

**MARITIME SAFETY AUTHORITY AND AVIATION
SECURITY SERVICE BILL**

[Pursuant to power granted to it by the House, the Transport Committee has divided from the Transport Law Reform Bill (243-1) the Maritime Safety Authority and Aviation Security Service Bill. The following provisions, previously contained in the Transport Law Reform Bill, have been included in this Bill:

- (a) Part VIII, except clause 105
- (b) Part XV, except clauses 224 to 241, 243 and 244
- (c) Part XVI, except clauses 245, 247 and 254
- (d) Part XXXIII
- (e) The First Schedule (as the First Schedule to this Bill)
- (f) Such part of the Fourth Schedule as related to the establishment of the Maritime Safety Authority (as the Second Schedule to this Bill).

[The committee has retained the remaining Parts, clauses, and Schedules (or parts thereof) of the Transport Law Reform Bill for further consideration.

No. 243—2A

Price Code: K

[AS REPORTED FROM THE TRANSPORT COMMITTEE]

House of Representatives, 22 June 1993.

Words struck out are shown in italics within bold round brackets, or with black rule at beginning and after last line; words inserted are shown in roman underlined with a single rule, or with single rule before first line and after last line.

Hon. W. Rob Storey

MARITIME SAFETY AUTHORITY AND AVIATION SECURITY SERVICE

ANALYSIS

<p>Title</p> <p>1. Short Title and commencement</p> <p style="text-align: center;">PART VIII</p> <p style="text-align: center;">MARITIME SAFETY AUTHORITY</p> <p style="text-align: center;"><i>Maritime Safety Authority of New Zealand</i></p> <p>93A. Interpretation</p> <p>94. Maritime Safety Authority of New Zealand established</p> <p>95. Principal objective of Authority</p> <p>96. Functions of Authority</p> <p>97. Authority to comply with policy directions</p> <p>98. Authority to have powers of natural person</p> <p>98A. Powers of entry in respect of existing works</p> <p>99. Authority to consider delegating or contracting out of functions and powers</p> <p>100. Performance agreement</p> <p>101. Service charter</p> <p>102. Use of words "Maritime Safety Authority"</p> <p>103. Director of Maritime Safety</p> <p>104. Acting Director of Maritime Safety</p> <p style="text-align: center;">PART XV</p> <p style="text-align: center;">GENERAL PROVISIONS</p> <p style="text-align: center;"><i>Delegation</i></p> <p>220. Delegation of Minister's functions or powers to Authority</p> <p>221. Delegation of Authority's functions or powers to employees of Authority</p> <p>222. Delegation of Director's functions or powers to employees of Authority</p> <p>223. Delegation of Authority's or Director's functions or powers to persons outside Authority</p> <p style="text-align: center;"><i>Navigational Aids</i></p> <p>242. Navigational aids</p> <p style="text-align: center;">PART XVI</p> <p style="text-align: center;">TRANSITIONAL AND CONSEQUENTIAL PROVISIONS</p> <p>246. Amendments to other enactments</p>	<p><i>Transfer of Property and Liabilities of Ministry of Transport</i></p> <p>248. Transfer of assets and liabilities to Authority</p> <p>249. Transitional provisions relating to employees</p> <p>250. Transfer provisions relating to employees</p> <p>251. Contributors to Government Superannuation Fund</p> <p>252. Use of words "Marine & Industrial Services Limited"</p> <p>252A. Transitional provision relating to performance agreement</p> <p>253. Savings</p> <p style="text-align: center;">PART XXXIII</p> <p style="text-align: center;">AMENDMENTS TO CIVIL AVIATION ACT 1990</p> <p>506. This Part to be read with Civil Aviation Act 1990</p> <p>507. Interpretation</p> <p>508. Restrictions on delegations</p> <p>509. Functions of Authority</p> <p>510. Surplus of Aviation Security Service funds payable to the Crown</p> <p>511. Acting Director of Civil Aviation</p> <p>512. New sections inserted</p> <p style="padding-left: 20px;">72L. General Manager of Aviation Security Service</p> <p style="padding-left: 20px;">72M. Acting General Manager of Aviation Security Service</p> <p style="padding-left: 20px;">72N. Use of words "Aviation Security Service"</p> <p style="padding-left: 20px;">72O. References to Director to be read as General Manager of Aviation Security Service in certain circumstances</p> <p>512A. Responsibility of Minister</p> <p>513. Authorised aviation security service providers</p> <p>514. Third Schedule amended</p> <p>515. Consequential amendments</p> <p>516. Transitional provision relating to employees</p> <p style="padding-left: 20px;">516A. Contributors to Government Superannuation Fund</p> <p style="padding-left: 20px;">516B. National Provident superannuation scheme</p> <p style="padding-left: 20px;">516C. Transfer of assets and liabilities relating to aviation security to Authority</p> <p style="padding-left: 20px;">516D. Amendment to Civil Aviation Charges Regulations 1990</p> <p>Schedules</p>
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A BILL INTITULED

