

**Legislative Statement for the Maritime Transport (MARPOL Annex VI) Amendment Bill:
Second Reading**

Presented to the House of Representatives

In accordance with Standing Order 272

Introduction

1. This legislative statement supports the second reading of the Maritime Transport (MARPOL Annex VI) Amendment Bill (the Bill).
2. The objective of the Bill is to address the impacts of shipping emissions to air by aligning domestic legislation with Annex VI of the International Convention for the Prevention of Pollution from Ships (MARPOL).
3. New Zealand's international obligations under MARPOL are largely implemented through the Maritime Transport Act 1994 and maritime and marine protection rules made under the Marine Transport Act 1994. At the end of 2019, Cabinet agreed New Zealand would accede to Annex VI of MARPOL, which specifically deals with emissions to air from ships.
4. Before New Zealand can accede to MARPOL Annex VI, changes to the Maritime Transport Act 1994 are needed to ensure that the rule-making and enforcement provisions provide the authority required to fully implement the legal obligations of MARPOL Annex VI. Part 1 of the Bill contains a number of amendments to the Maritime Transport Act 1994 to achieve this objective.
5. Part 2 of the Bill amends the Maritime Transport (Marine Protection Conventions) Order 1999 to insert MARPOL Annex VI into the list of international conventions declared to be marine protection conventions.

Background

6. MARPOL Annex VI seeks to address the impact of shipping emissions to air on human health and environments in and around port communities, and is the primary international regulatory mechanism for addressing climate change impacts from shipping, in line with the goals of the Paris Agreement on Climate Change. New Zealand's accession to MARPOL Annex VI will strengthen New Zealand's ability to play a credible role in negotiations at the International Maritime Organisation (IMO), to both push for global ambition and improve New Zealand's ability to protect its trade and economic interests. Once New Zealand accedes to MARPOL Annex VI, New Zealand will be legally bound to any future measures adopted by the IMO under Annex VI.

Provisions of the Maritime Transport (MARPOL Annex VI) Amendment Bill

7. Key provisions in the Bill will:

- a. *Provide a power for the Minister to make marine protection rules in relation to Annex VI substances.* The Maritime Transport Act 1994 sets out the purposes for which the Minister may make marine protection rules. The Bill inserts an additional purpose of prescribing requirements relating to the prevention of air pollution for ships for the purpose of implementing Annex VI.
- b. *Provide a power for the Director of Maritime New Zealand to conduct inspections and audits in relation to Annex VI requirements.* This is in addition to the existing power in the Maritime Transport Act 1994 giving the Director the power to conduct inspections and audits for matters other than in relation to Annex VI.
- c. *Provide a power for the Director of Maritime New Zealand to detain ships and seize marine protection products that are in contravention of Annex VI requirements, and exercise related powers, such as imposing conditions and prohibitions.* These powers expand the existing powers of detention and seizure in the Maritime Transport Act so as to prevent air pollution from ships and to facilitate the implementation of Annex VI.

Examination by the Transport and Infrastructure Committee

8. The Bill was referred to the Transport and Infrastructure Committee on 1 June 2021 and the final report of the Committee was published on 14 September 2021. The Committee's proposed amendments are largely minor and technical. Minor changes are made to two of the definitions in the Bill to better differentiate between ballast water and sediment, and to replace an incorrect cross-reference. The Committee had no issues with regard to the legislation's design to bring to the attention of the House.

Conclusion

9. The amendments in the Bill are designed to align domestic legislation with Annex VI requirements, so that New Zealand can accede to Annex VI.