD-11)

Register of fuel oil suppliers

10.10 At the time of the audit, New Zealand was not Party to MARPOL PROT 1997, and therefore this instrument was out of the scope of the audit.

Dangerous goods

10.11 Maritime Transport Rule 24A regulated the transport of dangerous goods by sea and incorporated by reference the IMDG Code. It gave effect to Chapter VII of the SOLAS Convention and enforced the IMDG Code on ships. MNZ administered the Maritime Transport Act 1994 and Maritime Rules Part 24A and was responsible for all aspects of dangerous goods transport by sea.

10.12 Maritime Rules Part 24A provided a general requirement that no person may perform a "dangerous goods cargo function", which included various activities involving handling and transporting of dangerous goods, except according to Part 24A. The rule requirements differentiated between international and domestic voyages, but both had to adhere to the applicable parts of the rules, the IMDG Code and a series of other applicable international codes.

10.13 In conjunction with Maritime Rules 24A, the Hazardous Substances and New Organisms Act (HSNO) 1996, aimed to protect the environment and health and safety of people from the adverse effects of hazardous substances. HSNO was largely implemented by the Environmental Protection Authority (EPA). The workplace requirements were enforced by Worksafe.

10.14 Training requirements with regard to shore-based personnel were specified in Maritime Rules Part 24A. It required that, where the dangerous goods freight was intended to be carried on a ship on an international voyage, or on a domestic voyage beyond restricted limits, or across Cook Strait, each person who was shore-based must meet the requirements of Chapter 1.3 of the IMDG Code.

10.15 The requirements on training of shore-based personnel were promulgated and the personnel handling dangerous goods who were interviewed at the port of Auckland were suitably trained. However, there was no mechanism in place for the competent authority to monitor that such persons were duly trained and qualified to handle dangerous goods as part of their work.

Enforcement

10.16 The State was a member of the Tokyo MoU on PSC. A PSC programme and procedures had been established and implemented to ensure that PSC inspections were carried out by authorized and qualified persons. Annual declarations had to be made by PSCOs to avoid conflicts of interest. Offences and penalties for violations were prescribed in Maritime (Offences) Regulations 1998 and Marine Protection (Offences) Regulations 1998.

10.17 The State had given effect to the requirement for verification of gross mass (VGM) as contained in SOLAS 1974, regulation VI/2, through changes to the Maritime Rules, part 24B, which came into force on 1 July 2016. During the audit, the port authority stated that shippers were responsible for VGM of containers and the port authority did not verify or ascertain the gross mass of containers before loading. The maritime administration did not have a control and monitoring mechanism in place that ensured shippers weighed containers before transporting them to the port. (See FD-12)

Evaluation and review

10.18 Evaluation of performance as a port State in meeting the requirements of the mandatory IMO instruments was performed by MNZ every year. The measurement of port State performance was set out in the Statement of Intent (SOI) and the annual Statement of Performance Expectations (SPE), and areas such as PSC inspections were included in the report. The annual reports of Tokyo MoU on PSC were reviewed by the State to monitor trends. The system of periodic evaluation of performance in the conduct of port State activities did not include port State obligations under the mandatory IMO instruments such as the provision of reception facilities and implementation of VGM of containers. (See FD-13)

10.19 Findings (FDs)

- .1 Although the State was Party to MARPOL 73/78, it could not be demonstrated that the port reception facilities available were adequate to accept all types of wastes generated from ships (MARPOL, Annex I, regulation 38.1; MARPOL, Annex II, regulation 18.1; MARPOL, Annex II, regulation 18.2; MARPOL, Annex V, regulation 8.1; III Code, paragraph 55; III Code, paragraph 56.1). See Form A, FD-11**

Corrective action

MNZ has established a dedicated operational policy team and is developing a range of new policy frameworks and work programmes to build our capability around operational policy and practice as part of MNZ's evolving organisational strategy. This will include reviewing and developing operational policies in relation to port State obligations, including those identified in this finding, and ensuring implementation of these policies.

In addition, MNZ has established a new Maritime Inspection team with a dedicated and ongoing focus on port State obligations. MNZ will

develop operational practice, processes and systems to ensure that the port State work of the new team will reflect and give full effect to the port State obligations, including those identified in this finding, and have in-built quality assurance and reporting elements as part of MNZ's Operational Policy and Practice Framework.

Target completion date: 31 July 2026

Root cause

Inadequate resourcing and a lack of prioritisation of developing and implementing operational policy caused that MNZ failed to develop the necessary operational policies and practice in relation to the use of rules requiring port reception facilities to be provided under MARPOL and other mandatory IMO instruments.

FD

- .2 The requirements of SOLAS 1974 in respect of verified gross mass (VGM) of containers carried on board ships had not been enforced. The maritime administration did not have a control and monitoring mechanism that ensured shippers weighed containers before transporting them to the port (SOLAS 1974, regulation VI/2.4; III Code, paragraph 57). See Form A, FD-12**

Corrective action

MNZ has established a dedicated operational policy team and is developing a range of new policy frameworks and work programmes to build capability in relation to operational policy and practice as part of MNZ's evolving organisational strategy. This will include developing a control and monitoring mechanism to ensure that shippers weigh containers before transporting them to port.

MNZ will then ensure that the newly established Maritime Inspection team implements this mechanism as part of MNZ's dedicated and ongoing focus on port State responsibilities.

Target completion date: 31 July 2026

Root cause

A lack of focused resourcing on port State obligations led to a failure to take a systematised and comprehensive oversight approach on MNZ's port State responsibilities, including a failure to develop operational policy and assurance processes with respect to verified gross mass (VGM) requirements.

FD

- .3 The existing system of periodic evaluation of performance in the conduct of port State activities did not include aspects related to provision of reception facilities and implementation of VGM of containers (III Code, paragraph 63) . See Form A, FD-13**

Corrective action

MNZ has established a dedicated operational policy team and is developing a range of new policy frameworks and work programmes to build our capability in relation to operational policy and practice as part of MNZ's evolving organisational strategy. This will include developing a system that will ensure periodic evaluation and monitoring of New Zealand's implementation of all port State obligations under the mandatory IMO instruments, including those identified in this finding.

Target completion date: 31 July 2026

Root cause

A lack of focused resourcing on port State obligations led to a failure to take a systematised and comprehensive oversight approach on MNZ's port State obligations, including a failure to develop a system to periodically evaluate the performance of New Zealand's port State obligations under mandatory IMO instruments, including those in respect of port reception facilities and verified gross mass (VGM) requirements.

10.20 Observation

None

11 Comments

11.1 In order to ensure a consistent review of each Member State's activities falling within the III Code, all items from the verification index, which closely follows the requirements of the III Code, have been verified and the outcome provided in appendix 2 to this report.

Areas of positive development

11.2 Areas of positive development include:

- .1 the State had developed Maritime Operator Safety System (MOSS) as a comprehensive regulatory and compliance system for safe, secure and clean operation of domestic commercial non-convention ships;
- .2 the State's International Omnibus programme was one notable element for simplifying the regulatory framework to create a more efficient expedient system to give effect to the mandatory IMO instruments; and
- .3 the State had an overall system of requiring annual Statement of Performance of Expectation (SPE) from each ministry and agency that contained implementation responsibilities under relevant conventions. The system of SPEs facilitated the culture of continual improvement.

Areas for further development

11.3 Areas for further development include:

- .1 five ROs had been authorised before the introduction of the RO Code. After introduction of the RO and III codes, the State should consider re-evaluating the ROs in terms of resources and capabilities in accordance, with RO Code at an appropriate time;
- .2 the National Oil Spill Contingency Plan (NOSCP) of the State currently covered pollution from oil but did not include pollution from other hazardous substances such as chemicals. The State should consider expanding its scope of NOSCP to include pollution from sources other than oil;
- .3 while reviewing the flag State performance, the Administration should consider areas recommended by paragraph 44 of the III Code; and
- .4 MNZ as the competent authority for implementing the IMDG Code should consider establishing a mechanism to monitor that shore-based personnel associated with the transport and handling of dangerous goods are trained, in accordance with the requirements of IMDG Code and national law.

APPENDIX 1
FINDINGS AND OBSERVATIONS
(Form A)

| FINDINGS/OBSERVATIONS NOTICE | |
|---|--|
| Member State: New Zealand | Audit period: 10 to 19 September 2022 |
| Department: MNZ | |
| Finding No.: FD-1 | Observation No.: |
| <p>STATEMENT:</p> <p>The transposition of amendments to SOLAS 1974 had not been carried out in a timely manner by the State. Specifically, amendments to chapter II-1 and IV of SOLAS came into force 2020 had not been transposed into national law.</p> <p>EVIDENCE:</p> <p>SOLAS amendments by MSC Res. 436(99) and 437(99) which entered into force on 1 January 2020 had not been transposed into national law of the State.</p> | |
| <p>APPLICABLE PROVISIONS OF THE AUDIT STANDARD AND/OR IMO INSTRUMENT:</p> <p>SOLAS 1974, article I</p> <p>"General obligations under the Convention"</p> <p>III Code, paragraph 8.2</p> <p>"A legal basis for the enforcement of its national laws and regulations including the associated investigative and penal processes"</p> | |
| Team leader: Kit Jam Chen | Date: 19 September 2022 |
| Member State: New Zealand | Date received: |

(Form A)

| FINDINGS/OBSERVATIONS NOTICE | |
|---|--|
| Member State: New Zealand | Audit period: 10 to 19 September 2022 |
| Department: MNZ | |
| Finding No.: FD-2 | Observation No.: |
| STATEMENT: The State did not fulfil some of the obligations regarding communication of information to IMO under the mandatory IMO instruments. | |
| EVIDENCE: Information on text of national laws and regulations that gave effect to SOLAS 1974, STCW 1978, specimen of statutory certificates issued under SOLAS 1974, reports of measures taken to ensure compliance with regulation I/10 of STCW 1978 for recognising certificate of competence issued by another Parties, details of nominated surveyors and their specific responsibility and conditions of authority | |
| APPLICABLE PROVISIONS OF THE AUDIT STANDARD AND/OR IMO INSTRUMENT: SOLAS 1974, article III "Communication of information" STCW 1978, article IV "Communication of information" III Code, paragraph 9 "Communication of information - The State shall communicate its strategy, as referred to in paragraph 3, including information on its national legislation to all concerned" | |
| Team leader: Kit Jam Chen | Date: 19 September 2022 |
| Member State: New Zealand | Date received: |