An Act—

- (a) To create a stand alone maritime safety authority; and
- 5 (b) To make provision for the transfer of the Aviation Security Service to the Civil Aviation Authority of New Zealand; and
- (c) To provide for related matters

BE IT ENACTED by the Parliament of New Zealand as follows:

- 10 **1. Short Title and commencement**—(1) This Act may be cited as the Maritime Safety Authority and Aviation Security Service Act 1993.
- (2) This Act shall come into force on the day on which it receives the Royal assent.

- 15 [Parts I to VII of the Transport Law Reform Bill (243-1), as introduced, have been retained by the Transport Committee as Parts I to VII of that Bill.]

PART VIII

20 MARITIME SAFETY AUTHORITY

Maritime Safety Authority of New Zealand

New

93A. Interpretation—In this Part of this Act, unless the context otherwise requires,—

25 “Authority” means the Maritime Safety Authority of New Zealand established by section 94 of this Act:

“Crew” means the persons employed or engaged in any capacity on board a ship (except a master, a pilot, or a person temporarily employed on the ship while in port):

30 “Director” means the person who is for the time being the Director of Maritime Safety under section 103 of this Act:

“Master” means any person (except a pilot) having command or charge of any ship:

35 “Minister” means the Minister of Transport:

“Ministry” means the Ministry of Transport:

New

- “Navigational aid” includes—
- (a) Any lightship and any floating or other light exhibited for the guidance of ships; and
 - (b) Any description of a fog signal not carried on a ship; and
 - (c) All marks and signs in aid of marine navigation; and
 - (d) Any electronic aid to marine navigation not carried on board any ship: 10
- “Pilot”, in relation to any ship, means any person not being the master or member of the crew of a ship who has the conduct of the ship:
- “Seafarer” means any person (other than a person temporarily employed on the ship while in port or a pilot) employed or engaged in any capacity for hire or reward, or who works for gain or reward otherwise than under a contract of employment, on board any ship: 15
- “Ship” means every description of boat, or craft used in navigation, whether or not it has any means of propulsion, and includes— 20
- (a) A barge, lighter, or other like vessel;
 - (b) A hovercraft or other thing deriving full or partial support in the atmosphere from the reaction of air against the surface of the water over which it operates: 25
 - (c) A submarine or other submersible.

- 94. Maritime Safety Authority of New Zealand established—**(1) There is hereby established an authority to be known as the Maritime Safety Authority of New Zealand. 30
- (2) The Authority shall consist of 5 members who shall be New Zealand citizens or permanent residents of New Zealand.
- (3) The members of the Authority shall be appointed by the Governor-General on the recommendation of the Minister. 35
- (4) The Minister shall recommend for appointment as members persons who the Minister considers will represent the public interest in maritime matters.
- (5) Before making any recommendation in respect of 2 of the members, the Minister shall request, from such organisation or organisations as the Minister considers represent those who 40

have a substantial interest in the maritime industry in New Zealand, the names of persons such organisation or organisations consider proper candidates for appointment to the Authority.

5 (6) A failure to comply with subsection (5) of this section in respect of the appointment of any member shall not affect the validity of that appointment.

(7) A person may hold office as a member concurrently with any other office, except any office or appointment under the
10 Transport Accident Investigation Commission Act 1990.

(8) Neither the Director nor any other employee of the Authority may be a member of the Authority.

(9) The Authority shall be a body corporate owned by the Crown with perpetual succession but shall not have a common
15 seal.

(10) The Authority is hereby deemed to be a Crown entity for the purposes of the Public Finance Act 1989.

(11) The provisions of the First Schedule to this Act shall apply in relation to the Authority.

