



## Maritime Transport Act 1994

### Marine Protection Rules

#### International Omnibus — Various Amendments 2020

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

Signed at Wellington

This *30<sup>th</sup>* day of *January* 2021

By Hon MICHAEL WOOD



Minister of Transport

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## **Objective**

The objective of the Marine Protection Rules (International Omnibus) Various Amendments 2020 is to update Marine Protection Rules Parts 100, 122, 131, 143, and 170 to address recent changes to international conventions, codes, and other mandatory instruments. There are also amendments to correct minor errors in existing rules relating to international instruments.

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

## **Extent of consultation**

On 10 September 2020, Maritime New Zealand consulted, via its website, with the public on the proposed amendments to the marine protection rules in accordance with the Act, including the expected costs and benefits. A notice regarding this consultation was placed in the New Zealand Gazette on 10 September 2020. The deadline for making a submission was 23 October 2020. One submission was received in respect of the proposed amendments to the marine protection rules.

## **Entry into force**

These rules enter into force on 31 March 2021.

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

### **1. Rule 100.13 Facilities for the reception of ballast water and sediment**

In rule 100.13—

- (a) in subrule (1)(a), replace “dirty ballast water” with “non-permanent ballast water”; and
- (b) in subrule (2), replace “dirty ballast water” with “non-permanent ballast water”; and
- (c) in subrule (3)(a), replace “dirty ballast water” with “non-permanent ballast water”.

## **Part 122: Maritime Protection Products – Oil**

### **2. Part 122 Part objective**

In Part 122, in the Part objective, replace the first 2 paragraphs with the following:

“The technical standards contained in the International Convention for the Prevention of Pollution from Ships 1973, as modified (MARPOL) are being incorporated into New Zealand law by means of marine protection rules. These rules enable New Zealand to be party to the Convention.

Part 122 applies requirements of Annex I of MARPOL to the design and fitting of marine protection products to commercial ships (as defined in the Maritime Transport Act 1994) including oil tankers. The requirements include:”.

### **3. Rule 122.2 Definitions**

In rule 122.2, in the definition of “high speed craft”, replace “Code for Safety” with “Code of Safety”.

### **4. Rule 122.7 Sludge tanks**

Replace rule 122.7, including the heading, with the following:

#### **“122.7 Oil residue (sludge) tanks and piping**

The owner of a ship to which this rule applies must ensure that the ship complies with the requirements of regulation 12 of Chapter 3 of Annex I of MARPOL.”.

### **5. Rule 122.8 Oil residue (sludge) tank piping**

Replace rule 122.8, including the heading, with the following:

#### **“122.8 Reserved”.**

### **6. 122.23 Standard deck discharge connection**

In rule 122.23, delete the words “rule 122.7 and/or”.

## **Part 131: Offshore Installations – Oil Spill Contingency Plans and Oil Pollution Prevention Certification**

### **7. Part 131 Heading**

Replace the heading of Part 131 with the following:

**“Part 131: Offshore Installations – Oil Spill Contingency Plans; Oil Pollution Prevention Certification; Operations”.**

### **8. Part 131 Part objective**

In Part 131, in the Part objective—

- (a) in the second paragraph, replace “1973/78 (MARPOL)” with “1973, as modified (MARPOL)”; and

- (b) after the third paragraph, insert a new paragraph as follows:

“In addition to requirements for oil spill contingency plans and oil pollution prevention certification, Part 131 also contains general operational requirements for offshore installations including requirements for occurrence reporting, placarding, garbage, sludge tanks, oil filtering equipment, and record books on installations that are within the territorial sea or the internal waters of New Zealand.”; and
- (c) in the penultimate paragraph, delete “, and also section 451,”.

**9. Rule 131.1 Application**

In rule 131.1, in subrule (2), insert, after “territorial sea”, “or the internal waters of New Zealand”.

**10. Rule 131.83 Garbage Record Books**

In rule 131.83, replace subrule (1) with the following:

- “(1) The owner of an installation must ensure that—
  - (a) there is a Garbage Record Book for the installation that is—
    - (i) in the form shown in Appendix II of Annex V of MARPOL; and
    - (ii) in the working language of the crew and in English; and
    - (iii) carried on board the installation at all times; and
    - (iv) readily available for inspection by the Director at all reasonable times; and
  - (b) an entry is recorded in the Garbage Record Book in accordance with regulation 10 of Annex V of MARPOL for each incineration of garbage and for each discharge or accidental loss.”.

**Part 143: Shipboard Marine Pollution Emergency Plans for Noxious Liquid Substances**

**11. Part 143 Part objective**

In Part 143, in the Part objective—

- (a) in the paragraph that ends with “(MARPOL)”, replace “1973/78 (MARPOL)” with “1973, as modified (MARPOL)”; and
- (b) delete the heading “*Rules subject to Regulations (Disallowance) Act 1989*”; and
- (c) replace the last paragraph with the following:

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

**12. Rule 143.2 Definitions**

In rule 143.2, in the definition of “**Category X, Y, Z and OS substance**”—

- (a) replace subrule (i) with:

“(i) in Annex II of MARPOL; or”; and
- (b) replace subrule (iii) with:

“(iii) by the Director under rule 140.9.”.

