

Version
as at 28 October 2021



Shipping Act 1987

Public Act 1987 No 183
Date of assent 20 July 1987
Commencement see section 1(2)

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Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

This Act is administered by the Ministry of Transport.

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[Repealed]

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An Act to promote fair dealing and safeguard competition in New Zealand's outwards shipping services, and to discourage discrimination against New Zealand shipping and trading interests by foreign governments

1 Short Title and commencement

- (1) This Act may be cited as the Shipping Act 1987.
- (2) This Act shall come into force on the 28th day after the date on which it receives the Governor-General's assent.

2 Interpretation

In this Act, unless the context otherwise requires,—

agreement includes any contract, arrangement, or understanding, whether formal or informal and whether express or implied; and also includes—

- (a) an agreement made outside New Zealand; and
- (b) an agreement made before the commencement of this Act; and
- (c) an agreement that is not enforceable by legal proceedings, whether or not it was intended by any party to the agreement to be so enforceable

carrier means a person, whether an operator of vessels or not, who contracts with any shipper to carry or arrange for the carriage of goods wholly or partly by sea, whether or not as an incidence of the carriage of passengers

foreign government means the government of a country other than New Zealand

Minister means the Minister of Transport

outwards shipping means the carriage of goods wholly or partly by sea from a place in New Zealand to a place outside New Zealand

registered New Zealand ship means a ship that is registered in New Zealand under the Ship Registration Act 1992

shipper means a person who is both the consignor and owner of goods by whom or in whose name goods are consigned or to be consigned wholly or partly by sea from a place in New Zealand to a place outside New Zealand; and includes any class, group, or association of shippers.

Section 2 **direction**: repealed, on 14 August 2019, by section 33(2) of the Commerce (Cartels and Other Matters) Amendment Act 2017 (2017 No 40).

Section 2 **registered New Zealand ship**: amended, on 29 October 1992, by section 88(2) of the Ship Registration Act 1992 (1992 No 89).

Section 2 **unfair practice**: repealed, on 14 August 2019, by section 33(2) of the Commerce (Cartels and Other Matters) Amendment Act 2017 (2017 No 40).

2A Act is maritime Act

- (1) This Act is a maritime Act under section 2(1) of the Maritime Transport Act 1994.
- (2) This has the effect that transport instruments may be made for the purposes of this Act under section 452B of that Act.
- (3) This section is intended as a guide only and is not an exhaustive statement as to the effects of this Act being a maritime Act under that Act.

Section 2A: inserted, on 1 April 2021, by section 61(2) of the Regulatory Systems (Transport) Amendment Act 2021 (2021 No 9).

Part 1

Shipping policy and practices

[Repealed]

Part 1: repealed, on 14 August 2019, by section 33(3) of the Commerce (Cartels and Other Matters) Amendment Act 2017 (2017 No 40).

3 Shipping policy objectives

[Repealed]

Section 3: repealed, on 14 August 2019, by section 33(3) of the Commerce (Cartels and Other Matters) Amendment Act 2017 (2017 No 40).

4 Unfair practices justifying use of Minister's powers to initiate investigations and issue directions

[Repealed]

Section 4: repealed, on 14 August 2019, by section 33(3) of the Commerce (Cartels and Other Matters) Amendment Act 2017 (2017 No 40).

5 Minister may investigate suspected unfair practices

[Repealed]

Section 5: repealed, on 14 August 2019, by section 33(3) of the Commerce (Cartels and Other Matters) Amendment Act 2017 (2017 No 40).

6 Report on investigation

[Repealed]

Section 6: repealed, on 14 August 2019, by section 33(3) of the Commerce (Cartels and Other Matters) Amendment Act 2017 (2017 No 40).

7 Minister may issue directions to carriers engaging in unfair practices

[Repealed]

Section 7: repealed, on 14 August 2019, by section 33(3) of the Commerce (Cartels and Other Matters) Amendment Act 2017 (2017 No 40).

8 Restrictions on directions

[Repealed]

Section 8: repealed, on 14 August 2019, by section 33(3) of the Commerce (Cartels and Other Matters) Amendment Act 2017 (2017 No 40).