20 Cf. 1990, No. 98, s. 72A; 1992, No. 75, s. 31

95. Principal objective of Authority—

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25 (1) The principal objective of the Authority shall be to undertake regulatory activities that promote a safe maritime environment and provide an effective marine oil pollution response system at a reasonable cost.

New

30 (1) The principal objective of the Authority shall be to undertake activities that—
(a) Promote a safe maritime environment; and
(b) Provide effective marine pollution prevention and an effective marine oil pollution response system,—
at a reasonable cost.

(2) For the purposes of **subsection (1)** of this section, a cost is a reasonable cost where the value of the cost to the nation is exceeded by the value of the resulting benefit to the nation.

Cf. 1990, No. 98, s. 72B (1), (4); 1992, No. 75, s. 31

96. Functions of Authority—(1) In furtherance of its principal objective, the Authority shall also have the following functions: 5

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- (a) To develop and monitor safety standards which promote safe shipping: 10

New

- (a) To establish safety standards relating to entry into the maritime transport system which promote safe shipping: 15
- (aa) To monitor adherence to the safety standards within the maritime transport system: 15
- (ab) To ensure regular reviews of the maritime transport system to promote the improvement and development of its safety: 15
- (b) To promote compliance with safety and marine pollution prevention standards in the maritime transport system: 20
- (c) To ensure the provision of appropriate distress and safety radio communication systems and navigation aids for shipping: 25
- (d) To ensure New Zealand's preparedness for, and ability to respond to, marine oil pollution spills: 25
- (e) To license ships, their operation and their crews: 25
- (f) To ensure the occupational health and safety of seafarers: 25
- (g) To promote safety in the maritime transport system by providing marine safety information and advice: 30
- (h) To investigate and review maritime transport accidents and incidents (*in its capacity as the responsible safety authority, subject to the limitations set out in section 14 (3) of the Transport Accident Investigation Commission Act 1990*): 35
- (i) To maintain the New Zealand ship register: 35

- (j) To maintain and preserve records and documents relating to the Authority's functions:
- (k) To advise the Minister on technical maritime safety policy:
- 5 (l) To perform such other functions as are conferred on it by this or any other Act.
- (2) The Authority shall carry out such other maritime functions, and such maritime duties, as the Minister may from time to time prescribe by notice in the *Gazette*.
- 10 Cf. 1990, No. 98, s. 72B; 1992, No. 75, s. 31

97. Authority to comply with policy directions—(1) In the exercise of its functions and powers under this Act, the Authority shall have regard to the policy of the Government in relation to maritime matters, and shall comply with any

15 directions relating to that policy given to it in writing signed by the Minister. As soon as practicable after any such direction is given, the Minister shall publish in the *Gazette* and lay before the House of Representatives a copy of that direction.

(2) The Minister shall not give any direction under subsection

20 (1) of this section which requires the Authority to do, or refrain from doing, a particular act, or bring about a particular result, in respect of any particular person or persons.

Cf. 1990, No. 98, s. 72C; 1992, No. 75, s. 31

98. Authority to have powers of natural person—(1)

25 Except as provided in this Act, the Authority shall have—

- (a) The rights, powers, and privileges of a natural person; and
- (b) The power to do any thing it is authorised to do by or under—
 - (i) This Act; or
 - 30 (ii) Any other enactment; or
 - (iii) Any rule of law.

(2) The Authority shall not exercise any of its rights, powers, or privileges except for the purpose of performing its functions.

Cf. 1990, No. 98, s. 72D; 1992, No. 75, s. 31

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New

98A. Powers of entry in respect of existing works—

(1) Subject to subsection (3) of this section, the Authority may—

(a) Enter upon any land for the purpose of gaining access to cables, wires, navigational aids, or other equipment