(Form A)

| FINDINGS/OBSERVATIONS NOTICE | |
|--|--|
| Member State: New Zealand | Audit period: 10 to 19 September 2022 |
| Department: MNZ | |
| Finding No.: FD-3 | Observation No.: |
| STATEMENT: The Administration had not established resources and processes capable of administering a safety and environmental protection programme, which includes: .1 administrative instructions to effectively implement the mandatory IMO instruments and their amendments to which the State is Party; and .2 provisions to address those requirements that are left "to the satisfaction of the Administration" and criteria for type approval of materials and equipment as required in the mandatory IMO instruments. | |
| EVIDENCE: In the national legislation including Maritime Rules 40 series, sea area A1 and A2 in the State had not been established as required under SOLAS reg. IV/2. In the national legislation, the policies regarding the requirements that are left to the satisfaction of the Administration had not been addressed, for example, guidelines for access to spaces forward of cargo areas of oil tankers less than 5000 DWT, and guidelines for volume of holding tank to be provided on ships not fitted with oil filtering equipment. The Administration had not determined the extent of application of the provisions listed in SOLAS regulation V/1.4 to the category of ships below 150 GT on any voyages, ships below 500GT not engaged on international voyages, and fishing vessels. | |
| APPLICABLE PROVISIONS OF THE AUDIT STANDARD AND/OR IMO INSTRUMENT: III Code, paragraph 16.1 "Administrative instructions to implement applicable international rules and regulations as well as developing and disseminating any interpretative national regulations that may be needed including certificates issued by a classification society, which is recognized by the flag State in accordance with the provisions of SOLAS regulation XI-1/1, and which certificate is required by the flag State to demonstrate compliance with structural, mechanical, electrical, and/or other requirements of an international convention to which the flag State is a party or compliance with a requirement of the flag State's national regulations" III Code, paragraph 16.5 "The development, documentation and provision of guidance concerning those requirements found in the relevant international instruments that are to the satisfaction of the Administration" | |
| Team leader: Kit Jam Chen | Date: 19 September 2022 |
| Member State: New Zealand | Date received: |

(Form A)

| FINDINGS/OBSERVATIONS NOTICE | |
|--|--|
| Member State: New Zealand | Audit period: 10 to 19 September 2022 |
| Department: MNZ | |
| Finding No.: FD-4 | Observation No.: |
| STATEMENT: There was no evidence that the Administration had: .1 issued specific instructions to ROs detailing actions to be followed in the event a ship is found unfit to proceed to sea; and .2 established or participated in an oversight programme with adequate resources for monitoring of, and communication with, its ROs and nominated surveyors. | |
| EVIDENCE: The Administration had an agreement with LR but there was no evidence of instructions to LR about action to be followed in the case of unseaworthy ships. The State had 5 ROs however there was no oversight arrangement of the performance of these ROs, nor was there evidence of oversight arrangements for nominated surveyors. | |
| APPLICABLE PROVISIONS OF THE AUDIT STANDARD AND/OR IMO INSTRUMENT: III Code, paragraph 18.3 "Issue specific instructions detailing actions to be followed in the event that a ship is found unfit to proceed to sea without danger to the ship or persons on board, or is found to present an unreasonable threat of harm to the marine environment" III Code, paragraph 20 "Delegation of authority - The flag State shall establish or participate in an oversight programme with adequate resources for monitoring of, and communication with, its recognized organization(s) in order to ensure that its international obligations are fully met, by [...]" | |
| Team leader: Kit Jam Chen | Date: 19 September 2022 |
| Member State: New Zealand | Date received: |

(Form A)

| FINDINGS/OBSERVATIONS NOTICE | |
|---|--|
| Member State: New Zealand | Audit period: 10 to 19 September 2022 |
| Department: MNZ | |
| Finding No.: FD-5 | Observation No.: |
| STATEMENT: In the cases of detention of a ship entitled to fly the flag of the State, the Administration did not ensure that appropriate corrective measures were taken to bring the ship in question into immediate compliance with the applicable international instruments. | |
| EVIDENCE: The cases of detention of NZ flagged ships OFFSHORE GUARDIAN and WAIPORI by Australia. | |
| APPLICABLE PROVISIONS OF THE AUDIT STANDARD AND/OR IMO INSTRUMENT: III Code, paragraph 25 "Enforcement - When a flag State is informed that a ship entitled to fly its flag has been detained by a port State, the flag State shall oversee that appropriate corrective measures are taken to bring the ship in question into immediate compliance with the applicable international instruments" | |
| Team leader: Kit Jam Chen | Date: 19 September 2022 |
| Member State: New Zealand | Date received: |

(Form A)

| FINDINGS/OBSERVATIONS NOTICE | |
|--|--|
| Member State: New Zealand | Audit period: 10 to 19 September 2022 |
| Department: MNZ | |
| Finding No.: FD-6 | Observation No.: |
| STATEMENT: The Administration had not defined or documented the responsibilities, authority and interrelation of all personnel who managed, performed and verified work relating to, and affecting safety and pollution prevention. | |
| EVIDENCE: During interviews, it was evident that the roles and responsibilities of flag State surveyors, managers, supporting staffs and their inter-relationship are not fully documented in relation to the tasks they performed. | |
| APPLICABLE PROVISIONS OF THE AUDIT STANDARD AND/OR IMO INSTRUMENT: III Code, paragraph 28 "Flag State surveyors - The flag State shall define and document the responsibilities, authority and interrelation of all personnel who manage, perform and verify work relating to and affecting safety and pollution prevention" | |
| Team leader: Kit Jam Chen | Date: 19 September 2022 |
| Member State: New Zealand | Date received: |

(Form A)

| FINDINGS/OBSERVATIONS NOTICE | |
|---|--|
| Member State: New Zealand | Audit period: 10 to 19 September 2022 |
| Department: TAIC and MNZ | |
| Finding No.: FD-7 | Observation No.: |
| STATEMENT: The requirements of the Casualty Investigation Code had not been included into the procedures established by the Administration for conducting marine safety investigation. | |
| EVIDENCE: During interviews, it was evident that differentiation between types of accidents (e.g. very serious marine casualties) had not been identified. The requirements of Casualty Investigation Code had not been incorporated into the processes and procedures followed by the Administration. | |
| APPLICABLE PROVISIONS OF THE AUDIT STANDARD AND/OR IMO INSTRUMENT: SOLAS 1974, regulation XI-1/6 "Investigations of marine casualties and incidents" Casualty Investigation Code, paragraph 1.3 "Qualified person(s) for investigation" III Code, paragraph 41 "Flag State investigations - Ship casualties shall be investigated and reported in accordance with the relevant international instruments, taking into account the Casualty Investigation Code, as may be amended, and guidelines developed by the Organization" | |
| Team leader: Kit Jam Chen | Date: 19 September 2022 |
| Member State: New Zealand | Date received: |

(Form A)

| FINDINGS/OBSERVATIONS NOTICE | |
|--|--|
| Member State: New Zealand | Audit period: 10 to 19 September 2022 |
| Department: MNZ | |
| Finding No.: FD-8 | Observation No.: |
| STATEMENT: The State did not make available appropriate shore-based facilities for radiocommunication services to transmit navigational warnings, danger messages, meteorological and other urgent messages relating to safety of navigation in text other than satellite communication system. | |
| EVIDENCE: The state did not transmit navigational warnings, danger messages, meteorological and other urgent messages relating to safety of navigation in text form as required by SOLAS V/5.2.2. Such message was transmitted only through satellite communication system and VHF radiotelephony, and certain category of ships did not receive MSI and SAR related information in text form. | |
| APPLICABLE PROVISIONS OF THE AUDIT STANDARD AND/OR IMO INSTRUMENT: SOLAS 1974, regulation V/4 "Navigation warnings" SOLAS 1974, regulation V/5 "Meteorological services and warnings" III Code, paragraph 47 "Implementation - A coastal State shall ensure that its legislation, guidance and procedures are established for the consistent implementation and verification of its rights, obligations and responsibilities contained in the relevant international instruments to which it is a party" | |
| Team leader: Kit Jam Chen | Date: 19 September 2022 |
| Member State: New Zealand | Date received: |

(Form A)

| FINDINGS/OBSERVATIONS NOTICE | |
|---|--|
| Member State: New Zealand | Audit period: 10 to 19 September 2022 |
| Department: MNZ and LINZ | |
| Finding No.: FD-9 | Observation No.: |
| STATEMENT: The hydrographic services provided by the State did not provide all the arrangements to be undertaken such as issuance of, or appropriate arrangements for the issuance of, sailing directions as required by regulation V/9 of SOLAS 1974. | |
| EVIDENCE: During interview, it was stated that sailing directions of the coastal waters were issued by UKHO. There was no evidence that updated information on coastal and port approaches in the State was shared with the UKHO to keep the nautical publication up-to-date, nor was a mutual cooperation arrangement in place. | |
| APPLICABLE PROVISIONS OF THE AUDIT STANDARD AND/OR IMO INSTRUMENT: SOLAS 1974, regulation V/9 "Hydrographic services" III Code, paragraph 47 "Implementation - A coastal State shall ensure that its legislation, guidance and procedures are established for the consistent implementation and verification of its rights, obligations and responsibilities contained in the relevant international instruments to which it is a party" | |
| Team leader: Kit Jam Chen | Date: 19 September 2022 |
| Member State: New Zealand | Date received: |

(Form A)

| FINDINGS/OBSERVATIONS NOTICE | |
|--|--|
| Member State: New Zealand | Audit period: 10 to 19 September 2022 |
| Department: MNZ | |
| Finding No.: FD-10 | Observation No.: |
| STATEMENT: The maritime administration did not carry out periodic evaluation and review of its performance in conducting coastal State activities under the mandatory IMO instruments (e.g. SOLAS reg. V/10.8). | |
| EVIDENCE: During the interview, it was stated that the mandatory ATBA established around Poor Knights Islands in 2004 adopted by IMO had not been reviewed in accordance with SOLAS V/10.8. | |
| APPLICABLE PROVISIONS OF THE AUDIT STANDARD AND/OR IMO INSTRUMENT: SOLAS 1974, regulation V/10 "Ships' routing" III Code, paragraph 51 "Evaluation and review - A coastal State shall periodically evaluate its performance in respect of exercising its rights and meeting its obligations under the applicable international instruments" | |
| Team leader: Kit Jam Chen | Date: 19 September 2022 |
| Member State: New Zealand | Date received: |

