PROCESS FOR ADOPTION OF INTERNATIONAL CONVENTIONS

NEW CONVENTION ADOPTED

~ 1-2 years

Cabinet process if Reservation required
IF NZ wants to sign Convention at adoption stage, Cabinet must approve final text of the agreement
NZ: Also applies to amendments without text acceptance i.e. TURNAKE

NEW CONVENTION ADOPTED

~ 1-2 years

Lead government department prepares a national interest analysis and consults with other relevant agencies

PARLIAMENTARY PROCESS

~ 12-18 months

Cabinet approves the national interest analysis. NZ is tabled in the House (MFAT)
A parliamentary select committee considers the NIA & takes of the agreement and reports back to the House
MNZ involvement limited to providing advice as requested to leading Ministry

LEGISLATIVE PROCESS

~ 1-5 years

Consultation, drafting legislation, including amendments to laws, new laws, amendments to rules and regulations
Government passes legislation
Any necessary Maritime Rules are adopted
Legislation enters into force

RATIFICATION

~ 12-18 months

Instrument of ratification prepared (MFAT)
Instrument of ratification deposited (MFAT)
NZ becomes party to the Convention (depositary confirmation)
Lead agency responsible for publishing ratification

~ 12-18 months

Incident / Idea

IMO COMMITTEE DISCUSSION & ADOPTION

~ 1-5 years

N.Z. involvement only if a NZ initiative, or N.Z. is co-sponsoring the initiative

N.Z. officials participate in international negotiations

~ 1 year

AMENDMENT WITH TACT ACCEPTANCE

~ 1-2 years

Cabinet process if Reservation required
Cabinet approves only if substantive amendment or NZ is intending to object to the amendment
Conventions open to tact acceptance: SOLAS, MARPOL, Load Line, COLREGS and STCW

SOLAS, amendments, etc

~ 12-18 months

MNZ IN HOUSE ANALYSIS

~ 12-18 months

MNZ undertakes a legal/technical analysis, to understand impact on domestic law and propose changes
NB: Some Maritime Rules incorporate by reference parts of international conventions and thus any subsequent amendments

~ 1-5 years

As above
Once legislation comes into force, NZ will be meeting its international obligations with regards to the new mandatory standard
Where rules already incorporate new amendments, a Gazette notice should be issued

NB: Shaded conventions have not entered into force yet

NB: New Zealand treaty actions do not extend to the Cook Islands and Niue (since 1988) unless expressly done on their behalf. Conventions prior to 1988 that were extended continued until they are denounced and notified themselves. Treaty-making on behalf of Tokelau is still undertaken by New Zealand after consultation and express statement as to whether or not treaty action applies.
Convention Adoption to Ratification

**NEW CONVENTION ADOPTED**
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*NB: Also applies to amendments without tacit acceptance i.e. TONNAGE*

**NATIONAL INTEREST ANALYSIS**
- Lead government department prepares a national interest analysis - consults with other relevant agencies

**PARLIAMENTARY PROCESS**
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Rules Development Framework Overview

End-to-end Rules process

1. SCOPING
2. POLICY INVESTIGATION
3. RULE DEVELOPMENT & CONSULTATION
4. RULE FINALISATION & SIGNATURE
5. PROJECT CLOSE & HANOVER

Issue prioritised
regulatory action may be required

regulatory action urgently required

EMERGENCY RULE DEVELOPMENT

Rules project reviewed & Rule handed over
New Convention Adopted

- Athens Conventions (MoT)
- AFS 2001 (MoT/MfE)
- HNS 2010 (MoT)
- ILO C188 (MBIE)
- MARPOL Annex IV (MoT/MfE)
- MARPOL Annex VI (MoT)
- NAIROBI WRC 2007 (MoT)
- OPRC/HNS 2000 (MoT)
- Rotterdam Convention (MoT)
Parliamentary Process

- **STCW-F 1995 (MoT)**
- **Cape Town Agreement 2012 (MoT)**
Legislative Process

- *Ballast Water 2004 (MPI)*
- *FUND Prot 2003 (MoT)*
Challenges – competing legislative priorities
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