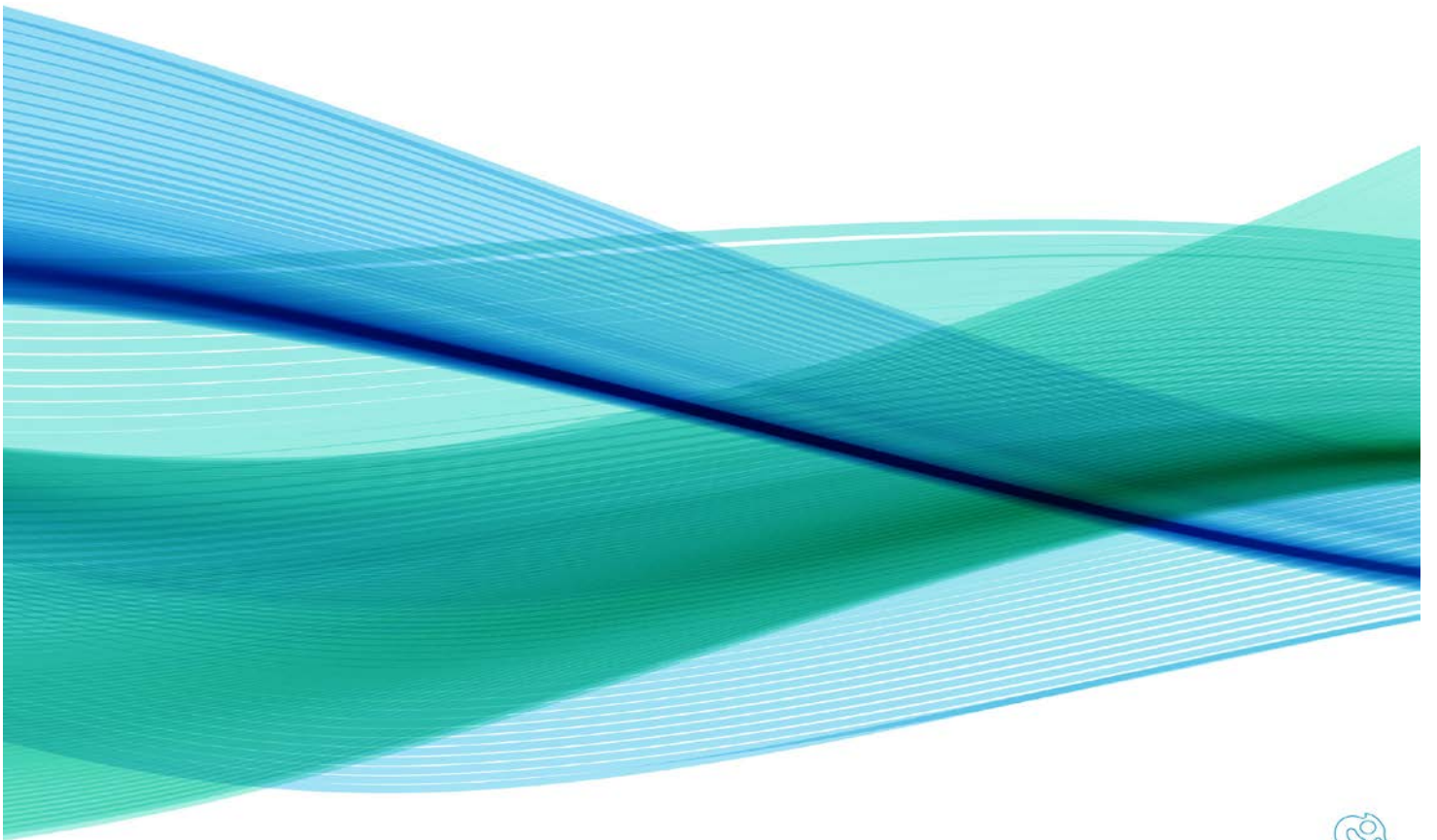


Invitation to Comment

Maritime Rules (International Omnibus) 2020
Marine Protection Rules (International Omnibus) 2020

10 September 2020



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INVITATION TO COMMENT

Introduction

1. You are invited to comment on two proposed rules:
 - Maritime Rules (International Omnibus) 2020; and
 - Marine Protection Rules (International Omnibus) 2020.

Executive Summary

2. The proposed rule changes are necessitated by amendments to international conventions to which New Zealand is a party. These conventions relate to maritime safety, marine protection, and related requirements. They have been developed and are administered under the auspices of the International Maritime Organization and the International Labour Organization.
3. New Zealand implements such conventions and codes by making them a part of domestic law. This happens by means of Maritime Rules and Marine Protection Rules which are a form of secondary legislation provided for under the Maritime Transport Act 1994 (MTA). Rules are generally made by the Minister before being gazetted.
4. The proposals in this document highlight:
 - the nature of, and reasons for, the convention changes; and
 - how the changes will be incorporated into the New Zealand rules.
5. In brief, over 25 conventions and codes are involved across the spectrum of both the IMO and ILO. The reasons for convention changes include: alignment between codes; lessons from accidents; improved auditing of regulators; clarification of technical definitions; and improved safety requirements.
6. The proposed draft rules incorporate changes related to convention resolutions made in the period up until January 2018. Rule updates for convention changes occur from time to time. The last update was in 2017.
7. The proposed Maritime Rules (International Omnibus) 2020 are set out at **Appendix A**, and the proposed Marine Protection Rules (International Omnibus) 2020 at **Appendix B**.
8. Not every convention change, however, requires a rule change. Where part of a convention has previously been incorporated by reference into rules, a change in that part is notified. **Appendix C** provides information on such changes notified in the *New Zealand Gazette*.
9. Interested parties are invited to make submissions by 5.00pm on 23 October 2020.
10. The rules are expected to come into force by 31 March 2021.

Background: conventions and rules

11. A key objective of the Minister of Transport under section 5 of the Maritime Transport Act 1994 (the Act) is to ensure the implementation of New Zealand's obligations under the international conventions to which it is a party.
12. To this end, maritime and marine protection rules are made which contribute to an integrated, safe, responsive, and sustainable transport system. The content of rules is often based on the technical standards and requirements of international conventions.

International conventions

13. New Zealand is a member of the International Maritime Organization (IMO) and the International Labour Organization (ILO), bodies responsible for a range of international conventions, including a large number of codes and other instruments. These promote up-to-date and internationally acceptable standards and practices concerning safety and the conduct of ships and people at sea.

Convention development and decision making

14. International conventions are developed under the auspices of:
 - the key committees of the IMO -
 - the Maritime Safety Committee (MSC);
 - the Marine Environment Protection Committee (MEPC); and
 - the conferences of the ILO.
15. The substantive work of the IMO and ILO - in identifying issues and problems, discussing options, and coming up with solutions and new requirements - is led by member countries. The secretariats of the IMO and ILO assist administratively in these tasks.
16. New Zealand's participation alongside other member countries in these committees and conferences reflects its priorities and resources.

New Zealand acceptance

17. New Zealand accepts changes or amendments to existing conventions through the tacit acceptance process. Tacit acceptance means that States are taken to consent to proposed amendments unless they expressly object; a State that objects to an amendment that has come into effect is not bound by it.
18. Key points are: tacit acceptance is limited to technical matters set out in the general provisions and annexes of conventions; any amendment to the articles (fundamental principles) of a convention will usually require a State to notify consent in writing; and tacit acceptance cannot be used for a State to become a party to a new convention.

Approach to rule design

Incorporation methods

19. New Zealand undertakes to implement such conventions, and changes in conventions, into its domestic law. This occurs most commonly through the making of maritime and marine protection rules.
20. There are different ways in which convention standards and requirements can be incorporated into rules. These include:
 - **Reproducing the convention text within the rule.** This corresponds with the ‘wording’ method, or the ‘force of law’ method (where the words are in a formula or schedule), as described in section 9.2 of the *Guidelines* (2018 edition) of the Legislative Design Advisory Committee (LDAC).
 - **Referencing the convention standards or requirements within the rule.** This corresponds with the ‘subordination’ method. The *Guidelines* suggest this method is appropriate to address conventions that provide for or require ongoing technical changes.
 - **A combination of the two.** This corresponds with the ‘hybrid’ method.

Approach preferred and reasons

21. At present, all three of the above methods are used in the rules. This should be expected as the method adopted should reflect the particular context. Other things being equal, referencing rather than reproducing is more straightforward. Referencing comes into its own when the provisions are highly technical and likely to be subject to ongoing or frequent change. Even so, relatively limited use has been made of incorporation by reference relative to its potential use in the rules.
22. In relation to the convention changes currently needing to be incorporated, the preferred approach is to incorporate by reference the more technical parts of convention materials wherever possible and appropriate. The reasons are:

Technical provisions sit well in technical documents

23. The best place for such provisions is in the specialist technical documents and standards of the originating bodies. Such material includes, for example, equations, diagrams, and highly technical standards and requirements including cross-referenced standards of formal standards bodies.
24. Such material is subject to frequent updating especially where technology advances and where standards are new. The kind of detail involved (eg, tank and piping connections in and from oil residue (sludge) tanks on ships) can be difficult to integrate seamlessly into secondary legislation.

Incorporation by reference is consistent with good legal design

25. The approach of looking to incorporate by reference the more technical parts of convention materials is supported by:
 - *Section 452 of the MTA.* This provides for incorporation by reference of:

- international or other national standards and requirements, or of those of class societies, or of other bodies; or
- any other material that is too large or impractical to reproduce in the rules.

There are a range of safeguards (process and information provisions) which support this.

- The LDAC *Guidelines*. The *Guidelines* discuss when incorporation by reference is useful, and cite section 36(1) of the MTA in the context of conventions requiring periodic technical updates that are appropriately carried out by the Executive.

Reproducing technical provisions in rules can create difficulties

26. Whether the provisions are reproduced in whole or in part, this approach can be risky and costly. Typical drawbacks include:

- Longer rules, with minor, major or subtle textual variations (relative to the convention) make for disproportionate and unnecessary complexity.
- It is time consuming and difficult for both industry and the regulator when two sets of provisions (the convention text and the rule text) must be read together and compared in order to identify and assess the implications of any differences.
- There is a higher risk of errors in the rules, and of rules not being kept up to date with convention changes.

Addressing potential concerns

27. When material is incorporated by reference, potential concerns are the accessibility and the cost of that material. These concerns invite the following points:

- The relevant material (ie, IMO and ILO conventions and resolutions) is readily and remotely accessible from these bodies, and increasingly accessible with advances in devices and technology.
- The material is also available from other sources such as KR-CON which is produced by the Korean Register. It provides a digital database of almost all convention documents. These are accessible via online website, mobile applications, or USB, and are made use of by industry and regulators.
- The purchase of technical information and standards (eg, ISO or IEC standards), where necessary, is not onerous for the parties affected - ship builders, ship operators, and the specialist engineers, surveyors, and other professionals who advise them.

Rule making process; *Gazette* notices; timetable

28. Changes in conventions to which New Zealand is a party trigger a number of processes. Key stages and dates (dates post-October are tentative) include:

- ***gazetting the changes in convention material incorporated by reference*** as required by section 452(6)(b) of the MTA (this occurred on 27 August 2020, see **Appendix C** for a copy of the notice);

- **gazetting the intention to make rule changes** as required by section 446(a) of the MTA (this occurred on 10 September 2020);
- **consulting**, as required by section 446(b) and (c) of the MTA, disclosing the proposed rule changes (see **Appendix A** and **Appendix B**), and inviting comments (due by 23 October 2020);
- **the Minister’s approval of the rule changes**, following the review of submissions and the finalisation of proposals, by 11 December 2020;
- **gazetting the making of the rules** as required by section 448(2) of the MTA (by 26 February 2021);
- **consolidating the rules, and updating any guidance**, on the website of Maritime New Zealand by 31 March 2021;
- **coming into force of the rules** by 31 March 2021.