(Form A)

| FINDINGS/OBSERVATIONS NOTICE | |
|--|--|
| Member State: New Zealand | Audit period: 10 to 19 September 2022 |
| Department: MNZ | |
| Finding No.: FD-11 | Observation No.: |
| STATEMENT: Although the State was Party to MARPOL 73/78, the State could not demonstrate that the port reception facilities available were adequate to accept all types of wastes generated from ships. | |
| EVIDENCE: During the interview, the State could not provide evidence that assessment had been carried out to ensure the adequacy of port waste reception facilities as per regulation 38 of Annex I, MARPOL 73/78, regulation 18 of Annex II, MARPOL 73/78 and regulation 9 of Annex V, MARPOL 73/78. | |
| APPLICABLE PROVISIONS OF THE AUDIT STANDARD AND/OR IMO INSTRUMENT: | |
| MARPOL, Annex I, regulation 38.1 "Reception facilities outside special areas" | |
| MARPOL, Annex II, regulation 18.1 "Reception facilities and cargo unloading terminal arrangements" | |
| MARPOL, Annex II, regulation 18.2 "Reception facilities and cargo unloading terminal arrangements" | |
| MARPOL, Annex V, regulation 8.1 "Reception facilities" | |
| III Code, paragraph 55 "Implementation - A port State shall ensure that its legislation, guidance and procedures are established for the consistent implementation and verification of its rights, obligations and responsibilities contained in the relevant international instruments" | |
| III Code, paragraph 56.1 "Provision of appropriate reception facilities or capability to accept all waste streams regulated under the instruments of the Organization" | |
| Team leader: Kit Jam Chen | Date: 19 September 2022 |
| Member State: New Zealand | Date received: |

(Form A)

| FINDINGS/OBSERVATIONS NOTICE | |
|---|--|
| Member State: New Zealand | Audit period: 10 to 19 September 2022 |
| Department: MNZ | |
| Finding No.: FD-12 | Observation No.: |
| STATEMENT: The requirements of SOLAS 1974 in respect of verified gross mass of containers carried on board ships had not been implemented The maritime administration did not have a control and monitoring mechanism that ensured shippers weighed containers before transporting them to port. | |
| EVIDENCE: During the visit to port of Auckland, it was confirmed that port did not undertake verification of gross mass of containers before loading onto ships for export. | |
| APPLICABLE PROVISIONS OF THE AUDIT STANDARD AND/OR IMO INSTRUMENT: SOLAS 1974, regulation VI/2.4 "" III Code, paragraph 57 "Enforcement - Port States shall take all necessary measures to ensure their observance of international rules when exercising their rights and fulfilling their obligations" | |
| Team leader: Kit Jam Chen | Date: 19 September 2022 |
| Member State: New Zealand | Date received: |

(Form A)

| FINDINGS/OBSERVATIONS NOTICE | |
|---|--|
| Member State: New Zealand | Audit period: 10 to 19 September 2022 |
| Department: MNZ | |
| Finding No.: FD-13 | Observation No.: |
| STATEMENT: The system of periodic evaluation of performance in the conduct of port State activities did not include port State obligations under the mandatory IMO instruments such as provision of reception facilities and implementation of VGM of containers. | |
| EVIDENCE: The review did not include areas such as port reception facilities, implementation of regulation on verified gross mass of containers exported from the State. | |
| APPLICABLE PROVISIONS OF THE AUDIT STANDARD AND/OR IMO INSTRUMENT: III Code, paragraph 63 "Evaluation and review - A port State shall periodically evaluate its performance in respect of exercising its rights and meeting its obligations under the applicable instruments of the Organization" | |
| Team leader: Kit Jam Chen | Date: 19 September 2022 |
| Member State: New Zealand | Date received: |

(Form A)

| FINDINGS/OBSERVATIONS NOTICE | |
|--|--|
| Member State: New Zealand | Audit period: 10 to 19 September 2022 |
| Department: MOT | |
| Finding No.: | Observation No.: OB-1 |
| STATEMENT: Although the State had a strategic framework, it did not fully comply with the paragraph 3 of the III Code towards a comprehensive overall maritime strategy to ensure that all its obligations and responsibilities under the mandatory IMO instruments were met. | |
| EVIDENCE: The State could not demonstrate that entities such as Ministry for the Environment, EPA, regional councils and LINZ were associated with the development and review of the strategy for implementation of mandatory IMO instruments. Whilst each individual agency had well developed strategies, the State did not have an overarching strategy for implementing the IMO mandatory instruments. | |
| APPLICABLE PROVISIONS OF THE AUDIT STANDARD AND/OR IMO INSTRUMENT: III Code, paragraph 3 "Strategy - In order to meet the objective of this Code, a State is recommended to [...]" | |
| Team leader: Kit Jam Chen | Date: 19 September 2022 |
| Member State: New Zealand | Date received: |

(Form A)

| FINDINGS/OBSERVATIONS NOTICE | |
|--|--|
| Member State: New Zealand | Audit period: 10 to 19 September 2022 |
| Department: TAIC and MNZ | |
| Finding No.: | Observation No.: OB-2 |
| STATEMENT: The Administration could not ensure ready access to expertise in the conduct of marine safety investigations. | |
| EVIDENCE: During the interviews with TAIC and MNZ, it was stated that the Administration did not identify or list external expertise readily accessible for the conduct of marine safety investigation of the State. | |
| APPLICABLE PROVISIONS OF THE AUDIT STANDARD AND/OR IMO INSTRUMENT: III Code, paragraph 39 "Flag State investigations - The flag State is recommended to ensure that individual investigators have working knowledge and practical experience in those subject areas pertaining to their normal duties. Additionally, in order to assist individual investigators in performing duties outside their normal assignments, the flag State is recommended to ensure ready access to expertise in the following areas, as necessary [...]" | |
| Team leader: Kit Jam Chen | Date: 19 September 2022 |
| Member State: New Zealand | Date received: |

APPENDIX 2

VERIFICATION INDEX

Assessment of areas related to the III Code

| Paragraph of III Code | REQUIREMENT OF III CODE | COMPLIANCE ACHIEVED |
|---|---|---------------------|
| | | COMMENT |
| COMMON AREAS | | |
| STRATEGY | | |
| 3.1 | An overall strategy exists to ensure that international obligations and responsibilities as a flag, port and coastal State are met | OB-1 |
| 3.2 | Methodology established to monitor and assess that the strategy ensures effective implementation and enforcement of relevant international mandatory instruments; and | YES |
| 3.3 | Continuous review of the strategy undertaken to achieve, maintain and improve the overall organizational performance and capability as a flag, port and coastal State | YES |
| GENERAL | | |
| 4 | Means in place to ensure compliance with relevant international rules and regulations in respect of maritime safety and protection of the marine environment | YES |
| 4 | National legislation exist to give effect to the provisions of relevant IMO instruments | YES |
| INITIAL ACTIONS (NATIONAL LEGISLATION) | | |
| 8 | Capability to implement and enforce the provisions of the applicable IMO instruments through appropriate national legislation and to provide the necessary implementation and enforcement infrastructure | FD-1 |
| 8.1 | Capability to promulgate laws which permit effective jurisdiction and control in administrative, technical and social matters over ships flying its flag | YES |
| 8.2 | A legal basis in place for the enforcement of national laws and regulations, including the associated investigative and penal processes | YES |
| 8.3 | Sufficient personnel with maritime expertise to assist in the promulgation of the necessary national laws and to discharge all the responsibilities of the State, including reporting as required by the respective conventions | YES |
| COMMUNICATION | | |
| 9 | Strategy, including information on relevant national legislation, communicated to all concerned | FD-2 |

| Paragraph of III Code | REQUIREMENT OF III CODE | COMPLIANCE ACHIEVED |
|---|---|---------------------|
| | | COMMENT |
| RECORDS | | |
| 10 | Records established and maintained | YES |
| 10 | Records are legible, readily identifiable and retrievable | YES |
| 10 | Documented procedure defining controls on identification, storage, protection, retrieval, retention time and disposition of records | YES |
| IMPROVEMENT | | |
| 11 | Demonstrates continual improvement of measures giving effect to conventions and protocols accepted | YES |
| 11 | Improvement made through rigorous and effective application and enforcement of national legislation, as appropriate, and monitoring of compliance | YES |
| 12 | A culture exists providing opportunities to people for improvement of performance in maritime safety and environmental protection activities | YES |
| 13 | Action taken to identify and eliminate causes of any non-conformities in order to prevent recurrence | YES |
| 13.1 | Non-conformities reviewed and analysed | YES |
| 13.2 | Implementation of necessary corrective actions monitored | YES |
| 13.3 | Reviews of corrective actions taken | YES |
| FLAG STATE SPECIFIC REQUIREMENTS | | |
| IMPLEMENTATION | | |
| 15.1 | Policies implemented through national legislation and guidance | YES |
| 15.2 | Responsibilities within the Administration assigned to update and revise any relevant policies adopted | YES |
| 16 | Resources and processes capable of administering a safety and environmental protection programme in place | YES |
| 16.1 | Administrative instructions to implement applicable international rules and regulations issued | FD-3 |
| 16.2 | Resources in place to ensure compliance with the requirements of IMO instruments, through an independent audit and inspection programme | YES |
| 16.3 | An audit and inspection programme independent of any administrative bodies is in place, for requirements of STCW 1978, as amended | YES |
| 16.3 | Training, assessment of competence and certification of seafarers are in accordance with the provisions of STCW 1978 | YES |
| 16.3.2 | STCW certificates and endorsements accurately reflect the competencies of the seafarers, using the appropriate terminology | YES |