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| <p>owned by the Authority, being equipment installed before the date of commencement of this section; and</p> <p>(b) Perform any act or operation necessary for the purpose of inspecting, maintaining, operating, repairing, or replacing such equipment.</p> <p>(2) A certificate given under the hand of the Director containing a statement that any equipment of the type referred to in subsection (1) of this section was installed before the date of commencement of this section shall be admissible in any proceedings and shall, in the absence of proof to the contrary, constitute proof of that statement.</p> <p>(3) The power to enter land conferred by subsection (1) of this section shall be subject to the following conditions:</p> <p>(a) Entry to the land shall be made only by an officer, employee, or agent of the Authority authorised by it in writing, or by persons under the immediate control of such an officer, employee, or agent:</p> <p>(b) Reasonable notice of the intention to enter the land shall be given, and the provisions of Part IX of the Maori Affairs Amendment Act 1974 shall apply in respect of notices served in the circumstances set out in that Part of that Act:</p> <p>(c) Entry shall be made at reasonable times:</p> <p>(d) The officer, employee, or agent shall have with him or her, and shall produce on initial entry and subsequently if required to do so, evidence of his or her identity and authority.</p> <p>(4) Subsection (3) of this section shall not apply where the entry is necessary in circumstances of probable danger to life or property.</p> <p>(5) Any equipment owned by the Authority that is fixed to or installed over or under land not owned by the Authority shall be deemed to be lawfully fixed or installed and shall continue to be fixed or installed until the Authority otherwise decides, and no person other than the Authority shall have any interest in any such equipment by reason only of having an interest in the land.</p> <p>Cf. 1990, No. 98, s. 25</p> | <p>5</p> <p>5</p> <p>10</p> <p>15</p> <p>20</p> <p>25</p> <p>30</p> <p>35</p> <p>40</p> |
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99. Authority to consider delegating or contracting out of functions and powers—Subject to this Act, the Authority shall, in the course of performing its functions and powers, consider whether it could most efficiently and effectively perform those functions and powers by means of its own operations or by delegating or contracting out those operations to appropriate persons selected after an appropriate competitive process.

Cf. 1990, No. 98, s. 72E; 1992, No. 75, s. 31

100. Performance agreement—(1) Not later than 1 month before the commencement of each financial year, the Authority shall give to the Minister a draft performance agreement setting out in respect of that year—

(a) The methods (including financial and non-financial performance measures) by which the Authority intends to assess the extent to which it in fact meets its objectives for that year (as stated in its report under section 41D(1)(a) of the Public Finance Act 1989); and

(b) The dates by which interim reports, if any, will be given to the Minister; and

(c) Any new borrowings or financial leases, or similar liabilities the Authority intends to incur during that year; and

(d) Financial forecasts for the 2 years following the year to which the performance agreement relates.

(2) Every draft performance agreement shall be accompanied by a statement of the Authority's best estimate of—

(a) Both—
(i) The various impacts the outputs described in the statement of objectives will have for; and

(ii) The consequences of those outputs for,—
a safe maritime system in New Zealand during the year to which the draft performance agreement relates; and

(b) The impacts of those outputs on, and consequences of those outputs for, a safe maritime system in New Zealand for later years.

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(2A) Every draft performance agreement shall be accompanied by a statement of the Authority's assessment of

New

the impact and consequences that the outputs described in the statement of objectives will have for New Zealand's preparedness to respond to marine pollution.

- (3) After receiving a draft performance agreement from the Authority under **subsection (1)** of this section or an amended version of it under **subsection (5)** of this section (whether for the first time or any later time), the Minister shall— 5
- (a) Subject to **subsection (4)** of this section, approve it; or
 - (b) Refuse to approve it and return it to the Authority with directions that the Authority amend it. 10
- (4) No provision specifying any liabilities the Authority intends to incur shall be included in a performance agreement under this section without the concurrence of the Minister of Finance. 15
- (5) Where a draft performance agreement is returned to the Authority under **subsection (3) (b)** of this section, the Authority shall amend it according to the directions given by the Minister and return it to the Minister.
- (6) The draft performance agreement approved for any year by the Minister under **subsection (3) (a)** of this section shall constitute the performance agreement between the Minister and the Authority for that year. 20
- (7) Where the Authority fails to comply with **subsection (1)** of this section, then, subject to **subsection (4)** of this section, the draft performance agreement shall be prepared by the Minister and that agreement shall constitute the performance agreement between the Minister and the Authority for that year. 25
- (8) Where the Authority fails within a reasonable time to comply to the satisfaction of the Minister with **subsection (5)** of this section, the Minister shall determine the amendment and approve the agreement so amended. 30
- (9) Subject to **subsection (4)** of this section, at any time during a financial year, the Minister and the Authority may in writing agree to amend the performance agreement for that year. 35
- (10) Subject to **subsection (4)** of this section, at any time during a financial year, the Minister may direct the Authority to amend any provision of the performance agreement in respect

of that year, and the Authority shall amend the performance agreement according to the directions given by the Minister.