Proposed changes

29. **Table 1** below summarises convention changes that require gazette notification because the convention provision is incorporated by reference in the rules. **Table 2** below summarises convention changes that require rule changes.
30. More detailed information on the proposed rule changes is set out in the attached **Appendix A** (Maritime Rules) and **Appendix B** (Marine Protection Rules).
31. **Appendix C** provides a copy of the notification in the *New Zealand Gazette* of changes in conventions incorporated by reference in the rules in compliance with section 452(6)(a) of the MTA.
32. Note that:
- Some of the resolutions require both rules to be changed, and material incorporated by reference to be notified.
 - Material being incorporated by reference for the first time will always require a rule change.
 - A small number of the proposed rule changes are corrections or clarifications (ie, relating to the implementation of earlier convention resolutions).

Likely benefits for New Zealand

33. The likely benefits associated with the proposed rule changes may be considered in the context in which convention decisions are made:
- **Strategic fit - New Zealand is a party to the conventions.** In deciding to become a party, New Zealand has accepted the mandatory aspects of the conventions. Such acceptance involves a judgment that implementing the conventions (as required) is in New Zealand’s wider strategic interests.
 - **Convention decision-making is robust and inclusive.** Each change reflects a thorough multilateral process with expert input. This includes input from a wide range of industry groups. This provides assurance for New Zealand and other parties.

- ***The focus is on practical, consensus-based solutions to clear problems.*** The convention process is geared to real problems or risks that have been identified relating to maritime safety or the marine environment. Each change is based on an international consensus that the changes are likely to be beneficial.
- ***Resolutions are supported by informed research and discussion.*** The committee deliberations and decision documents provide instructive narrative. While cost-benefit analysis is rare, the technical and qualitative material publicly available makes the merits of the changes plain even for a non-technical audience.

Linkages with the 40-series (Rules Parts 40-49) Reform Project

34. Maritime New Zealand is reviewing rules which address design, construction and equipment. (Rule Parts 40F and 40G which apply to hovercraft and novel ships, respectively, are not included in the review.) The aims of the project are to design a new framework of rules that:

- are proportionate and appropriate to the relevant risks;
- are clear and easy to understand, interpret and apply; and
- can be maintained and updated readily.

35. Where convention changes require (or create the potential for) amendments to 40-series rules:

- The approach adopted has been to make the most minimal rule changes possible in order to avoid cutting across the work of the 40-series project, or to avoid changes altogether if change is not strictly required. An example of the latter is the 2010 Fire Test Procedures Code which is not currently referenced in the 40-series rules.
- If feasible and appropriate, the approach has been to make greater use of incorporation by reference. An example is the proposed amendment to Rule Part 42A in Appendix A relating to the performance, maintenance and servicing of life saving appliances.

Those affected and impacts

36. Many parties will likely be affected by the proposed rule changes including ship owners, ship operators, seafarers, businesses associated with the shipping and maritime industries, and Maritime New Zealand. There will also be indirect effects including on the wider public and all those affected by the activities and outputs of the maritime sector.

37. Submissions made during the consultation process may provide more specific information on the impacts of the changes and the parties most affected.

We welcome submissions

Focus for feedback: impacts, accuracy, clarity of proposals

38. New Zealand is required to implement convention changes to which it is a party. The proposed rules seek to do this. Submitters may wish to comment and provide information on the likely impacts of the rule changes on industry participants and operations as well as on maritime safety and marine protection outcomes.

39. Submitters may wish to consider specifically whether the proposed rules are: effective in incorporating the convention changes; accurate and free of error; and as clear and understandable as possible.

Submissions are public information

40. Please indicate clearly if your comments are commercially sensitive, or if, for some other reason, you consider they should not be disclosed. If your submission is subject to an Official Information Act (OIA) request, Maritime NZ will consider your confidentiality request in accordance with the grounds for withholding information set out in the OIA.

41. In addition, if you are an individual (ie, your comments are made personally and not on behalf of a company or an organisation) please indicate whether and why your identity should not be disclosed.

Due date, and how to contribute

42. The due date for submitting comments on the Maritime Rules (International Omnibus) 2020 and Marine Protection Rules (International Omnibus) 2020 is 5.00pm on 23 October 2020.

43. Submissions can be:

- e-mailed to rules.coordinator@maritimenz.govt.nz
- posted to **PO Box 25620, Wellington 6140**
- delivered (Monday to Friday, 9am to 3pm) to **Maritime New Zealand, level 11, 1 Grey Street, Wellington 6011** (calling ahead is recommended, as office access may be affected by COVID-19)

Next steps

44. We will send you an acknowledgement that your submission has been received. Once the rule is finalised, you will receive a summary of the full consultation.

45. You may view the submissions made by other people (subject to the provisions of the Privacy Act and the OIA). Submissions may be viewed Monday to Friday, 9am to 3pm at the Wellington office of Maritime New Zealand (except statutory holidays). Please arrange this beforehand: call +64 4 494 1272 and ask for the Manager, Regulatory Policy Design.

Table 1: International conventions – resolutions requiring gazette notification of material incorporated by reference

Convention requirement	Resolution amending convention	Summary of convention amendments	Rules in which convention provision is incorporated by reference
SOLAS The International Convention for the Safety of Life at Sea 1974 and its Protocol of 1978			
SOLAS II-1			
Part A Regulation 3-12	MSC.409(97)	New date for when SOLAS noise protection requirements apply	Rule 40B.6A
Parts A, B, B-1, B-2, B-4, C Regulations 1, 2, 4, 5, 5-1, 6, 7,7-1, 7-2, 8, 8-1, 9,10, 12, 13, 15, 16, 16-1, 17, 19, 19-1, 20, 21, 22, 22-1, 23, 24, 35-1	MSC.421(98)	A significant number of amendments to regulations revising subdivision and damage stability requirements following investigation into the 2012 <i>Costa Concordia</i> incident	Rules 23.56, 40A.12, 40A.13, 40B.6A, 40B.7, 40B.8, 40B.9, 40B.10, 40B.12
IGF Code International Code of Safety for Ships using Gases or other Low-flashpoint Fuels	MSC.422(98)	Amends Regulation 11.3 of the IGF Code relating to fire protection	Rules 31.2, 31.47B, 32.2, 32.141, 40B.2, 40B.28B
2008 IS Code International Code on Intact Stability, 2008	MSC.413(97)* MSC.414(97)* MSC.415(97) * Not yet certified by IMO	Amends Part B of the IS Code - brings ships engaged in anchor handling, towing operations, escort towing and lifting within the scope of the 2008 IS Code; changes in design criteria; stability information; stability calculations	Rule 40B.7
SOLAS Appendix (Certificate forms P,E,C)	MSC.421(98)	Certificate changes to reflect revision of SOLAS II-I for records of equipment for passenger ship safety (form P), cargo ship safety (form E), and cargo ship safety (form C).	Rules 46.13

Convention requirement	Resolution amending convention	Summary of convention amendments	Rules in which convention provision is incorporated by reference
SOLAS II-2			
Parts A, D, G Regulations 3, 13, 18	MSC.404(96)	Introduces definitions - <i>Helicopter landing area</i> , and <i>Winching area</i> ; introduces new requirements relating to means of escape for passenger ships; and to the special requirements for helicopter facilities	Rules 40B.13, 40B.14, 40B.15, 40B.17, 40B.18, 40B.19, 40B.29, 46.10A, 46.13, 46.14, 122.16
Parts A, C Regulation 1, 10	MSC.409(97)	Amends: application; and firefighting requirements (defines when an approved foam-type extinguisher not required)	Rules 40B.13, 40B.14, 40B.15, 40B.17, 40B.18, 40B.19, 40B.29, 46.10A, 46.13, 46.14, 122.16
Parts A, C, G Regulations 3, 9, 20, 20-1	MSC.421(98)	Amends: definition of vehicle carrier; containment of fire requirements; special requirements (protection of vehicle, and requirements for vehicle carriers)	Rules 40B.13, 40B.14, 40B.15, 40B.17, 40B.18, 40B.19, 40B.29, 46.10A, 46.13, 46.14, 122.16
FSS Code International Code for Fire Safety Systems	MSC.403(96)	Amends requirements in Chapters 8 relating to automatic sprinkler, fire detection and fire alarm systems; and introduces a new Chapter 17 relating to helicopter facility foam firefighting appliances	Rules 40B.13, 40B.14, 40B.15, 40B.17, 40B.18, 40B.19, 40B.29, 46.10A, 46.13, 46.14, 122.16
	MSC.410(97)	Amends FSS Code Chapter 13 requirements relating to arrangement of means of escape	Rules 40B.13, 40B.14, 40B.15, 40B.17, 40B.18, 40B.19, 40B.29, 46.10A, 46.13, 46.14, 122.16
SOLAS III			
Parts A, B Regulations 1, 30, 37	MSC.421(98)	Amends application, damage control drill, and muster list and emergency instruction requirements	Rules 23.31, 40B.20, 40B.21, 42A.5
Part B	MSC.402(96)	Introduces new requirements in accordance with Regulation 20 to follow detailed rules for the maintenance, thorough examination,	Rules 40B.20, 40B.21, 42A.5

Convention requirement	Resolution amending convention	Summary of convention amendments	Rules in which convention provision is incorporated by reference
Regulation 20		operational testing, overhaul and repair of life boats, and rescue boats, launching appliances and release gear	
Parts A, B Regulations 3, 20	MSC.404(96)	Introduces a new definition - <i>Requirements for maintenance, thorough examination, operational testing, overhaul and repair</i> ; and amends the requirements relating to operational readiness, maintenance and inspections for ships and life-saving appliances	Rules 40B.20, 40B.21, 42A.5
LSA Code International Life-Saving Appliances Code	MSC.425(98)	Changes relating to the proof-load tests and safety factors that launching appliances and their elements have to withstand	Rules 40B.21, 42A.2, 42A.28
SOLAS IV			
Regulation 14.1 MSC.306(87)	MSC.431(98)	Requirement for interface with other navigation display or integrated communications equipment, and interface for alert management	Rules 43.2 and 43.24(b)
SOLAS VI			
IMSBC Code International Maritime Solid Bulk Cargoes Code	MSC.426(98)	Changes including a new nickel ore schedule; responsibility for moisture limit testing; requirement to declare whether certain bulk cargoes other than grain harmful to the marine environment	Rules 24A.2, 24A.22, 24A.23, 24C.2, 24C.3, 24C.9, 24C.10
SOLAS VII			
IMDG Code International Maritime Dangerous Goods Code	MSC.406(96)	Changes including harmonisation of Code with UN recommendations on transport of dangerous goods; in relation to lamps; Dangerous Goods List; Special Provisions; packing and tank provisions; testing of packagings; lithium batteries; to unify requirements for different cargoes	Rules 24A.2, 24A.3, 24A.22, 24A.23, 24A.62, 24A.82, 24A.83, 24A.143, 24A.161, 24A.162, 24A.163, 24A.164, 24A.181, 24A.182, 24A.201, 24A.202, 24A.203, 24A.221, 24A.222, 24A.223, 24B.2,