| Paragraph of III Code | REQUIREMENT OF III CODE | COMPLIANCE ACHIEVED |
|---|--|---------------------|
| | | COMMENT |
| 16.3.3 | Impartial investigation capabilities ensured | YES |
| 16.3.4 | Ability exists for certificates or endorsements to be effectively withdrawn, suspended or cancelled | YES |
| 16.4 | Resources in place to ensure the conduct of investigations into casualties and adequate and timely handling of cases of ships with identified deficiencies | YES |
| 16.5 | Resources in place to develop, document and provide guidance of requirements found in relevant mandatory IMO instruments | FD-3 |
| 17 | Ships entitled to fly the flag of the State are sufficiently and efficiently manned | YES |
| DELEGATION OF AUTHORITY (as far as applicable) | | |
| 18.1 | The Administration determines that recognized organizations (ROs) have adequate resources | YES |
| 18.2 | Formal written agreements between the Administration and ROs in place | YES |
| 18.3 | Specific instructions issued to ROs detailing action to be followed when a ship is unfit to proceed to sea | FD-4 |
| 18.4 | ROs provided with all appropriate instruments of national law and interpretations thereof | YES |
| 18.5 | ROs required to maintain records and give the Administration access to them | YES |
| 20 | An oversight programme established or participation in such a programme ensured, with adequate resources | FD-4 |
| 20.1 | Authority exercised to conduct supplementary surveys | YES |
| 20.2 | Supplementary surveys conducted, as necessary | YES |
| 20.3 | Staff available with requisite knowledge to carry out effective oversight of ROs | YES |
| 21 | Nominations of surveyor(s) regulated, as appropriate | YES |
| ENFORCEMENT | | |
| 22 | All necessary measures to secure observance of international rules and standards by ships entitled to fly the flag of the State and by entities and persons under its jurisdiction so as to ensure compliance with their international obligations | YES |
| 22.1 | Legal/administrative mechanism exist to prohibit ships from sailing for non-compliance | YES |
| 22.2 | Periodic inspection of ships entitled to fly the flag of the State to verify that the actual condition of the ship and its crew is in conformity with the certificates it carries | YES |
| 22.3.1 | Surveyors ensure that seafarers assigned to the ships are familiar with their specific duties | YES |
| 22.3.2 | Surveyors ensure that seafarers assigned to the ships are familiar with ship arrangements, installations, equipment and procedures | YES |

| Paragraph of III Code | REQUIREMENT OF III CODE | COMPLIANCE ACHIEVED |
|-----------------------------|--|---------------------|
| | | COMMENT |
| 22.4 | Surveyors ensuring that ship's complement, as a whole, can effectively coordinate their activities in an emergency situation and perform functions vital to safety or to the prevention or mitigation of pollution | YES |
| 22.5 | Penalties of adequate severity to discourage violation of international rules and standards exist in national laws and regulations | YES |
| 22.6 | Capability to institute proceedings – after an investigation has been conducted – against ships which have violated international rules and standards, irrespective of where the violation has occurred | YES |
| 22.7 | Penalties of adequate severity to discourage violations of international rules and standards by individuals issued with certificates or endorsements under their authority exist in national laws and regulations | YES |
| 22.8 | Capability to institute proceedings – after an investigation has been conducted – against individuals holding certificates or endorsements who have violated international rules and standards, irrespective of where the violation has occurred | YES |
| 23 | Control and monitoring programme developed and implemented | YES |
| 23.1 | Prompt and thorough casualty investigations, with reporting to IMO, provided | YES |
| 23.2 | Statistical data collected and trend analyses conducted | YES |
| 23.3 | Timely response to deficiencies and alleged pollution incidents reported by port or coastal States | YES |
| 24.5 | Training and oversight of the activities of flag State surveyors and investigators ensured | YES |
| 25 | Appropriate corrective measures to bring own ships into compliance with the applicable international conventions can be taken | FD-5 |
| 26 | Provision for flag State or RO to determine international certificates only issued to ships meeting all applicable standards | YES |
| 27 | International certificate of competency or endorsement only issued after it has been determined that the person meets all applicable requirements | YES |
| FLAG STATE SURVEYORS | | |
| 28 | Responsibilities, authority and interrelation of all personnel who manage, perform and verify work relating to and affecting safety and pollution prevention defined and documented | FD-6 |
| 29 | Personnel responsible for, or performing surveys, inspections and audits on ships and companies covered by the relevant IMO mandatory instruments appropriately qualified | YES |

| Paragraph of III Code | REQUIREMENT OF III CODE | COMPLIANCE ACHIEVED |
|----------------------------------|--|---------------------|
| | | COMMENT |
| 32 | Personnel have appropriate practical and theoretical knowledge of ships, their operation and the provisions of the relevant national and international instruments necessary to perform their duties as flag State surveyors obtained through documented training programmes | YES |
| 33 | Personnel assisting surveyors have education, training and supervision commensurate with the tasks they are authorized to perform | YES |
| 35 | Documented system for qualification of personnel and continuous updating of their knowledge as appropriate to the tasks they are authorized to undertake | YES |
| 37 | Identification document issued for the surveyor to carry when performing his/her tasks | YES |
| FLAG STATE INVESTIGATIONS | | |
| 38 | Casualty investigations conducted by suitably qualified, impartial investigators, competent in matters relating to the casualty | YES |
| 38 | Qualified investigators provided, irrespective of the location of casualty or incident | YES |
| 39 | Individual investigators have working knowledge and practical experience in those subject areas pertaining to their normal duties | YES |
| 39 | State has ready access to expertise in listed areas: navigation and the Collision Regulations; flag State regulations on certificates of competency; causes of marine pollution; interviewing techniques; evidence gathering; and evaluation of the effects of the human element | OB-2 |
| 40 | Any accidents involving personal injury necessitating absence from duty of three days or more and any deaths resulting from occupational accidents and casualties investigated, and the results of such investigations made public | YES |
| 41 | Ship casualties investigated and reported in accordance with the relevant IMO conventions, and the guidelines developed by IMO | FD-7 |
| 41 | Investigation reports forwarded to IMO together with the flag State's observations | YES |
| EVALUATION AND REVIEW | | |
| 42 | Performance evaluated with respect to the implementation of administrative processes, procedures and resources necessary to meet their obligations as required by the conventions to which they are party | YES |







| Paragraph of III Code | REQUIREMENT OF III CODE | COMPLIANCE ACHIEVED |
|--|--|---------------------|
| | | COMMENT |
| COASTAL STATE SPECIFIC REQUIREMENTS | | |
| IMPLEMENTATION | | |
| 46.1 | Policies implemented through issuance of national legislation and guidance | YES |
| 46.2 | Responsibilities assigned to update and revise any relevant policies adopted | YES |
| 47 | Legislation, guidance and procedures established for the consistent implementation and verification of the rights, obligations and responsibilities of the State contained in the relevant international instruments to which it is a party, in general; | FD-8, FD-9 |
| 48.1 | For radiocommunication services; | FD-8 |
| 48.2 | For meteorological services and warnings; | YES |
| 48.3 | For search and rescue services; | YES |
| 48.4 | For hydrographic services; | FD-9 |
| 48.5 | For ship routing; | YES |
| 48.6 | For ship reporting systems; | YES |
| 48.7 | For vessel traffic services; and | YES |
| 48.8 | For aids to navigation | YES |
| ENFORCEMENT | | |
| 49 | All necessary measures taken to ensure observance of international rules when exercising the rights and fulfilling the obligations as a coastal State | YES |
| 50 | Control and monitoring programme considered, developed and implemented | YES |
| 50.1 | Statistical data collected and trend analyses conducted | YES |
| 50.2 | Mechanisms for timely response to pollution incidents established | YES |
| 50.3 | Cooperation with flag States and/or port States in investigation of maritime casualties | YES |
| EVALUATION AND REVIEW | | |
| 51 | Performance periodically evaluated in respect of exercising its rights and meeting its obligations under the applicable international instruments | FD-10 |
| PORT STATE SPECIFIC REQUIREMENTS | | |
| IMPLEMENTATION | | |
| 54.1 | Policies implemented through issuance of national legislation and guidance | YES |
| 54.2 | Responsibilities assigned to update and revise any relevant policies adopted | YES |

| Paragraph of III Code | REQUIREMENT OF III CODE | COMPLIANCE ACHIEVED |
|------------------------------|--|---------------------|
| | | COMMENT |
| 55 | Legislation, guidance and procedures established for the consistent implementation and verification of the rights, obligations and responsibilities of the State contained in the relevant international instruments to which it is a party, in general; | FD-11 |
| 56.1 | For provision of appropriate reception facilities or capability to accept all waste streams regulated under the instruments of the Organization; | FD-11 |
| 56.2 | For port State control activities; and | YES |
| 56.3 | For keeping a register of fuel oil suppliers | YES |
| ENFORCEMENT | | |
| 57 | All necessary measures taken to ensure observance of international rules when exercising the rights and fulfilling the obligations as a port State | FD-12 |
| 59 | No more favourable treatment put in place when carrying out port State control | YES |
| 60 | Processes to administer a port State control programme established consistent with the relevant resolution adopted by the Organization | YES |
| 61 | Port State control carried out only by authorized and qualified port State control officers in accordance with the relevant procedures adopted by the Organization | YES |
| 62 | Port State control officers and persons assisting them free from any commercial, financial and other pressures and have no commercial interest, either in the port of inspection or the ships inspected | YES |
| 62 | Port State control officers and persons assisting them not employed by or undertake work on behalf of recognized organizations or classification societies | YES |
| 62 | Procedures implemented to ensure that persons or organizations external to the port State cannot influence the results of port State inspection | YES |
| EVALUATION AND REVIEW | | |
| 63 | Performance periodically evaluated in respect of exercising its rights and meeting its obligations under the applicable instruments of the Organization | FD-13 |