Cf. 1990, No. 98, s. 72F; 1992, No. 75, s. 31

5 **101. Service charter**—(1) As soon as practicable after the commencement of this Act but in any event not later than the 1st day of January 1994, the Authority shall prepare and make available to the public a service charter including (but not limited to)—

10 (a) A statement by the Authority of the standards of service which the public can expect to apply to the carrying out of functions of the Authority and the Director under this Act and any regulations (*or maritime rules*) made under this Act; and

15 (b) Details of the procedures to be followed under the service charter by a person who alleges that the standards were not met; and

20 (c) Details of the remedies that are available under the service charter to the person affected where it is established by that person to the satisfaction of the Authority that the standards were not met; and

25 (d) Provision for the appointment by the Authority of an appropriate independent person to assist in the resolution of disputes arising in respect of alleged failures to meet the standards of service specified in the service charter.

(2) The service charter may make provision for a person to be appointed as a deputy to the person appointed under the provision referred to in **subsection (1) (d)** of this section, and for the functions, duties, and powers of the deputy.

30 (3) The Authority, the Director, any employee or agent of the Authority, and any agent of the Director shall have a public duty to observe the provisions of the service charter.

35 (4) If the Authority fails to comply with **subsection (1)** of this section, the Minister shall prepare the service charter and shall make it available to the public.

(5) The Authority (in any case) and the Minister (where the Minister has prepared it) may from time to time, in writing, amend the service charter, and shall make such amendments available to the public.

40 (6) The Authority shall not amend the service charter under **subsection (5)** of this section if the service charter is prepared by the Minister under **subsection (4)** of this section.

(7) Nothing in the service charter shall limit or restrict any right to make any complaint or to bring any proceedings under any Act or rule of law.

Cf. 1990, No. 98, s. 72G; 1992, No. 75, s. 31

102. Use of words “Maritime Safety Authority”—(1) No company or other body shall be incorporated or registered under a name that contains the words “Maritime Safety Authority” or under any name that, in the opinion of the Registrar of Companies, or the appropriate registering authority within the meaning of section 2 of the Flags, Emblems, and Names Protection Act 1981, so resembles such a name as to be likely to deceive. 5 10

(2) Nothing in subsection (1) of this section shall apply to the Authority or to any person who is appropriately authorised by the Authority. 15

Cf. 1990, No. 98, s. 72H; 1992, No. 75, s. 31

103. Director of Maritime Safety—(1) The Authority shall from time to time appoint a chief executive of the Authority, who shall be known as the Director of Maritime Safety.

(2) The Director shall have and may exercise such functions and powers as may be conferred or imposed on the Director by this Act or any other Act, or regulations (*or maritime rules*) made under this Act or any other Act, and such functions and powers as may be delegated to the Director by the Authority under section 221 of this Act or any other Act. 20 25

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(3) Without limiting subsection (2) of this section, the Director shall—

- (a) Exercise control over entry into the maritime system through the granting of maritime documents under this Act; and 30
- (b) Take such action as may be appropriate in the public interest to enforce the provisions of this Act and of regulations and maritime rules made under this Act, including the carrying out or requiring of inspections and audits. 35

(4) The Director shall, in performing any functions or exercising any powers conferred or imposed on the Director by this Act, or by regulations or maritime rules made under this Act, in respect of the enforcement of the provisions of this Act, 40

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5 or regulations or maritime rules made under this Act, in respect of any particular case, act independently and shall not be responsible to the Minister or the Authority for the performance of such functions or the exercise of such powers.

New

10 (3) Without limiting **subsection (2)** of this section, the Director shall take such action as may be appropriate in the public interest to enforce the provisions of this Act and of regulations made under this Act.

15 (4) In performing or exercising any functions or powers in relation to the enforcement of the provisions of this Act or regulations made under this Act, in respect of any particular case, the Director shall act independently and shall not be responsible to the Minister or the Authority for the performance or exercise of such functions or powers.

Cf. 1990, No. 98, s. 72; 1992, No. 75; s. 31

20 **104. Acting Director of Maritime Safety**—(1) In the case of absence from duty of the Director (from whatever cause arising) or on the occurrence from any cause of a vacancy in that position (whether by reason of death, resignation, or otherwise) and from time to time while the absence or vacancy continues, all or any of the powers and duties of the Director or pertaining to the position may be exercised and performed
25 by—

(a) Any other employee for the time being directed by the Authority to exercise and perform them; or

(b) Any other person for the time being appointed by the Authority to exercise and perform them,—

30 whether the direction has been given or the appointment has been made before the absence or vacancy occurs or while the absence or vacancy continues.