Convention requirement	Resolution amending convention	Summary of convention amendments	Rules in which convention provision is incorporated by reference
			24D.2, 24E.2, 50.2, 150.2
IGC Code International Code of the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk	MSC.411(97)	Aligns the wheelhouse window fire-rating requirements in the IGC Code with those in SOLAS chapter II-2	Rules 24A.2, 24A.22, 24A.23, 40B.2, 40B.26, 40B.28B, 40C.9, 40C.77, 46.4, 46.10, 46.13, 90.3
SOLAS X			
1994 HSC Code International Code of Safety for High Speed Craft, 1994	MSC.423(98)	Changes to emergency training and drills (including enclosed space entry and rescue); exemption for small craft (less than 20m in length) to carry rescue boat if other requirements met	Rules 21.5, 40A.68, 40A Appendix 1.5, 40B.24, 51.2
2000 HSC Code International Code of Safety for High Speed Craft, 2000	MSC.424(98)	Changes to emergency training and drills (including enclosed space entry and rescue); exemption for small craft (less than 30m in length) to carry rescue boat if other requirements met	Rules 31.2, 31.44, 32.2, 32.16, 32.170, 40B.24, 40F.12, 40F.15, 40F.16
SOLAS XI-1/2			
2011 ESP Code International Code on the Enhanced Programme of Inspections during Surveys of Bulk Carriers and Oil Tankers, 2011	MSC.405(96) MSC.412(97)	Changes including revisions to requirements for cargo tank testing; to rescue and emergency response equipment (breathing apparatus); to entrance to enclosed space during survey; to align different standards of testing (eg, thickness measurement, hatch cover coaming)	Rules 46.9(3)(c), 101A.7
2009 MODU Code Code for the Construction and Equipment of Mobile Offshore Drilling Units, 2009	MSC.407(96) MSC.435(98)	Changes to comply with new chapter 17 of FSS Code; update to 2009 MODU Code in response to recommendations from investigation into the explosion, fire and sinking of the <i>Deepwater Horizon</i> in the Gulf of Mexico in April 2010 (changes relate to machinery and electrical installations in hazardous areas, fire safety and life-saving appliances and equipment)	Rules 40B.27

Convention requirement	Resolution amending convention	Summary of convention amendments	Rules in which convention provision is incorporated by reference
MARPOL The International Convention for the Prevention of Pollution from Ships 1973 as modified by the Protocol of 1978			
Annex I	MEPC.276(70)	Updated forms relating to segregated ballast tanks	Rules 123A.2, 123A.6, 123A.9
MEPC.107(49)	MEPC.285(70)	Various changes	Rules 122.2, 122.4

Table 2: International conventions – resolutions requiring rule changes

Convention requirement	Resolution amending convention	Summary of convention (or rule) amendments	Rules in which convention requirement is incorporated
SOLAS The International Convention for the Safety of Life at Sea 1974 and its Protocol of 1978			
SOLAS II-1			
Part B-4 Regulation 19	MSC.421(98)	New requirement for damage control drills for SOLAS passenger ships (including New Zealand SOLAS passenger ships)	Rule 23.9
SOLAS III			
Parts A and B Regulations 3, 20	MSC.404(96) MSC.402(96)	Introduces new requirement to follow detailed rules for the maintenance, thorough examination, operational testing, overhaul and repair of lifeboats and rescue boats, launching appliances and release gear	Rules 42A.32A, 42A.32B, 42A.33, 42A.33A, 42A.35, 42A.36, 42A.40, 42A.40A, 42A.41, 42A.42
SOLAS X			
1994 HSC Code	N/A	Proposed rule amendment corrects a resolution reference: replaces the reference to MSC.36(83) with a reference to MSC.36(63)	Rule 22.2
SOLAS XIV and Polar Code	MSC.385(94)	Updating regulation 3 of Chapter XIV of SOLAS and PWOM and Voyage Planning to reflect requirement in the Polar Code and Chapter XIV SOLAS	Rules 21.2, 21.20, 21.21, 46.14

Convention requirement	Resolution amending convention	Summary of convention (or rule) amendments	Rules in which convention requirement is incorporated
	MSC.386(94)		
International Convention on the Tonnage Measurement of Ships, 1969	N/A	Proposed rule amendment broadens the definition of surveyor to enable relevant individuals to carry out tonnage calculations and carry out load line surveys consistent with international obligations	Rule 48.2
Maritime Labour Convention	Amendments 2014 Amendments 2016 Amendments 2018	Updates financial security requirements, shipowner liability, guidelines and declaration requirements and requirements for inclusion in employment agreements	Rules 52.3, 52.40A, 52.60A, 52.100A, 52.120A
MARPOL The International Convention for the Prevention of Pollution from Ships 1973 as modified by the Protocol of 1978			
Annex I	MEPC.266(68)	Clarification of how discharge piping connections should work, to ensure that sludge oils cannot enter bilge systems	Rules 122.2, 122.7, 122.8, 122.23
Annex II	N/A	Proposed rule amendments correct references to other rules	Rules 143.2, 143.11, 143.12
Annex V Regulations 4.3 and 6.1.2.2	MEPC.277(70)	New criteria for the classification of solid bulk cargoes as harmful to the marine environment; aimed at ensuring that such substances are declared by the shipper if they are classed as harmful and are not discharged	Rules 170.7, 170.14, 170.20, 170.25, 131.83, 24C.3, 24A.82

Proposed Maritime Rules (International Omnibus) 2020

Objective

The objective of the Maritime Rules (International Omnibus 2020) is to update Maritime Rules Parts 21, 22, 23, 24A, 24C, 42A, 46, 48, and 52 to address recent changes to international conventions, codes and other mandatory instruments. There are also amendments to correct existing rules relating to international instruments.

Maritime 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.

Text colour key

Green underline text represents proposed changes to rules that are insertions

~~Red strike-through text~~ represents proposed changes to rules that are deletions

Blue text in a box provides information or comment

Blue text not in a box is an instruction to amend a rule

AMENDMENTS RELATING TO EMERGENCY TRAINING AND DRILLS AND IMO RESOLUTION MSC.421(98)

Part 23: Operating Procedures and Training

Rule 23.9 remains unchanged except as indicated below.

Insert new subrules (i) and (ii) in rule 23.9(4)(b) as indicated below:

23.9 Emergency training and drills

...

- (4) The master of a ship to which this rule applies must ensure the following drills are conducted, as far as practicable, as if there were an actual emergency:
 - (a) abandon ship and fire drills:
 - (b) on a passenger ship that is both a New Zealand ship and a SOLAS ship—
 - (i) enclosed space entry and rescue drills; and
 - (ii) damage control drills in accordance with regulation 19-1 of Chapter II-1 of SOLAS.

AMENDMENTS RELATING TO LIFE-SAVING APPLIANCE MAINTENANCE AND IMO RESOLUTIONS MSC.404(96) AND MSC.402(96)

Part 42A Safety Equipment – Life Saving Appliances – Performance, Maintenance and Servicing

Insert new heading and 2 new rules below rule 42A.32:

Operational readiness, maintenance, and inspections and training — Part 40B ships

42A.32A Operational readiness, maintenance, and inspections — Part 40B ships

- (1) The owner and the master of a ship to which Part 40B applies must maintain operational readiness and perform maintenance and inspections of life saving appliances relating to the ship in accordance with regulation 20 of Chapter III of the International Convention for the Safety of Life at Sea, 1974.
- (2) The examination, operational testing, repair, and overhaul of equipment in accordance with regulation 20 of Chapter III of the International Convention for the Safety of Life at Sea, 1974, must be performed by a person authorised by the Director to do so.
- (3) The Director may authorise a person to perform an examination, operational testing, repair, or overhaul of equipment if that person meets the the requirements for service providers in IMO resolution MSC.402(96) titled "Requirements for the maintenance, thorough examination, operational testing, overhaul and repair of lifeboats and rescue boats, launching appliances and release gear".
- (4) A power or function of the Administration referred to in IMO resolution 402(96) is a power or function of the Director.

42A.32B Training manuals and onboard training aids — Part 40B ships

The owner and the master of a ship to which Part 40B applies must comply with the requirements of regulation 35 of Chapter III of the International Convention for the Safety of Life at Sea, 1974.

Amend heading below, insert new rule 42A.33, and amend rule 42A.33 to become 42A.33A as indicated below:

Maintenance, inspections and servicing — except Part 40B ships

42A.33 Application of rules 42A.33A to 42A.40

Rules 42A.33A to 42A.40 apply only to ships to which Part 40B does not apply.

42A.~~33~~33A Maintenance

The owner and the master of a ship of 24 metres or more in length overall must ensure that—

- (a) instructions are on board for on board maintenance of life-saving appliances that are easily understood, illustrated wherever possible, and, as appropriate, include the following items for each appliance:
 - (i) a checklist for carrying out the inspections required by rule 42A.35(1)(a); and
 - (ii) maintenance and repair instructions; and
 - (iii) a schedule of periodic maintenance; and
 - (iv) a diagram of lubrication points with the recommended lubricants; and
 - (v) a list of replaceable parts; and

- (vi) a list of sources of spare parts; and
- (vii) a log for records of inspections and maintenance; and
- (b) maintenance is carried out in accordance with the instructions required by [subrule \(a\) rule 42A.33\(a\)](#) and having due regard to the reliability of the life-saving appliances; and
- (c) falls used in launching any required life-saving appliance are—
 - (i) turned end-for-end at intervals of not more than 30 months; and
 - (ii) renewed when necessary due to deterioration of the falls or at intervals of not more than five years, whichever is the earlier; and
 - (iii) inspected periodically with special regard for areas passing through sheaves.

Amend rule 42A.35 as indicated below:

42A.35 Weekly tests and inspection

- (1) The owner and the master of a ship of 24 metres or more in length overall must ensure that the following tests and inspections are carried out at intervals of not more than one week:
 - (a) visually inspect all survival craft, rescue boats and launching appliances to ensure that they are ready for use. ~~On a New Zealand ship to which Part 40B applies this should include the condition of hooks, their attachment to the lifeboat, and whether the on-load release gear is properly and completely reset;~~ and

42A.32A covers this through reg 20.6.1 of ch III SOLAS

- (b) except as provided for in [subrule \(c\) rule 42A.35\(e\)](#) in respect of the special characteristics of outboard motors of rescue boats, run ahead and astern each engine in each lifeboat and each rescue boat for a total period of not less than three minutes, provided that the ambient temperature is above the minimum temperature required for starting the engine. This must demonstrate that the gearbox and gearbox train are engaging satisfactorily. ~~If, on a New Zealandship to which Part 40B applies, the special characteristics of an outboard motor fitted to a rescue boat would not allow it to be run other than with its propeller submerged for a period of 3 minutes, a suitable water supply may be provided;~~ and
- (c) run ahead and astern each outboard motor of each rescue boat for a total period prescribed by the manufacturer whenever the special characteristics of the motor do not permit it to be run other than with its propeller submerged for a period of three minutes; and
- (d) test the general emergency alarm; and
- (e) [Reserved](#) lifeboats, ~~except free-fall lifeboats, on a New Zealand ship that is a non-passenger ship to which Part 40B applies shall be moved from their stowed position, without any persons on board, to the extent necessary to demonstrate satisfactory operation of launching appliances, if weather and sea conditions so allow.~~

42A.32A covers this through reg 20.6.3 of ch III SOLAS

- (2) The owner and the master of a ship to which subrule (1) applies must ensure that, where a New Zealand official logbook is required by Part 73, a report of the inspections conducted under subrule (1) is entered in the logbook.

logbook covered through chapeau of reg 20.6 of ch III SOLAS

Amend rule 42A.36 as indicated below:

42A.36 Monthly inspections

The owner and the master of a ship must ensure that—

- (a) an inspection of life-saving appliances, including lifeboat equipment, is carried out at intervals of not more than one month, using the checklist required by rule ~~42A.33A(a)(i)~~ ~~42A.33(a)(i)~~ to ensure that the appliances are complete and in good order; and
- (b) a report of the inspection is entered in the New Zealand official logbook, where such a logbook is required under Part 73, or in any logbook required to be maintained by rule 19.66 or maintained as part of the ship's safe ship management system; and
- (c) ~~Reserved lifeboats, except free-fall lifeboats, on a New Zealand ship to which Part 40B applies, are turned out from their stowed position at intervals of not more than one month, without any persons on board, if weather and sea conditions so allow.~~

logbook covered through reg 20.7.2 of ch III SOLAS

Amend rule 42A.40 as indicated below:

42A.40 Servicing of hydrostatic release units

- (1) The owner and the master of a ship must ensure that any hydrostatic release unit of any required life-saving appliance is serviced—
 - (a) at intervals of not more than twelve months, except as may be provided for in ~~subrules (2) and (3)~~ ~~rule 42.40(2) and 42.40(3)~~; and
 - (b) at an approved servicing station.
- (2) The Director or a surveyor may extend the servicing interval to not more than 17 months, if the Director or surveyor is satisfied that the extension is reasonable—
 - (a) because there is no approved servicing station in the vicinity of the ship's location; or
 - (b) to coincide with a periodic survey or inspection.
- (3) The owner and master of a ship must ensure that any disposable type hydrostatic release is replaced on its expiry date. A disposable type hydrostatic release need not be serviced annually.