APPENDIX 3

MEMBER STATE'S CORRECTIVE ACTION PLAN

Form B

| CORRECTIVE ACTION | | | | | | | | | | | |
|--|---|-------------------------|-------------------------|--|---|---|---|---|---|---|---|
| Member State: | New Zealand | Audit Period: | 10 to 19 September 2022 | | | | | | | | |
| Department: | Maritime New Zealand (MNZ) | Team leader: | Kit Jam Chen | | | | | | | | |
| Finding No.: | FD-1 | Observation No.: | | | | | | | | | |
| Root Cause(s): | | | | | | | | | | | |
| Inadequate resourcing dedicated to updating New Zealand's maritime legislation and poor record keeping of upcoming and outstanding amendments to the mandatory IMO instruments created a backlog of required changes to New Zealand's maritime legislation. | | | | | | | | | | | |
| Corrective action: | | | | | | | | | | | |
| The following actions will be implemented: | | | | | | | | | | | |
| <ol style="list-style-type: none"> .1 MNZ will introduce omnibus international amendment rules that will align New Zealand's maritime legislation with the latest international standards, including the amendments identified in this finding in 2023, with entry into force in 2024; .2 MNZ has also created a new regulatory policy team, which will contribute to better resourcing the process of transposing amendments to the mandatory IMO instruments into national maritime legislation; and .3 MNZ will also implement procedures and seek to develop a digital platform that will identify all current and future international obligations in advance by the international engagement team and ensure that these are registered with the regulatory policy teams. These procedures will include active tracking, monitoring and recording of decisions on both mandatory and non-mandatory outputs to enable appropriate transparency, discoverability and visibility of actions taken against all IMO outputs. | | | | | | | | | | | |
| Proposed target completion date: 31 December 2025 | | | | | | | | | | | |
| Action Plan Submitted: | | | | | | | | | | | |
| By <u> Marian Willberg </u> On <u> 24 July 2025 </u> <div style="display: flex; justify-content: space-around; width: 100%;"> (name) [sign ↑] </div> | | | | | | | | | | | |
| <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;">To: Audit Team Leader <u> Kit Jam Chen </u> (name)</td> <td style="width: 50%; border: none;">IMO Secretariat <u> Tatjana Krilic </u> (name)</td> </tr> <tr> <td style="border: none;"><input checked="" type="checkbox"/> For review:</td> <td style="border: none;"><input type="checkbox"/> For information:</td> </tr> <tr> <td style="border: none; text-align: center;">  _____ (signature) </td> <td style="border: none; text-align: center;">  _____ (signature) </td> </tr> <tr> <td style="border: none; text-align: center;"> <u> 24 July 2025 </u> (date) </td> <td style="border: none; text-align: center;"> <u> 29 July 2025 </u> (date) </td> </tr> </table> | | | | To: Audit Team Leader <u> Kit Jam Chen </u> (name) | IMO Secretariat <u> Tatjana Krilic </u> (name) | <input checked="" type="checkbox"/> For review: | <input type="checkbox"/> For information: |  _____ (signature) |  _____ (signature) | <u> 24 July 2025 </u> (date) | <u> 29 July 2025 </u> (date) |
| To: Audit Team Leader <u> Kit Jam Chen </u> (name) | IMO Secretariat <u> Tatjana Krilic </u> (name) | | | | | | | | | | |
| <input checked="" type="checkbox"/> For review: | <input type="checkbox"/> For information: | | | | | | | | | | |
|  _____ (signature) |  _____ (signature) | | | | | | | | | | |
| <u> 24 July 2025 </u> (date) | <u> 29 July 2025 </u> (date) | | | | | | | | | | |
| Copies to : <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> | | | | | | | | | | | |

Form B

| CORRECTIVE ACTION | | | |
|---|---------------------|---|-------------------------|
| Member State: | New Zealand | Audit Period: | 10 to 19 September 2022 |
| Department: | MNZ | Team leader: | Kit Jam Chen |
| Finding No.: | FD-2 | Observation No.: | |
| Root Cause(s): | | | |
| Lapses in MNZ processes and a lack of clear allocations of responsibility has resulted in some specific reporting obligations to the IMO not being implemented. | | | |
| Corrective action: | | | |
| The following actions will be implemented: | | | |
| .1 MNZ will design and implement processes and systems that will identify all current international reporting obligations under the mandatory IMO instruments, as well as anticipate future reporting obligations, and integrate them as part of our regular IMO reporting process in a consistent and timely manner; and | | | |
| .2 responsibilities for ensuring that reporting obligations to IMO are fulfilled will be assigned and there will be procedures to actively track, monitor and record such reporting to ensure that the reporting obligations are met. | | | |
| Proposed target completion date: 31 December 2025 | | | |
| Action Plan Submitted: | | | |
| By <u> Marian Willberg </u>  On <u>24 July 2025</u> <div style="display: flex; justify-content: space-around; width: 100%;"> (name) [sign ũ] </div> | | | |
| To: Audit Team Leader <u> Kit Jam Chen </u> IMO Secretariat <u> Tatjana Krilic </u> <div style="display: flex; justify-content: space-around; width: 100%;"> (name) (name) </div> | | | |
| <input checked="" type="checkbox"/> For review: | | <input type="checkbox"/> For information: | |
|  | <u>24 July 2025</u> |  | <u>29 July 2025</u> |
| (signature) | (date) | (signature) | (date) |
| Copies to : <input type="checkbox"/> | | <input type="checkbox"/> | |
| <input type="checkbox"/> | | <input type="checkbox"/> | |

Form B

| CORRECTIVE ACTION | | | |
|----------------------|-------------|-------------------------|-------------------------|
| Member State: | New Zealand | Audit Period: | 10 to 19 September 2022 |
| Department: | MNZ | Team leader: | Kit Jam Chen |
| Finding No.: | FD-3 | Observation No.: | |

Root Cause(s):

Inadequate resourcing and a lack of prioritisation in developing operational policy to give effect to IMO obligations caused that MNZ failed to develop the necessary rules and operational policies around how to effectively implement a number of the mandatory IMO instruments, including provisions for which there is discretion.


Corrective action:

The following actions will be implemented:

- .1 MNZ has established a dedicated operational policy team and will develop a range of new policy frameworks and work programmes to build our capability around operational policy and practice as part of MNZ's evolving organizational strategy; and
- .2 MNZ will develop processes and systems that ensure all IMO obligations are identified and are transposed into domestic rules and other instruments in a manner that provides clear guidance to operational teams in instances where the obligation allows for discretion.

Proposed target completion date: 31 December 2025

Action Plan Submitted:

By Marian Willberg  On 24 July 2025
 (name) [sign] (date)

To: Audit Team Leader Kit Jam Chen IMO Secretariat Tatjana Krilic
 (name) (name)

For review:

For information:



24 July 2025

(signature)

(date)






29 July 2025

(signature)

(date)

Copies to :

Form B

| CORRECTIVE ACTION | | | |
|---|---|---|---|
| Member State: | New Zealand | Audit Period: | 10 to 19 September 2022 |
| Department: | MNZ | Team leader: | Kit Jam Chen |
| Finding No.: | FD-4 | Observation No.: | |
| Root Cause(s): | | | |
| The specific finding arises from a lack of adequate resourcing for third-party monitoring and oversight by MNZ. MNZ has authorised over 250 third parties to variously perform 23 different regulatory functions but has to date not had adequate resources to take a systematised and comprehensive oversight approach. This has led to inconsistencies and gaps in oversight of, support for and instructions to third parties; including those identified in this finding. | | | |
| Corrective action: | | | |
| A forthcoming review of MNZ's funding arrangements will include consideration of the capacity and capability needed to provide for proper third-party oversight. Following identification and allocation of sufficient resources, the specific gaps identified in the finding will be addressed to ensure a system is established that provides ongoing monitoring of third parties. | | | |
| Proposed target completion date: 31 December 2025 | | | |
| Action Plan Submitted: | | | |
| By <u> Marian Willberg </u> On <u> 24 July 2025 </u> <div style="display: flex; justify-content: space-around; font-size: small;"> (name)  [sign ⤴] </div> | | | |
| To: Audit Team Leader <u> Kit Jam Chen </u> IMO Secretariat <u> Tatjana Krilic </u> <div style="display: flex; justify-content: space-around; font-size: small;"> (name) (name) </div> | | | |
| <input checked="" type="checkbox"/> For review: | | <input type="checkbox"/> For information: | |
|  | <u> 24 July 2025 </u> |  | <u> 29 July 2025 </u> |
| (signature) | (date) | (signature) | (date) |
| Copies to : <input type="checkbox"/> | | <input type="checkbox"/> | |
| <input type="checkbox"/> | | <input type="checkbox"/> | |

Form B

| CORRECTIVE ACTION | | | |
|----------------------|-------------|-------------------------|-------------------------|
| Member State: | New Zealand | Audit Period: | 10 to 19 September 2022 |
| Department: | MNZ | Team leader: | Kit Jam Chen |
| Finding No.: | FD-5 | Observation No.: | |

Root Cause(s):


A lack of focused resourcing on flag State control led to a failure to take a systematised and comprehensive oversight approach on MNZ's flag State responsibilities, including documenting and fully assuring processes for following up on New Zealand ships detained overseas, which is ultimately a rare occurrence given the size of the New Zealand fleet.

Corrective action:

MNZ has established a new Maritime Inspection team with a dedicated and ongoing focus on flag State Control. MNZ will develop operational practice, processes and systems to ensure that the flag State work of the newly established team will reflect and give full effect to our IMO obligations, including those identified in this finding, and have in-built quality assurance and reporting elements as part of MNZ's Operational Policy and Practice Framework.

Proposed target completion date: 31 December 2025

Action Plan Submitted:

By Marian Willberg  On 24 July 2025
 (name) [sign up]

To: Audit Team Leader Kit Jam Chen IMO Secretariat Tatjana Krilic
 (name) (name)

For review:

For information:



24 July 2025



29 July 2025

(signature)

(date)

(signature)

(date)

Copies to :

Form B

| CORRECTIVE ACTION | | | |
|----------------------|-------------|-------------------------|-------------------------|
| Member State: | New Zealand | Audit Period: | 10 to 19 September 2022 |
| Department: | MNZ | Team leader: | Kit Jam Chen |
| Finding No.: | FD-6 | Observation No.: | |

Root Cause(s):

A lack of focused resourcing on flag State control, including adequate third-party monitoring by MNZ, led to a failure to take a systematised and comprehensive oversight approach on MNZ's flag State and port State responsibilities, which included a failure to adequately document roles and responsibilities in MNZ and amongst third parties.

Corrective action:

With the establishment of a new Maritime Inspection team, MNZ has developed the necessary position descriptions and mandate to identify the various roles and responsibilities of personnel within the organisation that manage, perform and verify flag State obligations. MNZ will develop a documentation system to ensure the continuous updating of the knowledge of the flag State surveyors with regard to the tasks they were authorized to undertake.