9 Period for which direction in force

[Repealed]

Section 9: repealed, on 14 August 2019, by section 33(3) of the Commerce (Cartels and Other Matters) Amendment Act 2017 (2017 No 40).

10 Minister's powers not to be delegated

[Repealed]

Section 10: repealed, on 14 August 2019, by section 33(3) of the Commerce (Cartels and Other Matters) Amendment Act 2017 (2017 No 40).

11 Offences

[Repealed]

Section 11: repealed, on 14 August 2019, by section 33(3) of the Commerce (Cartels and Other Matters) Amendment Act 2017 (2017 No 40).

Part 2**Inter-Governmental shipping relations****12 Regulations may be made for defence of New Zealand shipping or trading interests**

- (1) The Governor-General may from time to time, by Order in Council made on the recommendation of the Minister, make regulations for all or any of the following purposes:
 - (a) regulating the carriage of goods in ships and the rates to be charged for such carriage:
 - (b) regulating the entry of ships into New Zealand and the departure of ships from New Zealand, and the cargo carried in such ships:

- (c) regulating the terms and conditions of agreements relating to shipping services, including charter parties;
 - (d) fixing and levying charges on ships that enter New Zealand ports;
 - (e) prescribing penalties not exceeding \$10,000 for offences against regulations made under paragraphs (a) to (d);
 - (f) providing for such other matters as are contemplated by or necessary for giving effect to the provisions of this Act and for its due administration.
- (2) The Minister shall not recommend that regulations be made under any of paragraphs (a) to (e) of subsection (1) unless the Minister is satisfied that a foreign government or any agency of a foreign government has adopted or proposes to adopt any measure that damages or threatens to damage New Zealand shipping or trading interests by adversely affecting the access of New Zealand national flag carriers to seaborne cargo or of New Zealand shippers to the services of carriers of their choice.
- (3) Where the Minister recommends the making of regulations under this section in response to any measure adopted or proposed to be adopted by a foreign government or any agency of a foreign government, any regulations made on that recommendation shall relate only to outwards shipping by ships controlled by—
- (a) that foreign government or agency; or
 - (b) a national of the country of that government; or
 - (c) a body corporate having its principal place of business in that country.
- (4) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section

Publication	PCO must publish it on the legislation website and notify it in the <i>Gazette</i>	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 12(4): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

13 Designation of national flag carriers

- (1) For the purposes of shipping agreements concluded or to be concluded between the Government of New Zealand and any foreign government, the national flag carriers shall be—
- (a) all carriers who own a registered New Zealand ship; and
 - (b) all carriers who are entitled to own a registered New Zealand ship; and
 - (c) all carriers designated as national flag carriers pursuant to subsection (2).

- (2) The Minister may, following consultation with the principal New Zealand shippers likely to be affected by any such designation, by notice in the *Gazette* designate any carrier as a national flag carrier.

Part 3

Miscellaneous provisions

[Repealed]

Part 3: repealed, on 14 August 2019, by section 33(3) of the Commerce (Cartels and Other Matters) Amendment Act 2017 (2017 No 40).

14 Application of other Acts

[Repealed]

Section 14: repealed, on 14 August 2019, by section 33(3) of the Commerce (Cartels and Other Matters) Amendment Act 2017 (2017 No 40).

15 Repeal and consequential amendments

[Repealed]

Section 15: repealed, on 14 August 2019, by section 33(3) of the Commerce (Cartels and Other Matters) Amendment Act 2017 (2017 No 40).

Notes

1 *General*

This is a consolidation of the Shipping Act 1987 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 *Legal status*

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 *Editorial and format changes*

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 *Amendments incorporated in this consolidation*

Secondary Legislation Act 2021 (2021 No 7): section 3

Regulatory Systems (Transport) Amendment Act 2021 (2021 No 9): section 61

Commerce (Cartels and Other Matters) Amendment Act 2017 (2017 No 40): section 33

Ship Registration Act 1992 (1992 No 89): section 88(2)