Corrects two references in rule 42A.40

Delete rule 42A.40A as indicated below: (42A.32A covers this)

~~42A.40A Periodic servicing of launching appliances and on-load release gear~~

~~The owner and the master of a ship to which Part 40B applies must ensure that launching appliances, lifeboat on-load release gear, and davit-launched automatic release hooks are—~~

- ~~(a) maintained in accordance with the instructions for on-board maintenance required by rule 42A.33(a); and~~
- ~~(b) examined and tested in accordance with the requirements of Regulation 20 of Chapter III of SOLAS.~~

42A.40A Reserved

Delete rule 42A.41 as indicated below: (refer new 42A.32B above)

~~42A.41 Training manuals~~

- ~~(1) The owner and the master of a ship to which Part 42A and Part 40B applies must ensure that there is provided in each crew mess room or recreation room, or in each crew cabin, a training~~

~~manual or audio-visual aid complying with the requirements of paragraphs (2) and (3) of rule 42A.41.~~

~~(2) Any training manual must contain instructions and information in easily understood terms, and illustrated wherever possible, on the life-saving appliances in the ship and on the best methods of survival. The training manual must be written in the working language of the ship.~~

~~(3) The following information, whether in the form of a manual or audio-visual aids, must be explained in detail:~~

~~(a) donning of life jackets and immersion suits, as appropriate:~~

~~(b) mustering at the assigned stations:~~

~~(c) boarding, launching, and clearing the survival craft and rescue boats:~~

~~(d) method of launching from within the survival craft:~~

~~(e) release from launching appliances:~~

~~(f) methods and use of devices for protection in launching areas, where appropriate:~~

~~(g) illumination in launching areas:~~

~~(h) use of all survival equipment:~~

~~(i) use of all detection equipment:~~

~~(j) with the assistance of illustrations, the use of radio life-saving appliances:~~

~~(k) use of drogues:~~

~~(l) use of engines and accessories:~~

~~(m) the recovery of survival craft and rescue boats, including stowage and securing:~~

~~(n) hazards of exposure and the need for warm clothing:~~

~~(o) best use of survival craft facilities in order to survive:~~

~~(p) methods of retrieval, including the use of helicopter rescue gear (slings, baskets, stretchers), breeches-buoy and shore life-saving apparatus and ship's line-throwing apparatus:~~

~~(q) all other functions contained in the muster list and emergency instructions:~~

~~(r) instructions for emergency repair of the life-saving appliances.~~

42A.41 Reserved

Insert new heading above rule 42A.42 as indicated below:

Miscellaneous

42A.42 Standards

The Director may determine that a life saving appliance meets a standard prescribed by Part 42A, if the Director is satisfied that the appliance—

- (a) complies with a national or international standard; and
- (b) substantially complies with the standard prescribed in Part 42A.

AMENDMENTS RELATING TO HIGH SPEED CRAFT SAFETY CERTIFICATE AND IMO RESOLUTION MSC.36(63)

Part 22: Collision Prevention

Rule 22.2 remains unchanged except as indicated below.

22.2 Definitions

high speed vessel means a ship in respect of which a High Speed Craft Safety Certificate has been issued in compliance with the *International Code of Safety for High Speed Craft* adopted by Resolution ~~MSC.36(83)~~ MSC.36(63) of the International Maritime Organization's Maritime Safety Committee dated June 1994, as amended by that committee from time to time:

This is a correction of a typo.

AMENDMENTS RELATING TO POLAR WATERS AND IMO RESOLUTION MSC.385(94) AND MSC.386(94)

Objective to insert clearer requirement for PWOM and Voyage Planning to reflect requirement in the Polar Code and Chapter XIV SOLAS. To reflect the first limb of reg 3 of Ch XIV of SOLAS into the rules for the operational safety provisions in the Polar Code (including PWOM and voyage planning) in respect of operator and master responsibilities.

Part 21: Safe Ship Management Systems

Amend objective as indicated below:

Part objective

Part 21 requires certain New Zealand commercial ships to establish safe ship management procedures which are consistent with the duties of participants in the maritime system stated in section 17(4)(a) of the Maritime Transport Act 1994.

Section 1 applies to those foreign-going ships which are subject to the requirements of the International Convention for the Safety of Life at Sea, 1974, (SOLAS), and to other large ships, other than fishing ships, which proceed beyond restricted limits. This section incorporates the requirements of SOLAS Chapter IX - *Management for the Safe Operation of Ships*.

Chapter IX was added to SOLAS with other amendments adopted in 1994 and comes into force for different types of ship on varying dates between 1998 and 2002. At the Conference of Contracting Governments at which these amendments were adopted a resolution was also adopted strongly urging governments to implement as far as practicable safe management requirements for cargo ships entitled to fly their flags of 150 tons gross tonnage or more but less than 500 tons gross tonnage. For consistency with existing regulations the SOLAS provisions apply to those New Zealand ships of 45 metres or more in length that proceed beyond restricted limits, but are not SOLAS ships, because of their size or because they do not engage in foreign voyages. Thus the application of section 1 to such ships.

The provisions of section 1 require the ship owner to implement a shore based and shipboard safe management system in compliance with the International Safety Management Code adopted by the International Maritime Organization Assembly Resolution A.741(18) and given mandatory effect by chapter IX of SOLAS. The International Safety Management Code provides an international standard for the safe management and operation of ships and for pollution prevention.

[Section 1A applies to New Zealand ships on voyages to polar waters. This gives effect to the operational parts of regulation 3 of Chapter XIV SOLAS. Chapter XIV SOLAS refers to the Polar Code.](#)

Foreign ships, which are SOLAS ships, are required by section 1 to meet the port state control provisions of that Convention in respect of Chapter IX.

The basis for Part 21 is found in sections 17(4)(a), 34, and 36(1)(j) of the Maritime Transport Act 1994.

Maritime 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.

21.2 Definitions

Rule 21.2 remains unchanged except as highlighted below.

Amend definitions as indicated below:

In Part 21:

Act means the Maritime Transport Act 1994:

Antarctic area means the sea area south of latitude 60° S:

Arctic waters means those waters which are located north of a line from the latitude 58°00'.0 N and longitude 042°00'.0 W to latitude 64°37'.0 N, longitude 035°27'.0 W and thence by a rhumb line to latitude 67°03'.9 N, longitude 026°33'.4 W and thence by a rhumb line to the latitude 70°49'.56 N and longitude 008°59'.61 W (Sørkapp, Jan Mayen) and by the southern shore of Jan Mayen to 73°31'.6 N and 019°01'.0 E by the Island of Bjørnøya, and thence by a great circle line to the latitude 68°38'.29 N and longitude 043°23'.08 E (Cap Kanin Nos) and hence by the northern shore of the Asian Continent eastward to the Bering Strait and thence from the Bering Strait westward to latitude 60° N as far as Il'pyskiy and following the 60th North parallel eastward as far as and including Etolin Strait and thence by the northern shore of the North American continent as far south as latitude 60° N and thence eastward along parallel of latitude 60° N, to longitude 056°37'.1 W and thence to the latitude 58°00'.0 N, longitude 042°00'.0 W:

...

passenger ship means a ship which carries more than 12 passengers on a voyage beyond restricted limits, or any passengers on a voyage within restricted limits:

Polar Code means the safety-related provisions in the Introduction, and all of Part I-A, of the International Code for Ships Operating in Polar Waters adopted by the International Maritime Organization:

polar waters means any of the following:

- (a) Arctic waters:
- (b) the Antarctic area:

Note: The definition of Polar Waters is not verbatim SOLAS or MARPOL definitions. MARPOL Annex I reg 46.3 of chapter 11 and Annex II reg 21.3 of chapter 10 Annex IV reg 17.4 of chapter 7 Annex V reg 13.3 of chapter 3 and SOLAS reg 1.4 of chapter XIV all state "Polar waters means Arctic waters and/or the Antarctic area". The rules avoid "and/or" construction but our proposed definition is aligned with MARPOL and SOLAS. Neither MARPOL nor SOLAS refer to Polar Waters as "including" Arctic waters and Antarctic area.

restricted limits has the same meaning as in Part 20:

...

Insert following new rules after rule 21.8 as indicated below:

Rules 21.9 to 21.19 [Reserved]

Section 1A: SOLAS ships and ships of 45 metres or more in length in polar waters

21.20 Application of section 1A

Rule 21.21 applies to a New Zealand ship to which section 1 applies that operates in polar waters.

21.21 Operating in polar waters

- (1) The owner and the master of a ship that operates in polar waters must ensure the operation is conducted in accordance with the requirements in the Polar Code.
- (2) The owner and the master of a ship that operates in polar waters must implement and maintain processes and procedures that ensure compliance with the Polar Code, including the requirements relating to—
 - (a) the polar waters operational manual under Chapter 2 of the Polar Code; and
 - (b) voyage planning under Chapter 11 of the Polar Code.

Part 46: Surveys, Certification and Maintenance

46.14 Certificates for ships of 45 metres or more in length that proceed beyond restricted limits

Rule 46.14 remains unchanged except for the insertion indicated below.

Polar Ship Document of Compliance

- (10) The owner of a ship to which this section applies that is not a SOLAS ship must not operate that ship in polar waters without holding a valid Polar Ship Document of Compliance in respect of the ship.
- (11) The Director, or an authorised person, must issue a maritime document called a Polar Ship Document of Compliance in respect of a ship to which this section applies, that is not a SOLAS ship, in accordance with section 41 of the Act, if—
- (a) verification that the ship complies with the additional safety measures required under Chapter XIV of SOLAS for ships in polar waters is determined in accordance with—
 - (i) rule 46.10B, as if that ship is a SOLAS ship; and
 - (ii) rule 21.21; and
 - (b) the owner of the ship has made an application in accordance with section 35 of the Act.
- (12) The Polar Ship Document of Compliance referred to in subrule (11) must not be issued for a period beyond the expiry date of the New Zealand Ship Safety Certificate for that ship referred to in subrule (2).

Note: Port State control rules for foreign ships going to or coming from polar waters is covered in rules 46.27(a)(ee) and (b).

Part 21 port state control rule 21.8 focuses on the ISM code and Chapter IX of SOLAS in section 1 of Part 21 and so does not deal with port state control of foreign ships to or from polar waters per Chapter XIV SOLAS. The new section 1A of Part 21 only deals with NZ ships so no port state control rules relate to it.

AMENDMENTS RELATING TO TONNAGE AND DEFINITION OF SURVEYOR IN PART 48 OF MARITIME RULES

Part 48: Tonnage Measurement

48.2 Definitions

Rule 48.2 remains unchanged except as highlighted below.

Replace the definition of surveyor in rule 48.2 with:

~~surveyor means a person who holds a current Certificate of Surveyor Recognition under Part 44:~~

"surveyor means—

- (a) a person employed by an authorised organisation to undertake an activity that Part 48 requires be undertaken by a surveyor; or
- (b) a person who holds a current Certificate of Surveyor Recognition:".