Proposed target completion date: 31 December 2025

Action Plan Submitted:

By Marian Willberg  On 24 July 2025
 (name) [sign] (date)

To: Audit Team Leader Kit Jam Chen IMO Secretariat Tatjana Krilic
 (name) (name)

For review:

For information:



24 July 2025



29 July 2025

(signature)

(date)

(signature)

(date)

Copies to :

Form B

| CORRECTIVE ACTION | | | |
|--------------------------|---|-------------------------|-------------------------|
| Member State: | New Zealand | Audit Period: | 10 to 19 September 2022 |
| Department: | Transport Accident Investigation Commission and MNZ | Team leader: | Kit Jam Chen |
| Finding No.: | FD-7 | Observation No.: | |

Root Cause(s):


The Casualty Investigation Code has not been transposed into New Zealand's domestic process of conducting marine safety investigations. Specifically, the process did not explicitly require marine safety investigation into every very serious marine casualty involving a New Zealand-registered convention-size ships.

Corrective action:

The processes and procedures for conducting marine safety investigations have been reviewed and updated.



Proposed target completion date: 31 December 2024

Action Plan Submitted:

By Marian Willberg  On 24 July 2025
 (name) [sign ⤴]

To: Audit Team Leader Kit Jam Chen IMO Secretariat Tatjana Krilic
 (name) (name)

For review: For information:

 24 July 2025  29 July 2025
 (signature) (date) (signature) (date)

Copies to :

Form B

| CORRECTIVE ACTION | | | |
|--|-------------|-------------------------|-------------------------|
| Member State: | New Zealand | Audit Period: | 10 to 19 September 2022 |
| Department: | MNZ | Team leader: | Kit Jam Chen |
| Finding No.: | FD-8 | Observation No.: | |
| Root Cause(s): | | | |
| <p>The system established by the maritime administration for dissemination of marine safety and search and rescue related information was not fully demonstrated to the audit team. A lack of awareness and communication between agencies in the maritime administration led to a fundamental misunderstanding as to whether New Zealand is in fulfilment of its obligations and resulted in the finding.</p> | | | |
| Corrective action: | | | |
| <p>MNZ will develop a system to educate other agencies about the communications process on an ongoing basis and ensure there is availability and sharing of information through resources and contact points for agencies.</p> | | | |
| Proposed target completion date: 31 July 2025 | | | |
| Action Plan Submitted: | | | |
| <p>By <u> Marian Willberg </u> On <u> 24 July 2025 </u> (name) [sign]</p> | | | |
| <p>To: Audit Team Leader <u> Kit Jam Chen </u> IMO Secretariat <u> Tatjana Krilic </u> (name) (name)</p> | | | |
| <p><input checked="" type="checkbox"/> For review: <input type="checkbox"/> For information:</p> | | | |
| <p> 24 July 2025 29 July 2025</p> | | | |
| <p>(signature) (date) (signature) (date)</p> | | | |
| <p>Copies to : <input type="checkbox"/> <input type="checkbox"/></p> <p style="margin-left: 40px;"><input type="checkbox"/> <input type="checkbox"/></p> | | | |

Form B

| CORRECTIVE ACTION | | | |
|--|-------------|-------------------------|-------------------------|
| Member State: | New Zealand | Audit Period: | 10 to 19 September 2022 |
| Department: | MNZ | Team leader: | Kit Jam Chen |
| Finding No.: | FD-11 | Observation No.: | |
| Root Cause(s): | | | |
| <p>Inadequate resourcing and a lack of prioritisation of developing and implementing operational policy caused that MNZ failed to develop the necessary operational policies and practice in relation to the use of rules requiring port reception facilities to be provided under MARPOL and other mandatory IMO instruments.</p> | | | |
| Corrective action: | | | |
| <p>MNZ has established a dedicated operational policy team and is developing a range of new policy frameworks and work programmes to build our capability around operational policy and practice as part of MNZ's evolving organisational strategy. This will include reviewing and developing operational policies in relation to port State obligations, including those identified in this finding, and ensuring implementation of these policies.</p> <p>In addition, MNZ has established a new Maritime Inspection team with a dedicated and ongoing focus on port State obligations. MNZ will develop operational practice, processes and systems to ensure that the port State work of the new team will reflect and give full effect to the port State obligations, including those identified in this finding, and have in-built quality assurance and reporting elements as part of MNZ's Operational Policy and Practice Framework.</p> | | | |
| Proposed target completion date: 31 July 2026 | | | |
| Action Plan Submitted: | | | |
| <p>By <u> Marian Willberg </u> On <u> 24 July 2025 </u> (name) [sign ↑]</p> | | | |
| <p>To: Audit Team Leader <u> Kit Jam Chen </u> IMO Secretariat <u> Tatjana Krilic </u> (name) (name)</p> <p><input checked="" type="checkbox"/> For review: <input type="checkbox"/> For information:</p> <p><u> <i>J. Chen</i> </u> <u> <i>Kit Jam Chen</i> </u> (signature) (date) (signature) (date)</p> <p>Copies to : <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/></p> | | | |

Form B

| CORRECTIVE ACTION | | | |
|----------------------|-------------|-------------------------|-------------------------|
| Member State: | New Zealand | Audit Period: | 10 to 19 September 2022 |
| Department: | MNZ | Team leader: | Kit Jam Chen |
| Finding No.: | FD-12 | Observation No.: | |

Root Cause(s):

A lack of focused resourcing on port State obligations led to a failure to take a systematised and comprehensive oversight approach on MNZ's port State responsibilities, including a failure to develop operational policy and assurance processes with respect to verified gross mass (VGM) requirements.


Corrective action:

MNZ has established a dedicated operational policy team and is developing a range of new policy frameworks and work programmes to build capability in relation to operational policy and practice as part of MNZ's evolving organisational strategy. This will include developing a control and monitoring mechanism to ensure that shippers weigh containers before transporting them to port.

MNZ will then ensure that the newly established Maritime Inspection team implements this mechanism as part of MNZ's dedicated and ongoing focus on port State responsibilities.

Proposed target completion date: 31 July 2026


Action Plan Submitted:

By Marian Willberg  On 24 July 2025
 (name) [sign ⬆]


To: Audit Team Leader Kit Jam Chen IMO Secretariat Tatjana Krilic
 (name) (name)

For review:

For information:



 (signature) 24 July 2025
 (date)



 (signature) 29 July 2025
 (date)

Copies to :

Form B

| CORRECTIVE ACTION | | | |
|--------------------------|-------------|-------------------------|-------------------------|
| Member State: | New Zealand | Audit Period: | 10 to 19 September 2022 |
| Department: | MOT | Team leader: | Kit Jam Chen |
| Finding No.: | | Observation No.: | OB-1 |

Root Cause(s):


Development of a strategy for ensuring that New Zealand's responsibilities and obligations are implemented has not been prioritised given the desire to respond to other government policy directions.

Corrective action:

New Zealand will develop a collective picture outlining the State's obligations and responsibilities under the mandatory IMO instruments, while undertaking a review of the State's primary maritime legislation that will ensure New Zealand maintains alignment with the mandatory IMO instruments. This will help to form an overall strategy ensuring that New Zealand's obligations and responsibilities under the mandatory IMO instruments, including the III Code are met.

Proposed target completion date: 31 July 2026

Action Plan Submitted:

By Marian Willberg  On 24 July 2025
 (name) [sign] (date)

To: Audit Team Leader Kit Jam Chen IMO Secretariat Tatjana Krilic
 (name) (name)

For review:

For information:



24 July 2025

(signature)

(date)






29 July 2025

(signature)

(date)

Copies to :

Form B

| CORRECTIVE ACTION | | | |
|---|--------------|-------------------------|-------------------------|
| Member State: | New Zealand | Audit Period: | 10 to 19 September 2022 |
| Department: | TAIC and MNZ | Team leader: | Kit Jam Chen |
| Finding No.: | | Observation No.: | OB-2 |
| Root Cause(s): | | | |
| No central database was available within TAIC's Investigation Systems Map that could compile the contact information of experts consulted by the Commission for its marine inquiries. | | | |
| Corrective action: | | | |
| TAIC has added a Maritime Contact Database to its Investigation Systems Map. The Investigation Systems Map is TAIC's repository for all Investigation policy, processes, tools and guidelines. | | | |
| Proposed target completion date: Completed | | | |
| Action Plan Submitted: | | | |
| By <u> Marian Willberg </u> On <u> 24 July 2025 </u> <div style="display: flex; justify-content: space-around; width: 100%;"> (name)  [sign ⤴] </div> | | | |
| To: Audit Team Leader <u> Kit Jam Chen </u> IMO Secretariat <u> Tatjana Krilic </u> <div style="display: flex; justify-content: space-around; width: 100%;"> (name) (name) </div> | | | |
| <input checked="" type="checkbox"/> For review: <input type="checkbox"/> For information: | | | |
| <div style="display: flex; justify-content: space-between; width: 100%;"> <div style="width: 45%;">  <hr style="border: 0; border-top: 1px solid black;"/> <div style="display: flex; justify-content: space-between; width: 100%;"> (signature) (date) </div> </div> <div style="width: 45%;">  <hr style="border: 0; border-top: 1px solid black;"/> <div style="display: flex; justify-content: space-between; width: 100%;"> (signature) (date) </div> </div> </div> | | | |
| Copies to : <input type="checkbox"/> <input type="checkbox"/> | | | |
| <input type="checkbox"/> <input type="checkbox"/> | | | |

ANNEX 1

AUDIT PROGRAMME

Audit Team Members:

