



HOUSE OF REPRESENTATIVES

# Supplementary Order Paper

Tuesday, 16 March 1999

MARITIME TRANSPORT AMENDMENT BILL

*Proposed Amendments*

Hon MAURICE WILLIAMSON, in Committee, to move the following amendments:

*Clause 1:* To omit from line 7 on page 2 the expression "20 (2)", and substitute the expression "20 (1) (ja) and (jb), and (2)".

*Clause 5:* To insert in line 10 on page 4, after the words "the Director may", the words ", on the grounds set out in subsection (1) for action the Director may take under that subsection,".

To omit paragraph (c) of *new subsection (4)* (lines 15 to 17 on that page), and substitute the following paragraph:

"(c) Suspend the maritime document, or recognition of the document as a maritime document, for a specified period.

*Clause 21:* To omit subsection (5) of *new section 200* (in lines 24 to 29 on page 15), and substitute the following subsection:

"(5) An operator who operates a port must, as and when required by the Director, do such of the following in or for that port as the Director may require:

"(a) Erect lights, lay down buoys and beacons, and replace, remove, or discontinue any harbour light, signal, buoy, beacon, or other sea mark:

"(b) Make any variation in the character of any harbour light, signal, buoy, beacon, or other sea mark or in the mode of exhibiting it.

*Proposed clause 21A:* To insert, after clause 21, the following clause:

**21A. Expiry of section 204**—Section 205 (a) of the principal Act is amended by omitting the expression "5 years", and substituting the expression "6 years".

*Clause 33:* To omit subclause (1) (in lines 16 to 22 on page 23), and substitute the following subclause:

(1) Section 331 of the principal Act is amended by repealing paragraph (c), and substituting the following paragraphs:

“(c) To meet the reasonable costs of the Authority (including the costs incurred by the Director and the National On-Scene Commander) in controlling, dispersing, and cleaning up any marine oil spill:

“(ca) To meet the costs of services associated with planning and responses for marine oil spills that are services provided under a contract or arrangement with the Authority or the Director:”.

To omit from line 33 on page 23 the expression “**paragraph (e)**”, and substitute the expression “**either or both of paragraphs (c) and (e)**”.

*Proposed clause 39A:* To insert, after clause 39, the following clause:

**39A. Savings relating to Shipping and Seamen Act 1952**—Section 468 (9) of the principal Act is amended by repealing paragraph (b), and substituting the following paragraph:

“(b) In any other case, the person is deemed to be suspended under section 52 and that suspension is subject to the following provisions:

“(i) The person may apply to the Director for a direction lifting the suspension on the ground that the suspension under section 40A of the Shipping and Seamen Act 1952 is no longer relevant or it would be unduly harsh to treat the person as suspended under section 52:

“(ii) The Director may direct that the suspension be lifted, in which case section 52 no longer applies to that person:

“(iii) If the Director does not lift the suspension under **subparagraph (ii)**, section 52 continues to apply to that person and nothing in this paragraph affects the right of appeal conferred by that section.

#### EXPLANATORY NOTE

This Supplementary Order Paper—

- provides that the repeal of certain salvage provisions by *new section 20 (1) (ja) and (jb)* is to come into force when the new salvage provisions of Part XVII of the principal Act are brought into force:
- ensures that any action taken in respect of a maritime document under the *new section 43 (4)* (as now set out on page 4 of the Bill) must be based on a ground set out in section 43 (1) of the Act:
- replaces *new section 200 (5)*, which enables the Director of Maritime Safety to require port operators to take action in relation to harbour lights, signals, buoys, beacons, or other sea marks, to clarify that the provision applies only in relation to the port concerned and not to areas outside the port:
- inserts *new clause 21A* to extend from 1 February 2000 until 1 February 2001 the expiry date of section 204 of the principal Act (which continues in force regulations made under the Shipping and Seamen Act 1952):
- amends *clause 33* to make section 331 (c) of the Maritime Transport Act 1994 consistent with the provisions set out in subclauses (2) and (3) of *clause 33*, and to ensure that when the Maritime Safety Authority incurs costs in cleaning up an oil spill it can apply money in the New Zealand Oil Pollution Fund without waiting to see if it is able to recover those costs from the person who caused the oil spill:
- inserts *new clause 39A* to ameliorate the effect of a person's status as a suspended person as defined in section 40A of the Shipping and Seamen Act 1952 by making the automatic suspension provision in section 468 (9) (b) of the principal Act subject to a right to apply to the Director of Maritime Safety for a direction lifting the suspension.