AMENDMENTS RELATING TO MARITIME LABOUR CONVENTION AND AMENDMENTS TO MLC IN 2014, 2016, AND 2018

MLC Amendment of 2018 makes substantive changes to standards and so needs to be implemented via rule change as well as by Gazette notice.

MLC Amendment of 2016 makes changes to guidelines, to MLC A5.1.3, and to Appendix A5-II of MLC. These updates do not need to be implemented via rule change but only by Gazette notice. This will be done in the first set of notices prepared for updating material that is already incorporated by reference. A rule change is also proposed as belt and braces to ensure all requirements in MLC are met that are not otherwise referred to in subpart F of Part 52.

MLC Amendment of 2014 makes substantive changes to standards and so needs to be implemented via rule change as well as by Gazette notice. The changes in MLC are to Title 2 (financial security) and Title 4 (shipowner's liability) and the Appendices.

Amend Part 52 by deleting every footnote.

Amend the objective as indicated below:

Part objective

The objective of Part 52 is to give effect to the provisions of the Maritime Labour Convention (MLC) not covered elsewhere in New Zealand law, including other Maritime Rules.

Although this Part was created to implement the MLC requirements, other Parts also implement MLC requirements where that is more appropriate than including it in this Part. These are Parts 31, 34, and 51. ~~The amendments to Parts 31 and 34 are contained in this Part as consequential amendments. The amendments to Part 51 are contained in a separate set of Part 51-specific amendment rules, which will be made at the same time as this Part 52 is made.~~

The authority for Part 52 is found in section 36 of the Maritime Transport Act 1994 (the Act). Section 36(1)(b), (e), (j), (k), (n), (o), (p), (q), (s), (u), (w), (y), and (za) of the Act provide the Minister may make maritime rules for the purposes relevant to the scope of this Part 52.

Maritime 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.

Amend Part 52 by inserting, after rule 52.65, new rule 52.66 as indicated below:

52.66 Continued effect of seafarer's employment agreement

- (1) The owner and master of a ship must ensure that the seafarer's employment agreement required under rule 52.61(1) continues to have effect while a seafarer is held captive on or off the ship as a result of acts of piracy or armed robbery against ships, regardless of whether the date fixed for the agreement's expiry has passed or either party has given notice to suspend or terminate it.
- (2) Subrule (1) does not apply when, prior to the commencement of the acts of piracy or armed robbery—
 - (a) the date fixed for expiry of the employment agreement has passed; and
 - (b) the seafarer has arrived at the place agreed between the seafarer and the owner or the master under rule 52.65(2).

Rule 52.66 is created to introduce the new proposed 2018 amendment relating to regulation 2.1 of the Convention. It will enter into force on 26 December 2020.

- (3) In this rule 52.66 piracy and armed robbery have the same meaning as in paragraph 7 of Standard A2.1 of the Convention.

Amend Part 52 by inserting, after rule 52.65, new rule 52.66 as indicated below:

52.67 Wages

- (1) The owner and master of a ship must ensure, where a seafarer employed on the ship is held captive on or off the ship as a result of acts of piracy or armed robbery against ships, wages and other entitlements under the seafarers' employment agreement referred in rule 52.61(1), relevant collective bargaining agreement, or applicable national laws, including the remittance of any wages under rule 52.63, shall continue to be paid during the entire period of captivity and until the seafarer is released and duly repatriated in accordance with rule 52.65 or, where the seafarer dies while in captivity, until the date of death.
- (2) In this rule 52.67 piracy and armed robbery have the same meaning as in paragraph 7 of Standard A2.1 of the Convention.

Rule 52.67 is created to introduce the new proposed 2018 amendment relating to regulation 2.2 of the Convention. It will enter into force on 26 December 2020.

AMENDMENTS RELATING TO MARPOL ANNEX V – GARBAGE AND MEPC.277(70)

Part 24A: Carriage of Cargoes – Dangerous Goods

Although the following amendments arise from the MEPC (marine environment protection committee of the IMO) and not the MSC (maritime safety committee of the IMO) the amendments will be made by the Minister as amendments to maritime rules under Appendix A.

These amendments are also placed in Appendix B for the purposes of the ITC so readers can see all the amendments together that relate to resolution MEPC.277(70).

Subpart D – Documentation and notifications

Amend rule 24A.82 by inserting new subrule (4) as indicated below:

24A.82 Documentation - shippers, packers, and carriers

- (1) The shipper of a consignment of dangerous goods that is to be transported by ship must—
 - (a) accurately and fully complete a dangerous goods transport document in accordance with Chapter 5.4 of the IMDG Code; and
 - (b) sign the dangerous goods transport document; and
 - (c) provide a copy of the dangerous goods transport document to the carrier before the consignment is loaded for transport by that carrier; and
 - (d) provide any additional information and documentation required to transport the dangerous goods, as applicable;¹ and
 - (e) if the consignment is packed or loaded into any CTU before its delivery to a carrier, provide to the carrier, attached to the dangerous goods transport document, a copy of the container packing certificate or vehicle packing certificate, required under subrule (2).
- (2) For each consignment of dangerous goods that is packed, loaded, or consolidated into any CTU for carriage on a ship, the packer must—
 - (a) accurately and fully complete and sign a container packing certificate or vehicle packing certificate, as appropriate, in accordance with Chapter 5.4 of the IMDG Code; and
 - (b) not pack the consignment into a CTU unless the packer has received—
 - (i) the dangerous goods transport documentation for that consignment that has been completed by the shipper; and
 - (ii) any container packing certificate or vehicle packing certificate relevant to that consignment that has been completed by the previous packer; and
 - (iii) any additional information and documentation required to transport the dangerous goods, as applicable;² and
 - (c) provide the certificates and documentation referred in subrules (2)(a) and (b) to the subsequent shipper or carrier, as appropriate.
- (3) The shipper or carrier of a consignment of dangerous goods that is to be transported on a ship who presents the consignment to the operator of the ship, must provide to the operator, before the consignment is loaded on the ship—
 - (a) the dangerous goods transport document completed by the shipper; and
 - (b) any applicable container packing certificate completed by the packer; and

- (c) any applicable vehicle packing certificate completed by the packer; and
 - (d) any additional information and documentation required to transport the dangerous goods, as applicable.
- (4) The shipper of dangerous goods that are to be transported by ship, if the dangerous goods are solid bulk cargo as defined in regulation 1-1.2 of Chapter VI of the International Convention for the Safety of Life at Sea (SOLAS) 1974, must—
- (a) classify that cargo in accordance with Appendix I of Annex V of MARPOL; and
 - (b) declare whether the cargo is harmful to the marine environment.

Per MEPC.277(70), which amends Annex V reg 4.3 and reg 6.1.2.2

Part 24C: Carriage of Cargoes – Specific Cargoes

Although the following amendments arise from the MEPC (marine environment protection committee of the IMO) and not the MSC (maritime safety committee of the IMO) the amendments will be made by the Minister as amendments to maritime rules under Appendix A.

These amendments are also placed in Appendix B for the purposes of the ITC so readers can see all the amendments together that relate to resolution MEPC.277(70).

General

Amend rule 24C.3 by inserting new subrule (4) as indicated below:

24C.3 Cargo information

- (1) The shipper of a cargo to be carried on a ship to which section 2 or section 3 or section 4 of Part 24C applies must—
 - (a) provide the master or the master's representative with information on the cargo that includes—
 - (i) general description of the cargo; and
 - (ii) the gross mass of the cargo or of the cargo units; and
 - (iii) any relevant special properties of the cargo; and
 - (b) ensure the information is—
 - (i) provided sufficiently in advance of loading to enable the precautions that may be necessary for proper stowage and safe carriage of the cargo to be put into effect; and
 - (ii) confirmed in writing; and
 - (iii) confirmed by appropriate shipping documents prior to loading on the ship.
- (2) The shipper of a cargo to be carried on a ship to which section 2 of Part 24C applies must, in addition to 24C.3(1), provide the master or the master's representative with information in writing—
 - (a) on the stowage factor of the cargo; and
 - (b) the trimming procedures; and
 - (c) in the case of a concentrate or other cargo that may liquefy, additional information on—
 - (i) the moisture content of the cargo; and
 - (ii) its transportable moisture limit.

- (3) The shipper of a cargo to be carried on a ship to which section 2 of Part 24C and the IMSBC Code apply must provide the master or the master's representative with the information required by section 4 of the IMSBC Code.
- (4) The shipper of cargo to be carried on a ship to which section 2 applies, must—
- (a) classify that cargo in accordance with Appendix I of Annex V of MARPOL; and
 - (b) declare whether the cargo is harmful to the marine environment.

Per MEPC.277(70), which amends Annex V reg 4.3 and reg 6.1.2.2

Note: section 2 of Part 24C applies to solid bulk cargoes but excludes dangerous goods in bulk. However dangerous goods in bulk is included in the definition of solid bulk cargo defined in regulation VI/1-1.2 of the International Convention for the Safety of Life at Sea (SOLAS), 1974. So we'll include Part 24A with the same shipper requirements for dangerous goods in bulk. This may not solve the issue but it highlights the issue for now.

Solid bulk cargo is defined in regulation VI/1-1.2 of the International Convention for the Safety of Life at Sea (SOLAS), 1974 as follows:

2 Solid bulk cargo means any cargo, other than liquid or gas, consisting of a combination of particles, granules or any larger pieces of material generally uniform in composition, which is loaded directly into the cargo spaces of a ship without any intermediate form of containment.

Note MEPC.277(70) has 2 requirements that apply to shippers, one is within a special area, the other is outside. The requirement above can be silent on these parameters because both parameters together cover all areas.

Material to be incorporated by reference under these proposed rules:

The following materials will be introduced into rules:

1. IMO resolution MSC.421(98) amends regulation 19-1 of Chapter II-I of the International Convention for the Safety of Life at Sea (SOLAS) [rule 23.9]
2. IMO resolution MSC.402(96) is incorporated through regulations 3 and 20 and 35 of Chapter III SOLAS [rule 42A.32A and 42A.32B]
3. IMO resolution MSC.404(96) [rules 42A.33, 42A.33A, 42A.35, 42A.36, 42A.40, 42A.40A, 42A.41, 42A.42]
4. IMO resolution MSC.36(63) [rule 22.2]
5. Introduction and Part 1-A of the Polar Code and Chapter XIV SOLAS [rules 21.2, 21.20, 21.21, 46.14]
6. Maritime Labour Convention (MLC), as amended by the Conference of the International Labour Organization on 11 June 2014
7. MLC, as amended by the Conference of the International Labour Organization on 9 June 2016
8. MLC, as amended by the Conference of the International Labour Organization on 5 June 2018
9. Regulation 1-1.2 of Chapter VI SOLAS 1974 [rule 24A.82]
10. Appendix I of Annex V of the International Convention for the Prevention of Pollution from Ships (MARPOL) [rules 24C.3 and 24A.82]

Proposed Marine Protection Rules (International Omnibus) 2020

Objective

The objective of the Marine Protection Rules (International Omnibus) 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 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.

Text colour key

Green underline text represents proposed changes to rules that are insertions

~~Red strike-through text~~ represents proposed changes to rules that are deletions

Blue text in a box provides information or comment

Blue text not in a box is an instruction to amend a rule

AMENDMENTS RELATING TO MARPOL ANNEX I – OIL AND MEPC.266(68)

Part 122: Marine Protection Products – Oil

Part objective

Amend objective as indicated below:

The technical standards contained in the International Convention for the Prevention of Pollution from Ships 1973/~~78~~, 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.