CKJ : Mr. Chen Kit Jam (Singapore) Audit Team Leader
 MS : Mr. Masashi Sugomori (Japan)
 AV : Aji Vasudevan (IMO)

| SUNDAY – 11 SEP 2022 | | | |
|--|--|------------------------|---------------------------------------|
| Time (1) | Activity (2) | Participants (3) | Division and Location (4) |
| (14.00 - 16.00) or (11.00 - 13.00) | Pre-audit meeting with SPC to discuss about opening meeting arrangements, travel arrangements, site visits, changes to audit timetable (about 2 hours) | Audit team +SPC | MNZ offices 1 Grey Street Level 11 |

| Day 1 Monday 12 SEP 2022 | | | | |
|--------------------------|--|---|--------------------------------|-----------|
| Time (1) | Activity (2) | Participants (3) | Division and Location (4) | |
| 08.30 - 09.30 | Opening Meeting | All auditors Member State representatives/bodies <ul style="list-style-type: none"> • Minister (30 minutes) • Kirstie Hewlett • Peter Brunt • Kenny Crawford • Anne Greenwood • Sharyn Forsyth • Nigel Clifford • Deb Despard • Andrew Saunderson • TAIC (M Harper, L Cook) • LINZ (J Pierce, R Gabara, G Rowe) • MetService: (N Henry, C Noble, E Louw, R Das) • MfE (S Lamping) | Te Manatū Waka Ground Level | |
| | Karakia | | | 0830-0835 |
| | Assoc. Min. Welcome | | | 0835-0845 |
| | Photo session | | | 0845-0900 |
| | Introduction of auditors & audit + Audit opening session | | | 0900-0930 |

| Day 1 Monday 12 SEP 2022 | | | |
|--------------------------|--|---|--------------------------------|
| Time (1) | Activity (2) | Participants (3) | Division and Location (4) |
| | | <ul style="list-style-type: none"> EPA (L Curtis) MoH (A Markwitz) MFAT (J Wiener, S-L Phillips) | |
| 09.30 – 10.30 | Member State Presentation <ul style="list-style-type: none"> Structure of the maritime administration - entities and other agencies involved in the implementation and enforcement of relevant IMO instruments Division of responsibilities among entities involved in implementation and enforcement | All auditors Member State representatives/bodies <ul style="list-style-type: none"> SPC TMW MNZ-RF (L Brennan, A Bell, P Brunt, S Day, A Richards) MNZ-PG MNZ-OSS TAIC (M Harper, L Cook) LINZ (J Pierce, R Gabara, G Rowe) MetService (E Louw, R Das) MFAT (J Wiener, S-L Phillips) MfE (S Lamping) EPA (L Curtis) | Te Manatū Waka Ground Level |
| 10.30 - 10:45 | Coffee break | | |
| 10.45 – 11.45 | Common areas - Strategy <ul style="list-style-type: none"> Overall maritime policy and strategy of the State Linkage of entities to overall maritime strategy Overall coordination and communication of strategy Performance measurement and continual review for improvement of overall organisational performance | All auditors Member State representatives/bodies <ul style="list-style-type: none"> SPC TMW MNZ-RF (L Brennan, A Bell, P Brunt, S Day, A Richards) MNZ-PG (TBC) MNZ-OSS (TBC) TAIC (M Harper, L Cook) LINZ (J Pierce, R Gabara, G Rowe) MetService (E Louw, R Das) MFAT (J Wiener, S-L Phillips) MfE (S Lamping) | Te Manatū Waka Ground Level |

| Day 1 Monday 12 SEP 2022 | | | |
|--------------------------|--|---|--------------------------------|
| Time (1) | Activity (2) | Participants (3) | Division and Location (4) |
| | | <ul style="list-style-type: none"> EPA (L Curtis) | |
| 11.45 – 12.45 | Lunch break | | |
| 12.45 – 13.45 | <p>Common areas – Introduction of the State</p> <p>Records and record keeping</p> <p>Communication of information to IMO</p> <ul style="list-style-type: none"> Mechanism of communication and coordination within the maritime administration <p>Improvement</p> <ul style="list-style-type: none"> Culture for continuous improvement in maritime administration (continual training programme, national and regional drills, reward and incentive mechanism etc.) Control measures (identifying non-conformities, review and analysis, corrective actions and review of effectiveness actions taken) | <p>All auditors</p> <p>Member State representatives/bodies</p> <ul style="list-style-type: none"> SPC TMW (TBC) MNZ-RF (L Brennan, A Bell, P Brunt, S Day, A Richards) MNZ-PG (TBC) MNZ-OSS (TBC) MNZ-RSS (TBC) TAIC (M Harper, L Cook) LINZ (J Pierce, R Gabara, G Rowe) MetService (E Louw, R Das) MFAT (J Wiener, S-L Phillips) MfE (S Lamping) EPA (L Curtis) | Te Manatū Waka Ground Level |
| 13.45 – 15.45 | <p>Legislation Processes</p> <ul style="list-style-type: none"> Legal system and hierarchy of legislation (Overall) Process for the integration of IMO mandatory instruments and their amendments into national law, how is a treaty ratified / promulgated / implemented and enforced? (e.g., SOLAS) Relevant principal legislations under various ministries (SOLAS, MARPOL, LL, etc.) Primary and subsidiary legislation (Acts, regulations, circulars, policies and officially published guidance) General enforcement procedures and related provisions in legislation, enforcement, investigative and penal processes, assessment of fines and penalties, including severity | <p>All auditors</p> <p>Member State representatives/bodies</p> <p>MNZ-RF (D Whiteridge, R Mein, J Yeates, K Reid, C Gall, A Barrett)</p> <p>TAIC (M Harper, L Cook)</p> <p>LINZ (J Pierce, R Gabara, G Rowe)</p> <p>MFAT (J Wiener, S-L Phillips)</p> <p>MfE (S Lamping)</p> <p>EPA (L Curtis)</p> <p>MetService (E Louw, R Das)</p> | |

| Day 1 Monday 12 SEP 2022 | | | |
|--------------------------|--|--|--------------------------------|
| Time (1) | Activity (2) | Participants (3) | Division and Location (4) |
| | <ul style="list-style-type: none"> Review of legislation, interpretations, and guidance notes, sampling of legislation recently promulgated by State Resources for effective promulgation of legislation | | |
| 15:45 – 16:00 | Coffee break | | |
| 16:00 – 17:00 | Presentation: Maritime New Zealand | All auditors SPC, selected MNZ staff | 1 Grey Level 11 Tasman-Kupe |
| 17:00 | Debriefing and private meeting | All auditors + SPC | |

| Day 2: Tuesday 13 Sep 2022 | | | |
|----------------------------|---|---|--------------------------------|
| Time | Activity | Participants | Division and Location |
| 08:30 – 10:30 | SOLAS <ul style="list-style-type: none"> Review of policies for the implementation and enforcement of SOLAS including mandatory Codes (e.g., IMDG) Legislation, design and construction, stability and equipment approval Implementation and enforcement of SOLAS (except Chapters IV and V) Survey and certification Exemptions, dispensations etc. Control measures, review and improvement Interpretations left to the “satisfaction of the Administration” Safe manning of ships entitled to fly flag of State Reporting to IMO | All auditors Member State representatives/bodies RF-RP (J Yeates) RF-IECT (A Bell) ROG-RL (S Peters, K Dougherty) TAS-STSA (J Gustafson) TAS-OCSA (M Dean) ROG-CSPP (H Martis) | CHQ L1 Kariri CHQ L1 Tahatu |
| 10:30 – 11:00 | COLREG, TONNAGE and LL <ul style="list-style-type: none"> Status of legislation Review of legislation including amendments, interpretations and guidance notes | All auditors Member State representatives/bodies ROG – Regulatory Licencing (H Allen) TAS – Ship Technical Systems Advice (TAS-STSA) (J Gustafson) | |

| Day 2: Tuesday 13 Sep 2022 | | | |
|-----------------------------------|---|---|--------------------------------|
| Time | Activity | Participants | Division and Location |
| | <ul style="list-style-type: none"> Review / Update of policies for the implementation of COLREG / TONNAGE / LOAD LINE Enforcement and penalties, including appropriate examples Reporting to IMO | TAS-OSCA (M Dean) RF-RP (TBC) RF-IECT (A Bell) | |
| 11:00 – 11:15 | Coffee break | | |
| 11:15 – 12:00 | MARPOL <ul style="list-style-type: none"> Review of policies for the implementation and enforcement of MARPOL, Legislation, equipment approval Environment protection measures, penal provisions Implementation and enforcement of MARPOL Reporting to IMO | All auditors Member State representatives/bodies RF-RP (A Barrett, K Reid) RF-IECT (A Bell) ROG-RL (S Peters) TAS-STSA (J Gustafson) TAS-ETSA (P Vorwerk) ROG (H Martis) | CHQ L1 Kariri CHQ L1 Tahatu |
| 12.00 – 13.00 | Lunch break | All auditors | |
| 13.00 – 14.00 | MARPOL (continued) <ul style="list-style-type: none"> Operational pollution response (Coastal and port State issues) Provision and adequacy of port reception facilities Control measures, review and improvement Issuance of interpretations and guidance notes Reporting to IMO Interpretations left to the “satisfaction of the Administration” | All auditors Member State representatives/bodies RF-RP (A Barrett, K Reid) RF-IECT (A Bell) TAS-STSA (J Gustafson) TAS-ETSA (P Vorwerk) ROG (H Martis) MPRS – (S Read) | CHQ L1 Kariri CHQ L1 Tahatu |

| Day 2: Tuesday 13 Sep 2022 | | | |
|-----------------------------------|---|--|--------------------------------|
| Time | Activity | Participants | Division and Location |
| 14:15 – 15:30 | STCW <ul style="list-style-type: none"> Review of policies and legislation Implementation and enforcement of STCW Training assessment and certification Dispensations Investigation into incompetence Review and improvement | Auditors – MS and AV Member State representatives/bodies ROG-RL (P Craven, M Veenendaal) TAS-STSA (J Gustafson) TAS-OCSA (M Dean) ROG-MarInv (P Dwen) | CHQ L1 Kariri CHQ L1 Tahatu |
| 14.15 – 15.30 | Surveyors' recruitment <ul style="list-style-type: none"> Process of recruitment of flag State surveyors, port State control officers (PSCOs), etc. Qualification, training and continual improvement | Auditor - CKJ Member State representatives/bodies PC-Recruitment (A Hawthorn) ROG-CSPP (H Martis) | CHQ L1 Kariri CHQ L1 Tahatu |
| 15:30 - 15:45 | Coffee break | | |
| 15:45 – 17:00 | Delegation of authority and RO monitoring <ul style="list-style-type: none"> Policy Authorisation and RO Agreements Instructions to RO RO monitoring and oversight Resources | All auditors Member State representatives/bodies RF-(P Brunt, D Whiteridge, A Barrett) TAS-STSA (J Gustafson) ROG (H Martis) | CHQ L1 Kariri CHQ L1 Tahatu |
| 17:00 | Debriefing and private meeting | All auditors + SPC | |

| Day 3: Wednesday 14 Sep 2022 | | | |
|-------------------------------------|--|---|--------------------------------|
| Time | Activity | Participants | Division and Location |
| 9:00 – 11:00 | Flag State survey/inspection: <ul style="list-style-type: none"> Policy on survey/inspection Type of surveys/inspection Exemption policies Flag State Instructions Certificate Forms | All auditors Member State representatives/bodies ROG-RL (K Doherty) RF-OP (TBC) OSS-RAI (TBC) | CHQ L1 Kariri CHQ L1 Tahatu |