35 (2) No such direction or appointment, and no acts done by any employee or other person acting pursuant to any such direction or appointment, shall in any proceedings be questioned on the ground that the occasion for the direction or appointment had not arisen or had ceased, or on the ground

that the employee or other person has not been appointed to any position to which the direction or appointment relates.

Cf. 1990, No. 98, s. 72j; 1992, No. 75, s. 31

[Clause 105 of the Transport Law Reform Bill (243—1), as introduced, has been retained by the Transport Committee as clause 105 of that Bill. 5

[Parts IX to XIV of the Transport Law Reform Bill (243—1), as introduced, have been retained by the Transport Committee as Parts IX to XIV of that Bill.] 10

PART XV

GENERAL PROVISIONS

Delegation

220. Delegation of Minister's functions or powers to Authority—(1) The Minister may from time to time, either generally or particularly, delegate to the Authority all or any of the Minister's functions and powers under this Act or any other Act, or under any regulations (*or maritime rules*) made under this Act. 15

(2) Every delegation under this section shall be in writing. 20

(3) No delegation under this section shall include the power to delegate under this section.

(4) The power of the Minister to delegate under this section—

(a) Is subject to (*section 34 (9) of this Act and to*) any prohibitions, restrictions, or conditions contained in any other Act in relation to the delegation of the Minister's functions or powers; but 25

(b) Does not limit the power of delegation conferred on the Minister by any other Act. 30

(5) Subject to any general or special directions given or conditions imposed by the Minister, the Authority may exercise any functions or powers so delegated to the Authority in the same manner and with the same effect as if they had been conferred on the Authority directly by this section and not by delegation. 35

(6) Where the Authority purports to act pursuant to any delegation under this section, the Authority, shall, in the absence of proof to the contrary, be presumed to be acting in accordance with the terms of the delegation. 40

(7) No such delegation shall affect or prevent the exercise of any function or power by the Minister, nor shall any such delegation affect the responsibility of the appropriate Minister for the actions of any person acting under the delegation.

5 Cf. 1990, No. 98, s. 22; 1992, No. 75, s. 15

221. Delegation of Authority's functions or powers to employees of Authority—(1) The Authority may from time to time, either generally or particularly, delegate to the Director or any other employee of the Authority any of its
10 functions and powers under this Act or any other Act, or under any regulations (*or maritime rules*) made under this Act, including functions or powers delegated to the Authority under this Act.

(2) Every delegation under this section shall be in writing.

15 (3) The Authority shall not delegate any functions or powers delegated to the Authority by the Minister without the written consent of the Minister.

(4) In any case where the Authority has delegated any functions or powers to any employee of the Authority under
20 this section, that employee may, with the prior approval in writing of the Authority, delegate to any other employee of the Authority such of those functions or powers as are so approved.

(5) No delegation of any functions and powers delegated to the Director by the Authority under this section shall be
25 delegated by the Director under **subsection (4)** of this section without the written consent of the Authority.

(6) Subject to any general or special directions given or conditions imposed by the Authority, any employee of the Authority to whom any functions or powers are delegated
30 under this section may perform those functions and exercise those powers in the same manner and with the same effect as if they had been conferred or imposed on that employee directly by this Act and not by delegation.

(7) Every employee of the Authority purporting to act
35 pursuant to any delegation under this section shall, in the absence of proof to the contrary, be presumed to be acting in accordance with the terms of the delegation.

(8) Any delegation under this section may be made to a specified employee of the Authority or to employees of a
40 specified class, or to the holder or holders for the time being of a specified office or specified class of offices of the Authority.

(9) No delegation under this section shall affect or prevent the performance of any function or the exercise of any power by the Authority, nor shall any such delegation affect the

responsibility of the Authority for the actions of any employee of the Authority acting under the delegation.

(10) Every delegation under this section shall, until it is revoked, continue in force according to its tenor, notwithstanding the fact that the employee of the Authority by whom it was made may cease to hold office, and shall continue to have effect as if made by the employee for the time being holding that office. 5

(11) Every employee of the Authority purporting to act under any delegation under this section shall when reasonably requested to do so produce evidence of his or her authority to so act. 10

Cf. 1990, No. 98, s. 23; 1992, No. 75, s. 15

222. Delegation of Director's functions or powers to employees of Authority—(1) The Director may from time to time, either generally or particularly, delegate to any employee of the Authority any of the Director's functions and powers under this Act or any other Act, or under any regulations (*or maritime rules*) made under this Act, including functions or powers delegated to the Director under this Act or any other Act. 15 20

(2) Every delegation under this section shall be in writing.