~~Specifically, Part 122 applies the requirements of regulations 2(2), 3, 13(6), 13A(3), 13B(1), 13B(2), 13B(3), 15(1), 15(3)(a), 15(3)(b), 15(4), 15(5), 15(6), 15(7), 16, 17, 18, 19, and 23(3)(c) of Annex 1 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:~~

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:

- Specifying the fitting and design of oil filtering equipment in ships of 400 tons gross tonnage or more to limit the discharge overboard of the oil content from the bilges and tank washings to 15 parts per million.
- Provision of tanks to hold the oily residues (sludge) which can not be dealt with otherwise, and the means to pump the sludge ashore to reception facilities.
- Fitting pipework to oil tankers for the discharge of dirty ballast water or oil contaminated water overboard, or to reception facilities, and the means for observing and stopping the discharge overboard.
- Requiring crude oil washing and inert gas systems for crude oil tankers of 20,000 tons deadweight and above.
- Specifying the fitting and design of oil content meters for oil tankers operating with dedicated clean ballast tanks.
- Specifying the fitting and design of an oil discharge monitoring and control system and oil/water interface detectors for oil tankers of 150 tons gross tonnage or more fitted with slop tanks.
- Requiring oil tankers of less than 150 tons gross tonnage and other ships of less than 400 tons gross tonnage to retain on board oily mixtures and oil residues for transfer to shore reception facilities, unless they comply with the requirements of this Part applicable to larger ships.

The basis for Part 122 is found in sections 386 and 388 of the Maritime Transport Act 1994.

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.

122.2 Definitions

Amend the definition of high speed craft as indicated below:

high speed craft means craft to which the International Code ~~for~~ of Safety for High-speed craft applies:

Part 122: Marine Protection Products – Oil

Oil residue (sludge) tanks

Amend rules 122.7 and 122.8 as indicated below:

122.7 Sludge tanks

~~(1) The owner of a ship to which this rule applies must ensure that the ship is fitted with an oily residue (sludge) tank or tanks large enough to hold all oil residue (sludge) that cannot be dealt with otherwise in accordance with the requirements of the marine protection rules.~~

~~(2) The owner of every new ship this rule applies to must ensure that the tanks required by rule 122.7(1) are designed and constructed to allow them to be cleaned and emptied at a reception facility.~~

~~(3) The owner of every existing ship this rule applies to must ensure that the tanks required by rule 122.7(1) are designed and constructed to allow their cleaning and the discharge of residues to reception facilities, except so far as this is unreasonable or impracticable.~~

~~(4) Oil residue (sludge) may be disposed of directly from the oil residue (sludge) tank through the standard discharge connection referred to in rule 122.23, or any other means of disposal that meets the requirements of the marine protection rules.~~

~~(5) The owner of a ship to which this rule applies must ensure that the oil residue (sludge) tank—~~

~~(a) is provided with a designated pump for disposal that is capable of taking suction from the oil residue (sludge) tank; and~~

~~(b) has no discharge connections to the bilge system, oily bilge water holding tank, tank top, or oily water separators except that the tank may be fitted with drains, with manually operated self-closing valves and arrangements for subsequent visual monitoring of the settled water, that lead to an oily bilge water holding tank or bilge well, or an alternative arrangement, provided such arrangement does not connect directly to the bilge piping system; and~~

~~(c) has adequate capacity, having regard to the type of machinery and length of voyage, to receive the oil residues (sludge) that cannot be dealt with otherwise in accordance with the requirements of the marine protection rules.~~

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.

Explanatory note how rule 122.7 will apply to ships

Regulation 12 of Chapter 3 of Annex I of MARPOL, incorporated by reference in rule 122.7, states how it will apply to ships as follows:

- ships constructed before 31 December 1979 need only comply with regulation 12.3.5 (design and construction to facilitate cleaning and the discharge of residues to reception facilities) as far as is reasonable and practical;
- ships constructed before 1 January 2017 must comply with regulation 12.3.3 (no discharge connections to the bilge system) not later than the first renewal survey carried out on or after 1 January 2017.

New rule 122.7 avoids reference to concepts of "new" or "existing" ships.

~~122.8 Oil residue (sludge) tank piping~~

~~The owner of a ship to which this rule applies must ensure that the piping to and from oil residue (sludge) tanks has no direct connection overboard, other than the standard discharge connection specified in rule 122.23.~~

122.8 Reserved

Standard deck discharge connection

Amend rule 122.23 as indicated below:

122.23 Standard deck discharge connection

The owner of every ship to which ~~rule 122.7 and/or~~ rule 122.10 applies must ensure that the discharge pipeline for residues is fitted with a standard discharge connection in accordance with the following table:

The table in rule 122.23 is retained

AMENDMENTS RELATING TO MARPOL ANNEX II – NOXIOUS LIQUID SUBSTANCES AND MEPC.270(69)

Amend Part 143 as indicated below:

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

143.2 Definitions

Category X, Y, Z and OS substance mean, respectively, any liquid substance—

- (a) listed and categorised as a Category X, Y, Z and OS substance in the IBC Code; or
- (b) otherwise categorised or provisionally categorised as a Category X, Y, Z and OS substance—
 - (i) in Annex II of MARPOL; or
 - (ii) by the International Maritime Organization; or
 - (iii) by the Director under rule ~~140.28~~ 140.9:

143.11 Identification of a probable discharge or escape

In determining whether the discharge of any noxious liquid substance into the sea is probable and, accordingly, whether a report should be made under—

- (a) section 228 of the Act; and
- (b) rule ~~140.30~~ 140.10; and
- (c) rule ~~140.32~~ 140.11; ~~—~~

143.12 Reporting a discharge (supplemental)

~~(1)~~—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 ~~140.32~~ 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.

AMENDMENTS RELATING TO MARPOL ANNEX V – GARBAGE AND MEPC.277(70)

Part 170: Prevention of Pollution from Garbage from Ships

Part objective

Amend objective as indicated below:

The objective of Part 170 is to incorporate into New Zealand law the technical standards contained in Annex V of the International Convention for the Prevention of Pollution from Ships, 1973, as modified (MARPOL) – Regulations for the Prevention of Pollution by Garbage from Ships.

This Part specifies that garbage is a harmful substance for the purposes of section 225 of the Maritime Transport Act 1994, and specifies a general prohibition on the discharge of garbage from ships. This Part provides for exceptions from the general prohibition in certain circumstances and in certain areas beyond the coastal marine area. These requirements work in concert with the Resource Management (Marine Pollution) Regulations 1998, which apply to garbage discharges from ships and offshore installations within the coastal marine area.

Part 170 also requires that specified ships have garbage management plans, use garbage record books, and display placards to indicate to all persons on board the discharge requirements that apply to the ship.

Other matters regulated by annexes to MARPOL, which are not covered under this Part, are oil, noxious liquid substances carried in bulk, harmful substances carried in package form, sewage, and air pollution. Rules relating to the discharge of garbage from offshore installations are set out in Part 200 131. [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.](#)

The basis for Part 170 is found in sections 226, 386, 388(a), 388(i)(i) and (ii), 388(j)(i) and (v) of the Maritime Transport Act 1994.

The Part 170 rules made in 1998 and subsequently amended in 2006, 2009, and 2010 are revoked. The new part is issued to recognise new definitions, reinforce a general prohibition on garbage discharges and strengthen operational requirements for ships and pleasure craft, as a result of the International Maritime Organization's initiative to strengthen maritime garbage regulations in Annex V of the International Convention for the Prevention of Pollution from Ships (MARPOL).

~~Rules subject to Regulations (Disallowance) Act 1989~~

~~Marine protection rules are subject to the Regulations (Disallowance) Act 1989. 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 the Regulations (Disallowance) Act 1989.~~

[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.](#)

Subpart A: Exceptions to prohibition in respect of discharge of garbage from ships outside special areas

Amend rule 170.7 as indicated below:

170.7 Discharge of cargo residue outside special area and Arctic waters

The prohibition on the discharge of garbage in rule 170.3 does not apply to the discharge of cargo residue outside a special area and outside Arctic waters if—

- (a) the discharge occurs—
 - (i) while the ship is en route; and
 - (ii) as far as practicable from the nearest land but in no case less than 12 nautical miles from the nearest land; and
- (b) the cargo residue cannot be recovered using commonly available methods for unloading; and
- (c) the cargo residue does not contain any substance classified as harmful to the marine environment [in accordance with the criteria set out in Appendix I of Annex V of MARPOL](#)¹.

footnote ¹~~See Advisory Circular for Part 170~~ [Reserved](#)

Subpart C: Exceptions to prohibition in respect of discharge of garbage from ships within special areas

Amend rule 170.14 as indicated below:

170.14 Discharge of cargo residue within special area

The prohibition on the discharge of garbage in rule 170.3 does not apply to the discharge of cargo residue within a special area if—

- (a) the discharge occurs—
 - (i) while the ship is en route; and
 - (ii) as far as practicable from the nearest land or ice shelf but in no case less than 12 nautical miles from the nearest land or ice shelf; and

Subrule (ii) aligns MEPC.277(70) regulation 6.1.2.6

- (b) the cargo residue cannot be recovered using commonly available methods for unloading; and
- (c) the cargo residue is a cargo residue, cleaning agent or additive contained in hold washing water and does not contain any substance classified as harmful to the marine environment [in accordance with the criteria set out in Appendix I of Annex V of MARPOL](#)⁴; and
- (d) the port of departure of the ship and the next port of destination are within the special area, and the ship will not transit outside the special area between those ports; and
- (e) no adequate reception facilities are available at those ports.⁵

footnote ⁴ ~~See Advisory Circular for Part 170~~ [Reserved](#)

footnote ⁵ See Advisory Circular for Part 170

Subpart D: Placards, garbage management plans, and garbage record-keeping

Placards, garbage management plans, and Garbage Record Books - New Zealand ships

Amend rule 170.20 as indicated below:

170.20 Garbage Record Books

- (1) This rule applies to every ship—
 - (a) of 400 gross tonnage or more; or
 - (b) certified to carry 15 or more persons engaged on any voyage to a port or offshore terminal under the jurisdiction of another state party to Annex V of MARPOL.

- (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) ~~there is a~~ the Garbage Record Book, along with receipts obtained from reception facilities, for the ship ~~that~~ 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.
 - ~~(b) — for each discharge of garbage into the sea, and each completed incineration of garbage, an entry is promptly made in the Garbage Record Book that includes—~~
 - ~~(i) — the date and time of the discharge or incineration; and~~
 - ~~(ii) — the position of the ship at the time of the discharge or incineration; and~~
 - ~~(iii) — the category of the garbage discharged or incinerated; and~~
 - ~~(iv) — the estimated amount of garbage discharged or incinerated; and~~
 - ~~(v) — the signature of the officer in charge of the discharge or incineration; and~~
 - ~~(c) — for each discharge or accidental loss referred to in rule 170.4, an entry is made in the Garbage Record Book that includes—~~
 - ~~(i) — the location, circumstances of, and reasons for the discharge or loss; and~~
 - ~~(ii) — details of the items discharged or lost; and~~
 - ~~(iii) — the reasonable precautions taken to prevent or minimise such discharge or accidental loss.~~
- (3) Each completed page of the Garbage Record Book must be signed by the master of the ship.
- (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.
- (5) The Garbage Record Book required by subrule (2) may be included in a ship's official logbook.