**13. Rule 143.11 Identification of a probable discharge or escape**

In rule 143.11, replace subrule (a), (b), and (c) with the following:

- “(a) section 228 of the Act; and
- (b) rule 140.10; and
- (c) rule 140.11.”.

**14. Rule 143.12 Reporting a discharge (supplemental)**

Replace rule 143.12, with the following:

“If, in the event of an actual or probable discharge of any noxious liquid substance—

- (a) the noxious liquid substances plan contains no contact details for a coastal state; or
- (b) there is any undue delay in contacting the responsible authority by the means prescribed by rule 140.10 or 140.11—

the master must contact the nearest—

- (i) radio communication station; or
- (ii) designated ship movement reporting station; or
- (iii) rescue coordination centre—

by the fastest telecommunications channels available and with the highest possible priority.”.

**Part 170: Prevention of Pollution from Garbage from Ships**

**15. Part 170 Part objective**

In Part 170, in the Part objective—

- (a) in the fourth paragraph, replace the last sentence with the following:

“Rules relating to the discharge of garbage from offshore installations are set out in Part 131. Further requirements relating to discharge of garbage are contained in legislation administered by the Ministry for the Environment, for example under the Resource Management Act 1991 and the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012.”; and
- (b) delete the heading “*Rules subject to Regulations (Disallowance) Act 1989*”; and
- (c) replace the last paragraph with the following:

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

**16. Rule 170.7 Discharge of cargo residue outside special area and Arctic waters**

In rule 170.7—

- (a) in subrule (c), after the last word of the subrule “environment” but before the footnote superscript “<sup>1</sup>”, insert “in accordance with the criteria set out in Appendix I of Annex V of MARPOL”; and
- (b) in footnote 1, which is linked to rule 170.7(c), replace “See Advisory Circular for Part 170” with “Reserved”.

**17. Rule 170.14 Discharge of cargo residue within special area**

In rule 170.14—

- (a) in subrule (c), after the last word of the subrule “environment” but before the footnote superscript “<sup>4</sup>”, insert “in accordance with the criteria set out in Appendix I of Annex V of MARPOL”; and

- (b) in footnote 4, which is linked to rule 170.14(c), replace “See Advisory Circular for Part 170” with “Reserved”.

**18. Rule 170.20 Garbage Record Books**

In rule 170.20—

- (a) replace subrule (2) with the following:
  - “(2) The owner and the master of a ship to which this rule applies must ensure that—
    - (a) there is a Garbage Record Book for the ship that is—
      - (i) in the form specified in the Appendix II of Annex V of MARPOL; and
      - (ii) in the working language of the crew and in English; and
    - (b) the Garbage Record Book, along with receipts obtained from reception facilities, for the ship is—
      - (i) carried on board the ship at all times; and
      - (ii) readily available for inspection by the Director and by authorised persons acting on behalf of a state party to Annex V of MARPOL at all reasonable times; and
    - (c) an entry is recorded in the Garbage Record Book in accordance with regulation 10 of Annex V of MARPOL for each discharge of garbage into the sea, each incineration of garbage, each discharge of garbage to a port facility or another ship, and each discharge or accidental loss referred to in rule 170.4.”; and
- (b) replace subrule (4) with the following:
  - “(4) The Garbage Record Book, along with receipts obtained from reception facilities, required by subrule (2) must be preserved by the owner of the ship for 24 months after the last entry has been made or the date of the receipt.”.

**19. Rule 170.25 Garbage Record Books**

In rule 170.25—

- (a) replace subrule (2) with the following:
  - “(2) The owner and the master of a ship to which this rule applies must ensure that—
    - (a) there is a Garbage Record Book for the ship that is in the form specified in Appendix II of Annex V of MARPOL; and
    - (b) the Garbage Record Book, along with receipts obtained from reception facilities, for the ship is—
      - (i) carried on board the ship at all times; and
      - (ii) readily available for inspection by the Director at all reasonable times; and
    - (c) an entry is recorded in the Garbage Record Book in accordance with regulation 10 of Annex V of MARPOL for each discharge of garbage into the sea, each incineration of garbage, each discharge of garbage to a port facility or another ship, and each discharge or accidental loss referred to in rule 170.4.”; and
- (b) replace subrule (6) with the following:
  - “(6) The Garbage Record Book, along with receipts obtained from reception facilities, required by subrule (2) must be preserved by the owner of the ship for 24 months after the last entry has been made or the date of the receipt.”.

## **Summary of Submissions**

The proposed Marine Protection Rules were consulted on between 10 September 2020 and 23 October 2020.

One submission was received in respect of the proposed amendments to the marine protection rules. The submission was in general support of the amendments proposed.