



Maritime Transport Act 1994

Marine Protection Rules

Marine Protection Rules Part 102 Amendment 2018

Pursuant to sections 387 and 390 of the Maritime Transport Act 1994 I, Julie Anne Genter, Associate Minister of Transport, having had regard to the criteria in section 392 of the Maritime Transport Act 1994, hereby make the following Marine Protection Rules.

Signed at Wellington

This day of 2018

By Hon JULIE ANNE GENTER

Associate Minister of Transport

Contents

Objective	4
Extent of consultation	4
Entry into force	4
1. Rule amended.....	5
2. Amendment of entry into force	5
3. Amendment of amendment rule 1.....	5
4. Amendment of amendment rule 3.....	5
5. Amendment of Amendment rule 4	5
Summary of Submissions	7

Objective

The objective of Marine Protection Rules Part 102 Amendment 2018 is to amend Marine Protection Rules Part 102 Amendment 2017 (the 2017 Rule).

The 2017 Rule amends Marine Protection Rules Part 102: Certificates of Insurance to require the Director to establish and apply a scaled framework to determine the amount of assurance to be provided to obtain a certificate of insurance, up to a maximum amount of \$600 million, in relation to costs of the Crown and marine agencies in dealing with harmful substances, costs of reinstatement measures and costs to third parties of pollution damage to property. It also provides for the Director, in assessing the assurance requirement, to consider an operator's oil spill contingency plan and the financial resources available to the operator implement the contingency plan.

Marine Protection Rules Part 102 Amendment 2018 increases the maximum amount of \$600 million in the 2017 Rule to a maximum amount of \$800 million. It also sets the in force date for the 2017 Rule as 1 June 2018 and updates the transition rules in respect of applications for certificates that are made around that time.

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

Extent of consultation

The Ministry of Transport (the Ministry) consulted the public on behalf of the Minister of Transport on drafts of the proposed amendments to the 2017 Rule in accordance with the Maritime Transport Act 1994.

A notice regarding this consultation was placed in the New Zealand Gazette on dd mmm 2018. The deadline for making a submission was dd mmm 2018. [Number] (##) submissions, summarised at the back of this Rule, were received. Submitters All submissions were considered and, where appropriate, the Rule was amended to take account of the comments made.

Entry into force

Marine Protection Rules Part 102 Amendment 2018 comes into force on 1 June 2018.

1. Rule amended

This Rule amends Marine Protection Rules Part 102 Amendment 2017

2. Amendment of entry into force

In the Marine Protection Rules Part 102 Amendment 2017, revoke the existing heading “Entry into force” and the paragraph following and substitute:

Entry into force
Marine Protection Rules Part 102 Amendment 2017 comes into force on 1 June 2018.

3. Amendment of amendment rule 1

In the new rule 102.8(1)(c)(iv) and (v), to be inserted into Marine Protection Rules Part 102: Certificates of Insurance, replace “\$600 million” with “\$800 million”.

4. Amendment of amendment rule 3

In the new rule 102.8(2B), to be inserted into Marine Protection Rules Part 102: Certificates of Insurance, replace “\$600 million” with “\$800 million”.

5. Amendment of Amendment rule 4

Replace rule 4 of the Marine Protection Rules Part 102 Amendment 2017, including its heading, with the following:

4 Transitional provision for existing installations

4.1 In this rule 4 existing installation means a regulated offshore installation referenced in rule 102.7 that was operating in New Zealand immediately before commencement of Marine Protection Rules Part 102 Amendment 2017 (“Amendment Rules”).

4.2 Nothing in these Amendment Rules affects the validity of a certificate of insurance issued in respect of an existing installation under rule 102.8 that was in effect immediately before the commencement of these Amendment Rules.

4.3 This subrule 4.3 applies if an application that meets the requirements of rule 102.8(1) (other than new rule 102.8(1)(c), if it is in force) is submitted in respect of an existing installation before 1 August 2018 (whether before or after commencement of these Amendment Rules):

- 4.3.1 the Director must consider the application as if the amendment to rule 102.8 made by these Amendment Rules had not come into force; and
- 4.3.2 the period of validity of any certificate of insurance resulting from the application shall be for the period specified in rule 102.8(3)(e) or until 1 June 2019, whichever is the shorter period.
- 4.4 A certificate of insurance issued under rule 102.8 in respect of an installation that is not an existing installation as described in subrule 4.1 shall, if it is valid immediately before the commencement of these Amendment Rules, cease to be valid at the commencement of these Amendment Rules.
- 4.5 A certificate of insurance referred to in subrule 4.2 or 4.3 remains in effect and is deemed to meet the requirements inserted by the Amendment Rules until the end of its period of validity or sooner revocation or surrender.
- 4.6 A reference in this rule 4 to the issue, validity, or period of validity of a certificate of insurance, includes a recognition or acceptance of a certificate of insurance by the Director and to its validity or period of validity, as appropriate.”

Summary of Submissions

(This text does not form part of the rules contained in Part 102. It provides details of the consultation undertaken in [TBC] 2018 in making this amendment rule)

General feedback on the draft rule

xxx

Ministry response: xxx.

Feedback on

xxx.

Ministry's response: xxx.

General feedback on other issues

Xxxxx

xxx.

Ministry response: xxx