Placards, garbage management plans, and Garbage Record Books – foreign ships

Amend rule 170.25 as indicated below:

170.25 Garbage Record Books

- (1) This rule applies to every ship—
 - (a) of 400 gross tonnage or more; or
 - (b) certified to carry 15 or more persons on any voyage.
- (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 ~~the~~ 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.
 - ~~(b) for each discharge of garbage into the sea, and each completed incineration of garbage, an entry is promptly made in the Garbage Record Book that includes—~~
 - ~~(i) the date and time of the discharge or incineration; and~~
 - ~~(ii) the position of the ship at the time of the discharge or incineration; and~~
 - ~~(iii) the category of the garbage discharged or incinerated; and~~
 - ~~(iv) the estimated amount of garbage discharged or incinerated; and~~
 - ~~(v) the signature of the officer in charge of the discharge or incineration; and~~
 - ~~(c) for each discharge or accidental loss referred to in rule 170.4, an entry is made in the Garbage Record Book that includes—~~
 - ~~(i) the location, circumstances of, and reasons for the discharge or loss; and~~
 - ~~(ii) details of the items discharged or lost; and~~
 - ~~(iii) the reasonable precautions taken to prevent or minimise such discharge or accidental loss.~~
- (3) If a ship to which this rule applies is engaged in international trade, entries in the Garbage Record Book—
- (a) must be in English, French, or Spanish; and
 - (b) may also be in the official language of the state whose flag the ship is entitled to fly.
- (4) If a ship to which this rule applies is engaged in trade other than international trade, entries in the Garbage Record Book—
- (a) must be in English; and
 - (b) may also be in the official language of the state whose flag the ship is entitled to fly.
- (5) Each completed page of the Garbage Record Book must be signed by the master of the ship.
- (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.
- (7) The Garbage Record Book required by subrule (2) may be included in a ship's official logbook.

Part 131: Offshore Installations – Oil Spill Contingency Plans; and Oil Pollution Prevention Certification; Operations

Part objective

Amend objective as indicated below:

The objective of Part 131 is to ensure that offshore installations operating in New Zealand continental waters and in the internal waters of New Zealand have oil spill contingency plans that will support an efficient and effective response to an oil spill at sea. It also ensures certain pollution prevention equipment and arrangements on board installations meet international performance standards and in-service maintenance requirements.

Part 131 gives effect to the provisions of the International Convention for the Prevention of Pollution from Ships 1973/~~78~~, as modified (MARPOL) concerning certification of certain equipment and

arrangements for the prevention of oil pollution on board offshore installations and the International Convention on Oil Pollution Preparedness, Response and Cooperation 1990 (OPRC) in respect of offshore installations.

Amendments made in 2013 to the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 (EEZ Act) and the Maritime Transport Act 1994 transferred responsibility for regulating discharges from offshore installations in this area from Maritime New Zealand (MNZ) to the Environmental Protection Authority (EPA). Therefore, Part 200 is being revoked and Part 131 being created.

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.

The authority for Part 131 is found in sections 386, 387, 388, and 390, ~~and also section 451,~~ of the Maritime Transport Act 1994.

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.

General

Amend rule 131.1 as indicated below:

131.1 Application

- (1) Subparts A, B, and C apply to every offshore installation within—
 - (a) the internal waters of New Zealand; or
 - (b) New Zealand continental waters.
- (2) Subpart D applies to every offshore installation within the territorial sea or the internal waters of New Zealand.
- (3) Subpart E applies to—
 - (a) any oil spill contingency plan within a discharge management plan approved and current under Part 200 – Offshore Installations – Discharges 2010; and
 - (b) existing applications for approval of a discharge management plan made under Part 200 – Offshore Installations – Discharges 2010.

Subpart D Operations

Amend rule 131.83 as indicated below:

131.83 Garbage Record Books

- (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 ~~the Appendix to Part 170~~ 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.

~~(b) following each completed incineration of garbage, an entry is made in the Garbage Record Book that includes—~~

~~(i) the date and time of the incineration; and~~

~~(ii) the position of the installation at the time of the incineration; and~~

~~(iii) the category of the garbage incinerated; and~~

~~(iv) the estimated amount of garbage incinerated; and~~

~~(v) the signature of the officer in charge of the incineration; and~~

~~(c) for each discharge or accidental loss, an entry is made in the Garbage Record Book that includes—~~

~~(i) the location, circumstances of, and reasons for the discharge or loss; and~~

~~(ii) details of the items discharged or lost; and~~

~~(iii) the reasonable precautions taken to prevent or minimise such discharge or accidental loss.~~

- (2) Each completed page of the Garbage Record Book must be signed by the person on board the installation who has overall responsibility for its operations.
- (3) The Garbage Record Book must be preserved by the owner of the installation for 24 months after the last entry has been made.

Part 24A: Carriage of Cargoes – Dangerous Goods

This amends maritime rules, not a marine protection rule. As such these amendments will be made by the Minister as a maritime rule amendment under Appendix A but are placed here for ease of reference for the ITC. It is placed here for the ITC because it arises from the MEPC (marine environment protection committee of the IMO) and not the MSC (maritime safety committee of the IMO).

Subpart D – Documentation and notifications

Amend rule 24A.82 by inserting new subrule (4) as indicated below:

24A.82 Documentation - shippers, packers, and carriers

- (1) The shipper of a consignment of dangerous goods that is to be transported by ship must—
 - (a) accurately and fully complete a dangerous goods transport document in accordance with Chapter 5.4 of the IMDG Code; and
 - (b) sign the dangerous goods transport document; and
 - (c) provide a copy of the dangerous goods transport document to the carrier before the consignment is loaded for transport by that carrier; and
 - (d) provide any additional information and documentation required to transport the dangerous goods, as applicable; and
 - (e) if the consignment is packed or loaded into any CTU before its delivery to a carrier, provide to the carrier, attached to the dangerous goods transport document, a copy of the container packing certificate or vehicle packing certificate, required under subrule (2).

- (2) For each consignment of dangerous goods that is packed, loaded, or consolidated into any CTU for carriage on a ship, the packer must—
- (a) accurately and fully complete and sign a container packing certificate or vehicle packing certificate, as appropriate, in accordance with Chapter 5.4 of the IMDG Code; and
 - (b) not pack the consignment into a CTU unless the packer has received—
 - (i) the dangerous goods transport documentation for that consignment that has been completed by the shipper; and
 - (ii) any container packing certificate or vehicle packing certificate relevant to that consignment that has been completed by the previous packer; and
 - (iii) any additional information and documentation required to transport the dangerous goods, as applicable;² and
 - (c) provide the certificates and documentation referred in subrules (2)(a) and (b) to the subsequent shipper or carrier, as appropriate.
- (3) The shipper or carrier of a consignment of dangerous goods that is to be transported on a ship who presents the consignment to the operator of the ship, must provide to the operator, before the consignment is loaded on the ship—
- (a) the dangerous goods transport document completed by the shipper; and
 - (b) any applicable container packing certificate completed by the packer; and
 - (c) any applicable vehicle packing certificate completed by the packer; and
 - (d) any additional information and documentation required to transport the dangerous goods, as applicable.
- (4) The shipper of dangerous goods that are to be transported by ship, if the dangerous goods are solid bulk cargo as defined in regulation 1-1.2 of Chapter VI of the International Convention for the Safety of Life at Sea (SOLAS) 1974, must—
- (a) classify that cargo in accordance with Appendix I of Annex V of MARPOL; and
 - (b) declare whether the cargo is harmful to the marine environment.

Per MEPC.277(70), which amends Annex V reg 4.3 and reg 6.1.2.2

Part 24C: Carriage of Cargoes – Specific Cargoes

This amends maritime rules, not a marine protection rule. As such these amendments will be made by the Minister as a maritime rule amendment under Appendix A but are placed here for ease of reference for the ITC. It is placed here for the ITC because it arises from the MEPC (marine environment protection committee of the IMO) and not the MSC (maritime safety committee of the IMO).

General

Amend rule 24C.3 by inserting new subrule (4) as indicated below:

24C.3 Cargo information

- (1) The shipper of a cargo to be carried on a ship to which section 2 or section 3 or section 4 of Part 24C applies must—
- (a) provide the master or the master's representative with information on the cargo that includes—
 - (i) general description of the cargo; and

- (ii) the gross mass of the cargo or of the cargo units; and
 - (iii) any relevant special properties of the cargo; and
- (b) ensure the information is—
 - (i) provided sufficiently in advance of loading to enable the precautions that may be necessary for proper stowage and safe carriage of the cargo to be put into effect; and
 - (ii) confirmed in writing; and
 - (iii) confirmed by appropriate shipping documents prior to loading on the ship.
- (2) The shipper of a cargo to be carried on a ship to which section 2 of Part 24C applies must, in addition to 24C.3(1), provide the master or the master's representative with information in writing—
 - (a) on the stowage factor of the cargo; and
 - (b) the trimming procedures; and
 - (c) in the case of a concentrate or other cargo that may liquefy, additional information on—
 - (i) the moisture content of the cargo; and
 - (ii) its transportable moisture limit.
- (3) The shipper of a cargo to be carried on a ship to which section 2 of Part 24C and the IMSBC Code apply must provide the master or the master's representative with the information required by section 4 of the IMSBC Code.
- (4) The shipper of cargo to be carried on a ship to which section 2 applies, must—
 - (a) classify that cargo in accordance with Appendix I of Annex V of MARPOL; and
 - (b) declare whether the cargo is harmful to the marine environment.

Per MEPC.277(70), which amends Annex V reg 4.3 and reg 6.1.2.2

Note: section 2 of Part 24C applies to solid bulk cargoes but excludes dangerous goods in bulk. However dangerous goods in bulk is included in the definition of solid bulk cargo defined in regulation VI/1-1.2 of the International Convention for the Safety of Life at Sea (SOLAS), 1974. So we'll include Part 24A with the same shipper requirements for dangerous goods in bulk. This may not solve the issue but it highlights the issue for now.

Solid bulk cargo is defined in regulation VI/1-1.2 of the International Convention for the Safety of Life at Sea (SOLAS), 1974 as follows:

2 Solid bulk cargo means any cargo, other than liquid or gas, consisting of a combination of particles, granules or any larger pieces of material generally uniform in composition, which is loaded directly into the cargo spaces of a ship without any intermediate form of containment.

Note MEPC.277(70) has 2 requirements that apply to shippers, one is within a special area, the other is outside. The requirement above can be silent on these parameters because both parameters together cover all areas.

AMENDMENTS RELATING TO DIRTY BALLAST AND PORT RECEPTION FACILITIES

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

Amend rule 100.13 as indicated below:

100.13 Facilities for the reception of ballast water and sediment

(1) A person to whom this rule applies must ensure that, if ships carrying ballast water are at the port, there are reception facilities available at the port—

(a) with sufficient capacity to receive, without causing undue delay to ships, all non-permanent ballast ~~dirty ballast water~~ and sediment for disposal from such ships as a consequence of the application of Part 300; and

(b) designed in accordance with guidelines developed by the IMO for such facilities.

(2) A person to whom this rule applies must ensure that, if repairs to a ship carrying ballast water are undertaken at the port, the reception facilities have sufficient capacity to receive any non-permanent ballast water ~~dirty ballast water~~ and sediment from the ship being repaired at the port.

(3) For the purposes of this rule 100.13—

(a) ~~dirty ballast water~~ non-permanent ballast water means non-permanent ballast water that is specified as a harmful substance under rule 300.2(2); and

(b) **sediment** means sediment that is specified as a harmful substance under rule 300.2(3).

