



SEMAPHORE

Newsletter of the Maritime Law

Association of Australia and New Zealand



Ministry Looks for Legal Sector Feedback

New Zealand's Ministry of Transport is looking for as much feedback as possible from the legal and shipping sectors as it seeks to maintain the regulatory framework for the maritime transport industry.

Representing the Ministry, senior solicitor Rebecca Summerill and senior advisor Michael Machin, gave a presentation to the MLAANZ New Zealand Branch Conference in November titled "Regulating for the Future", in which they explained the Ministry's stewardship role through the continuous updating of legislation.

For example, a number of changes were made to land and maritime legislation in March 2021 and the Ministry consulted on the next round of changes to the Maritime Transport Act (MTA) and its offences and penalties regulations in June 2022.

An example is section 64 of the Act that has been reviewed. It currently sets the penalty for "unnecessary danger caused by holder of a maritime document" (which covers masters and shipowners) at only NZ\$10,000. The proposal is to raise this to NZ\$150,000. For a body corporate covered by section 64, the proposal is to raise the penalty from NZ\$100,000 to NZ\$1.5 million.

Now, the MTA is being reviewed – looking at its underlying principles, its efficiency and effectiveness, its durability and resilience – and whether there is fairness and accountability.

Stated Mr Machin: "The lifeblood of good policy is good information ... how well can the maritime system cope with future technologies like autonomous shipping?"

He added that other areas under review included navigation safety and harbourmasters' powers. While, wrecks and salvage and the Port Companies Act could be further areas for attention.

Ms Summerill and Mr Machin said the next steps were to scope work targets in 2023, before moving to policy work and then to Cabinet with recommendations. This would lead to consultation and possible legislation about 2026.

On the question of alternative fuels, Ms Summerill said New Zealand had signed up to MARPOL VI and shipowners were now looking to switch to lower-emission fuels. This would require the country's regulatory and liability requirements to change too, to accommodate the move away from hydrocarbons to alternatives. Port refuelling facilities would also need to be looked at.

Commented Ms Summerill: "We want a piece of legislation that will meet the needs of the industry for the next 30 years."

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