| Day 3: Wednesday 14 Sep 2022 | | | |
|-------------------------------------|--|---|--------------------------------|
| Time | Activity | Participants | Division and Location |
| | <ul style="list-style-type: none"> • Survey/inspection checklist • IMO guidance • Enforcement of ships, owners, and operators (examples) • Records • Statistics, evaluation and review | TAS-STSA (FSC) ROG-CSPP (H Martis) | |
| 11:00 – 11:15 | Coffee break | | |
| 11:15 – 12:30 | Port State Control: <ul style="list-style-type: none"> • PSC legislation and policy • Practical implementation • Training and certification - PSC officers • Records • Statistics, evaluation and review • Reporting to IMO | All auditors Member State representatives/bodies OSS-RAI (TBC) TAS-STSA (J Gustafson) RF-IECT (A Bell) ROG-CSPP (H Martis) | CHQ L1 Kariri CHQ L1 Tahatu |
| 12.30 – 13.30 | Lunch break | | |
| 14:00 – 16:00 | Coastal State: <ul style="list-style-type: none"> • Policy-level • SAR coordination & coastal rescue • Radio-communication services | All auditors Member State representatives/bodies RSS (J Allan) RF-RP | CHQ L1 Kariri CHQ L1 Tahatu |
| 16:30 | Debriefing and private meeting | All auditors + SPC | |

| Day 4: Thursday 15 Sep 2022 (Field visit : Auckland) | | | |
|---|--|------------------------------|------------------------------|
| Time | Activity | Participants | Division and Location |
| 07:00 – 08:00 | Flight to Auckland | Auditor (KJC) and K Crawford | |
| 08:00 – 09:00 | Road transit to MPRS Te Atatu | | Pick up by Auckland staff |
| 09.00-11:00 | Oil spill combatting centre <ul style="list-style-type: none"> • Operational pollution response (port areas) | Auditor (KJC) | MPRS (Auckland) |

| Day 4: Thursday 15 Sep 2022 (Field visit : Auckland) | | | |
|--|---|--|---------------------------|
| Time | Activity | Participants | Division and Location |
| 07:00 – 08:00 | Flight to Auckland | Auditor (KJC) and K Crawford | |
| 08:00 – 09:00 | Road transit to MPRS Te Atatu | | Pick up by Auckland staff |
| | <ul style="list-style-type: none"> Coordination, review and improvement Reporting to IMO Evaluation and review | Member State representative/bodies RSS-MPRS (S. Read) | |
| 11:00- 12:00 | Travel to Ports of Auckland Ltd | | |
| 12:00 – 13:00 | Lunch break | | |
| 13:00 – 14:30 | Visit to: <ul style="list-style-type: none"> Port reception facilities Dangerous goods handling (e.g. IMDG) Grain Code and IMSBC Code | Auditor (KJC) Member State representatives/bodies Ports of Auckland Ltd (A D'Souza) | |
| 14.30 – 16:30 | Visit to: <ul style="list-style-type: none"> MNZ Auckland office | Auditor (KJC) Member State representatives/bodies K Crawford MNZ | Auckland hub office |
| 18:00 – 19:00 | Return flight to Wellington | Auditor (KJC) and K Crawford | |
| 19:30 | Arrival Wellington | | |
| 19:30 | Debriefing and private meeting | All auditors + SPC | |

| Day 4: Thursday 15 Sep 2022 (Field visit : Wellington and Avalon) | | | |
|---|--|---|-----------------------|
| Time | Activity | Participants | Division and Location |
| 09:00 – 09:30 | Road transit to RCCNZ | Auditors (MS & AV), SPC | |
| 09:00 – 11:00 | <ul style="list-style-type: none"> RCC NZ | Auditors (MS & AV) Member State representatives/bodies RCCNZ (J Allan) Kordia | RCCNZ |

| Day 4: Thursday 15 Sep 2022 (Field visit : Wellington and Avalon) | | | |
|--|--|--|--------------------------------|
| Time | Activity | Participants | Division and Location |
| 09:00 – 09:30 | Road transit to RCCNZ | Auditors (MS & AV), SPC | |
| 11:00 – 12:00 | Road transit to Wellington | | |
| 12:00 – 13:00 | Lunch break | | |
| 13.00 – 16:15 | Coastal State activities SOLAS Chapters IV, V, and COLREG | Auditors (MS & AV) Member State representatives/bodies | CHQ L1 Kariri CHQ L1 Tahatu |
| 13:00 – 14:00 | <ul style="list-style-type: none"> Meteorological services | MetService (E Louw, R Das) | |
| 14:00 – 15:00 | <ul style="list-style-type: none"> Hydrographic services and publications | LINZ (J Pierce, R Gabara, G Rowe) | |
| 15:00 – 15:15 | Coffee break | | |
| 15:15 - 16:15 | <ul style="list-style-type: none"> Aids to Navigation | RSS (J Foye) STSA (J Gustafson) | |
| 19:00 | Debriefing and private meeting | All auditors | |

| Day 5: Friday 16 Sep 2022 | | | |
|----------------------------------|---|---|--------------------------------|
| Time | Activity | Participants | Division and Location |
| 09:00 – 10:30 | Casualty Investigation <ul style="list-style-type: none"> Flag State investigations CI Code Investigator recruitment and qualifications Training | All auditors Member State representatives/bodies ROG-MarInv (P Dwen) TAIC (M Harper, L Cook) | CHQ L1 Kariri CHQ L1 Tahatu |
| 10:30 – 10:45 | Coffee break | | |
| 10:45 – 12:00 | Outstanding issues <ul style="list-style-type: none"> General/flag/coastal/port functions | All auditors and SPC | CHQ L1 Kariri CHQ L1 Tahatu |
| 12:00 – 13:00 | Lunch break | | |
| 13:00 – 17:00 | Debriefing and private meeting | All auditors and SPC | CHQ L1 Kariri |

| | | | |
|---------------------|------------------------|---------------------|---|
| | | | CHQ L1 Tahatu |
| 170 -onwards | Report drafting | All auditors | Urban Hub private meeting rooms, Westpac building Lambton Quay L2 (booked by MNZ) |

| Day 6: Saturday 17 Sep 2022 | | | |
|------------------------------------|---|---------------------|-----------------|
| Time (LT) | Activity | Participants | Location |
| By 1400 hrs | Drafting of findings, observations and consolidation of the draft audit interim report (DIR) and draft Executive Summary Report (DESR) ATL to send the draft of DIR and findings (if any), to SPC as a MS Word document. | ATL | n/a |

| Day 7: Sunday 18 Sep 2022 | | | |
|----------------------------------|---|---------------------|-----------------|
| Time (LT) | Activity | Participants | Location |
| By 1400 hrs | SPC to return the draft of DIR with comments and remarks to ATL, by 1400 hrs on 18 Sept 2022 | ATL | n/a |
| By 1800 hrs | ATL to finalise DIR, DESR and findings, by incorporating comments from SPC. SPC to facilitate signature of Forms-A (if any), and provide printed (two copies) DIR and DESR before closing meeting. | ATL | n/a |

Day 8: Monday 19 Sep 2022

| Time | Activity | Participants | Division and Location |
|---------------|--|--|--|
| 09.30 – 11.00 | <p>Closing Meeting</p> <p>Submission of DIR and DESR including findings and observations.</p> | <p>All auditors</p> <p>Hon. Kieran McNulty (<i>Associate Minister for Transport</i>) Henry Jones Alessandro Aduso</p> <p>Kirstie Hewlett (<i>CE and Dir. MNZ</i>) Peter Brunt Kenny Crawford Anne Greenwood Sharyn Forsyth Nigel Clifford Deb Despard Andrew Saunderson</p> <p>Liam Brennan Stuart Day Amanda Richards Kate Reid Andrew Bell Dave Whiteridge Rose Mein Jacqui Yeates Caroline Gall Alison Barrett Scott Read Jim Foye Justin Allan</p> | <p>Te Manatū Waka Meeting Room Ground Level</p> |

| | | | |
|--|--|---|--|
| | | Amber Hawthorn Jarred Gustafson Matt Dean Paul Vorwerk Martin Harper Louise Cook Naveen Kozhupakalam Louise Curtis Simon Lamping Norm Henry Chris Noble Elke Louw Raveen Das Julia Wiener Shea-Lee Phillips | |
|--|--|---|--|

ANNEX 2

AGENDA AND LIST OF ATTENDEES TO THE OPENING MEETING

- 1 Introduction of the participants (ALL AUDITORS/ New Zealand);
- 2 Background history and evolution of IMO Audit Scheme;
- 3 Review and confirmation of the provisional audit programme;
- 4 Audit standard;
- 5 Scope of the audit;
- 6 Objectives of the Audit;
- 7 Methods and Procedures used;
- 8 Official communication links;
- 9 Administrative arrangements;
- 10 Closing Meeting;
- 11 Procedures for audit findings and observations;
- 12 Confidentiality; and
- 13 Other items

List of attendees to the opening meeting

| | |
|-----------------------------------|---------------------|
| Bronwyn Turley | Pete Dwen |
| Megan Moffet | Rachel Butler |
| Henry Jones | Rob Warner |
| Kirstie Hewlett (CE and Dir. MNZ) | Rochelle Wengrzik |
| Peter Brunt | Rose Mein |
| Kenny Crawford | Scott Read |
| Anne Greenwood | Sonny Ali |
| Andrew Saunderson | Steve Peters |
| Alison Barrett | Stuart Day |
| Amber Hawthorn | Andreas Markwitz |
| Andrew Bell | Chris Noble |
| Bonita Gestro | Elke Louw |
| Caroline Gall | Fiona Newlove |
| Dave Whiteridge | Glen Rowe |
| Hannah Martis | Jan Pierce |
| Ian Lancaster | Julia Wiener |
| Jacqui Yeates | Louise Cook |
| Jim Foye | Louise Curtis |
| Justin Allan | Martin Harper |
| Kate Reid | Matt Adams |
| Katherine Hanna | Naveen Kozhupakalam |
| Kayla Dougherty | Norm Henry |
| Liam Brennan | Rachel Gabara |
| Matt Dean | Raveen Das |
| Melissa Veenendaal | Shea-Lee Phillips |
| Paul Craven | Simon Lamping |
| Paul Vorwerk | |

ANNEX 3

STRUCTURE OF MARITIME ADMINISTRATION