Material to be incorporated by reference under these proposed rules:

The following materials will be introduced into rules:

1. IMO MEPC.266(68) regulation 12 of Chapter 3 of Annex 1 of the International Convention for the Prevention of Pollution from Ships (MARPOL) [rule 122.7]
2. IMO MEPC.277(70) regulation 10 of Annex V of MARPOL [rules 170.20 and 131.83]
3. IMO MEPC.277(70) Appendix II of Annex V of MARPOL [rule 131.83 and 170.25]
4. IMO MEPC.277(70) Appendix I of Annex V of MARPOL [rules 170.7 and 170.14 and 24C.3 and 24A.82]

APPENDIX C

New Zealand Gazette Notice (27 August 2020, 2020-au3928)

Notice of Material Incorporated by Reference in Maritime Rules and Marine Protection Rules

Pursuant to section 452(6) of the Maritime Transport Act 1994 ("Act"), Maritime New Zealand gives notice that the following material, already incorporated by reference in rules made under the Act, has been amended by a person or organisation originating the material and that the amended material will, taking effect from 1 September 2020, be treated as being part of those rules:

1. SOLAS, Parts A and A-1 of Chapter II-1, as amended by the Maritime Safety Committee of the IMO by Resolution MSC.409(97)

in rule 40B.6A in Part 40B: Design, Construction and Equipment – SOLAS Ships, made on 6 December 2000:
in rule 40B.6A in Part 40B: Design, Construction and Equipment – SOLAS Ships, made on 11 February 2015:

2. SOLAS, Chapter II-1, as amended by the Maritime Safety Committee of the IMO by Resolution MSC.421(98)

in rule 23.56 in Part 23: Operating Procedures and Training, made on 19 April 2015:
in rules 40A.12 and 40A.13 in Part 40A: Design, Construction and Equipment – Passenger Ships which are not SOLAS Ships, made on 18 December 2000:
in rules 40B.6A, 40B.7, 40B.8, 40B.9, 40B.10, and 40B.12 in Part 40B: Design, Construction and Equipment – SOLAS Ships, made on 6 December 2000:
in rules 40B.6A, 40B.7, 40B.8, 40B.9, 40B.10, and 40B.12 in Part 40B: Design, Construction and Equipment – SOLAS Ships, made on 11 February 2015:

3. International Code on Intact Stability, 2008 (IS Code), as amended by the Maritime Safety Committee of the IMO by Resolutions MSC.413(97), MSC.414(97), and MSC.415(97) and a correction to MSC.413(97) and MSC.414(97) contained in MSC 97/22/Add.1/Corr.2/Rev.1

in rule 40B.7 in Part 40B: Design, Construction and Equipment – SOLAS Ships, made on 6 December 2000:
in rule 40B.7 in Part 40B: Design, Construction and Equipment – SOLAS Ships, made on 11 February 2015:

4. International Code of Safety For Ships Using Gases Or Other Low-Flashpoint Fuels (IGF Code), as amended by the Maritime Safety Committee of the IMO by Resolution MSC.422(98)

in rules 31.2 and 31.47B in Part 31: Crewing and Watchkeeping, made on 18 December 2017:
in rules 32.2 and 32.141 in Part 32: Seafarer Certification, made on 18 December 2017:
in rules 40B.2 and 40B.28B in Part 40B: Design, Construction and Equipment – SOLAS Ships, made on 6 December 2000:

5. SOLAS, Appendix to Part 1, as amended by the Maritime Safety Committee of the IMO by Resolution MSC.421(98)

in rule 46.13 in Part 46: Surveys, Certification and Maintenance, made on 27 June 2009:

6. SOLAS, Chapter II-2, as amended by the Maritime Safety Committee of the IMO by Resolutions MSC.421(98), MSC.404(96), MSC.402(96), MSC.409(97)

in rules 40B.13, 40B.14, 40B.15, 40B.17, 40B.18, 40B.19, and 40B.29 in Part 40B: Design, Construction and Equipment – SOLAS Ships, made on 6 December 2000:
in rules 46.10A, 46.13, and 46.14 in Part 46: Surveys, Certification and Maintenance, made on 8 April 2014:
in rule 122.16 in Part 122: Marine Protection Products - Oil, made on 20 May 1998:

7. SOLAS, Chapter II-2, as amended by the Maritime Safety Committee of the IMO by Resolutions MSC.403(96), MSC.410(97)

in rules 40B.13, 40B.14, 40B.15, 40B.17, 40B.18, 40B.19, and 40B.29 in Part 40B: Design, Construction and Equipment – SOLAS Ships, made on 6 December 2000:
in rules 46.10A, 46.13, and 46.14 in Part 46: Surveys, Certification and Maintenance, made on 8 April 2014:
in rule 122.16 in Part 122: Marine Protection Products - Oil, made on 20 May 1998:

8. SOLAS, Chapter III, as amended by the Maritime Safety Committee of the IMO by Resolutions MSC.421(98)

in rule 23.31 in Part 23: Operating Procedures and Training, made on 10 May 1999:
in rule 23.31 in Part 23: Operating Procedures and Training, made on 19 April 2015:
in rules 40B.20 and 40B.21 in Part 40B: Design, Construction and Equipment – SOLAS Ships, made on 6 December 2000:
in rule 42A.5 in Part 42A: Safety Equipment – Life-Saving Appliances – Performance, Maintenance and Servicing,

made on 19 April 2015:

9. SOLAS, Chapter III, as amended by the Maritime Safety Committee of the IMO by Resolutions MSC.404(96), MSC.402(96)

in rule 40B.20 and 40B.21 in Part 40B: Design, Construction and Equipment – SOLAS Ships, made on 6 December 2000:

in rule 42A.5 in Part 42A: Safety Equipment – Life-Saving Appliances – Performance, Maintenance and Servicing, made on 19 April 2015:

10. International Life-Saving Appliance Code (LSA Code), as amended by the Maritime Safety Committee of the IMO by Resolution MSC.425(98)

in rule 40B.21 in Part 40B: Design, Construction and Equipment – SOLAS Ships, made on 6 December 2000:

in rule 40B.21 in Part 40B: Design, Construction and Equipment – SOLAS Ships, made on 19 April 2015:

in rules 42A.2 and 42A.28 in Part 42A: Safety Equipment – Life-Saving Appliances – Performance, Maintenance and Servicing, made on 18 December 2000:

11. International Maritime Solid Bulk Cargoes Code (IMSBC Code) as amended by the Maritime Safety Committee of the IMO by Resolution MSC.426(98)

in rules 24A.2, 24A.22, and 24A.23 in Part 24A: Carriage of Cargoes - Dangerous Goods, made on 8 April 2014:

in rules 24C.2, 24C.3, 24C.9, and 24C.10 in Part 24C: Carriage of Cargoes – Specific Cargoes, made on 19 April 2015:

12. International Maritime Dangerous Goods Code (IMDG Code) as amended by the Maritime Safety Committee of the IMO by Resolution MSC.406(96)

in rules 24A.2, 24A.3, 24A.22, 24A.23, 24A.62, 24A.82, 24A.83, 24A.143, 24A.161, 24A.162, 24A.163, 24A.164, 24A.181, 24A.182, 24A.201, 24A.202, 24A.203, 24A.221, 24A.222, and 24A.223 in Part 24A: Carriage of Cargoes - Dangerous Goods, made on 8 April 2014:

in rule 24B.2 in Part 24B: Carriage of Cargoes – Stowage and Securing, made on 31 May 2005:

in rule 24D.2 in Part 24D: Carriage of Cargoes – Convention Containers, made on 31 May 2005:

in rule 24E.2 in Part 24E: Carriage of Cargoes – Offshore Containers, made on 31 May 2005:

in rule 50.2 in Part 50: Medical Stores, made on 6 December 2000:

in rule 150.2 in Part 150: Carriage of Cargoes — Harmful Substances Carried in Packaged Form, made on 8 April 2014:

in rule 150.2 in Part 150: Carriage of Cargoes — Harmful Substances Carried in Packaged Form, made on 24 November 2014:

13. International Code Of The Construction And Equipment Of Ships Carrying Liquefied Gases In Bulk (IGC Code), as amended by the Maritime Safety Committee of the IMO by Resolution MSC.411(97)

in rules 24A.2, 24A.22, and 24A.23 in Part 24A: Carriage of Cargoes - Dangerous Goods, made on 8 April 2014:

in rule 40B.2 in Part 40B: Design, Construction and Equipment – SOLAS Ships, made on 6 December 2000:

in rules 40B.26 and 40B.28B in Part 40B: Design, Construction and Equipment – SOLAS Ships, made on 18 December 2017:

in rules 40C.9 and 40C.77 in Part 40C: Design, Construction and Equipment – Non-passenger Ships that are not SOLAS Ships, made on 18 December 2000:

in rules 46.4, 46.10, and 46.13 in Part 46: Surveys, Certification and Maintenance, made on 18 November 1997:

in rule 90.3 in Part 90, Pilotage, made on 13 September 2010:

14. International Code of Safety For High Speed Craft (1994 HSC Code), as amended by the Maritime Safety Committee of the IMO by Resolutions MSC.423(98)

in rule 21.5 in Part 21: Safe Ship Management Systems, made on 14 July 1997:

in rule 40A.68 and Appendix 1.5 in Part 40A: Design, Construction and Equipment – Passenger Ships which are not SOLAS Ships, made on 18 December 2000:

in rule 40B.24 in Part 40B: Design, Construction and Equipment – SOLAS Ships, made on 6 December 2000:

in rule 51.2 in Part 51: Crew Accommodation, made on 17 October 1999:

15. International Code of Safety For High Speed Craft (2000 HSC Code), as amended by the Maritime Safety Committee of the IMO by Resolutions MSC.424(98)

in rules 31.2 and 31.44 in Part 31: Crewing and Watchkeeping, made on 27 January 2014:

in rules 32.2, 32.16, and 32.170 in Part 32: Seafarer Certification, made on 27 January 2014:

in rule 40B.24 in Part 40B: Design, Construction and Equipment – SOLAS Ships, made on 6 December 2000:

in rules 40F.12, 40F.15, and 40F.16 in Part 40F: Design, Construction and Equipment – Hovercraft, made on 26 April 2004:

16. International Code on the Enhanced Programme of Inspections during Surveys of Bulk Carriers and Oil Tankers, 2011 (ESP Code), as amended by the Maritime Safety Committee of the IMO by Resolutions MSC.405(96), MSC.412(97)

in rule 46.9 in Part 46: Surveys, Certification and Maintenance, made on 11 February 2015:

in rule 101A.7 in Part 101A: Surveys and Inspectiuons - Oil, made on 11 February 2015:

17. Performance Standards for Enhanced Group Call Equipment (EGC), as amended by the Maritime Safety Committee of the IMO by Resolution MSC.431(98)

in rules 43.2 and 43.24 in Part 43: Radio, made on 12 May 2016:

18. Code for the Construction and Equipment of Mobile Offshore Drilling Units (MODU Code), adopted by the Assembly of IMO by resolution A.1023(26), as amended by the Maritime Safety Committee of the IMO by Resolutions MSC.407(96), MSC.435(98)

in rule 40B.27 in Part 40B: Design, Construction and Equipment – SOLAS Ships, made on 11 February 2015:

19. MARPOL, Annex I Appendix II Appendix Form B, as amended by the Marine Environment Protection Committee of the IMO by Resolution MEPC.276(70)

in rules 123A.2 and 123A.9 in Part 123A: Documents - Oil, made on 28 August 2010:

in rule 123A.6 in Part 123A: Documents - Oil, made on 20 May 1998:

20. Revised guidelines and specifications for pollution prevention equipment for machinery space bilges of ships (MEPC.107(49)) as amended by the Marine Environment Protection Committee of the IMO by Resolution MEPC.285(70)

in rules 122.2 and 122.4 in Part 122: Marine Protection Products - Oil, made on 26 June 2008:

Availability of Material for Inspection

The material incorporated by reference described above is available for inspection by appointment free of charge at the Maritime New Zealand office listed below during the hours of 8.30am to 5.00pm, Monday to Friday:
Maritime New Zealand Office Level 11, 1 Grey Street, Wellington.

Availability of Material for Access or Purchase

The material incorporated by reference may be accessed or purchased from the publications website of the International Maritime Organization, where publications are searchable according to name and Code:

<http://www.imo.org/en/KnowledgeCentre/IndexofIMOResolutions>

Alternatively, some publications are available in resolution form on the website of Maritime New Zealand:

www.maritimenz.govt.nz/Rules/Material-incorporated-by-reference.asp

Dated at Wellington this 25th day of August 2020.

CRAIG HILL, Manager Regulatory Policy Design, Maritime New Zealand.