(3) No delegation under this section shall include the power to delegate under this section.

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(4) Notwithstanding subsection (1) of this section, the Director shall not delegate—

(a) Any functions or powers delegated to the Director by the Authority without the written consent of the Authority; or 30

(b) The power under section 41 of this Act to revoke a maritime document.

New

(4) Notwithstanding subsection (1) of this section, the Director shall not delegate any functions or powers delegated to the Director by the Authority without the written consent of the Authority. 35

(5) The provisions of **subsections (3) to (11) of section 221** of this Act shall apply to delegations under this section as if—

- (a) References in those provisions to the Authority were references to the Director; and
- 5 (b) References in those provisions to the Director or to any employee of the Authority were references to any employee of the Authority other than the Director.

Cf. 1990, No. 98, s. 23A; 1992, No. 75, s. 15

223. Delegation of Authority's or Director's functions or powers to persons outside Authority—(1) Subject to this section, the Authority may from time to time, either generally or particularly, delegate to any person who is not an employee of the Authority any of the Authority's functions and powers under this Act or any other Act, or under any regulations (*or* 15 *maritime rules*) made under this Act or any other Act.

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(2) Subject to this section, the Director may from time to time, either generally or particularly, delegate to any person who is not an employee of the Authority any of the Director's 20 functions and powers under this Act or any other Act, or under any regulations or rules made under this Act or any other Act, other than—

- (a) The power under **section 41** of this Act to revoke maritime documents; or
- 25 (b) The power under **section 43** of this Act to suspend or revoke maritime documents; or
- (c) The power under **section 50** of this Act to suspend seafarers; or
- (d) The power under **section 53** or **section 238** of this Act to 30 detain ships or maritime products; or
- (e) The power under **section 88** of this Act to issue infringement notices.

New

(2) Subject to this section, the Director may from time to time, either generally or particularly, delegate to any person who is not an employee of the Authority any of the Director's 35 functions and powers under this Act or any other Act or under

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regulations made under this Act or any other Act, other than the power to detain ships.

(3) Every delegation under this section shall be in writing.

(4) No delegation shall be made under this section without the written consent of the Minister. 5

Struck Out

(5) Neither the Authority nor the Director shall exercise their power to delegate under this section unless the person to whom they are delegating a power or function meets the fit and proper person criteria set out in **section 48** of this Act. 10

(6) In any case where the Authority or the Director has delegated any functions or powers to any person under this section, that person may, with the prior approval in writing of the Minister, delegate to any other person such of those functions or powers as are so approved. 15

(7) Subject to any general or special directions given or conditions imposed by the Authority or the Director, as the case may be, any person to whom any functions or powers are delegated under this section may perform those functions and exercise those powers in the same manner and with the same effect as if they had been conferred or imposed on that person directly by this Act and not by delegation. 20

(8) Any delegation under this section may be made to a specified person or persons of a specified class or to the holder or holders for the time being of a specified office or specified class of office. 25

(9) Every delegation under this section shall be given for a specified period but in any event shall be revocable at will.

(10) No delegation under this section shall affect or prevent the performance of any function or the exercise of any power by the Authority or by the Director, as the case may be, nor shall any such delegation affect the responsibility of the Authority or the Director, as the case may be, for the actions of any person acting under the delegation. 30 35

(11) Every delegation under this section shall, until it is revoked or it expires, continue in force according to its tenor, notwithstanding the fact that the person by whom it was made may cease to hold office, and shall continue to have effect as if

it was made by the person for the time being holding that office.

5 (12) Every person purporting to act under any delegation under this section shall when reasonably requested to do so produce evidence of his or her authority to so act.

(13) Any person who exercises any function or power under a delegation made under this section may charge the person in respect of whom the function or power is exercised a reasonable fee in respect of the exercise of that function or
10 power.

Cf. 1990, No. 98, s. 23B; 1992, No. 75, s. 15

[Clauses 224 to 241 of the Transport Law Reform Bill
(243—1), as introduced, have been retained by the
15 Transport Committee as clauses 224 to 241 of that Bill.]

Navigational Aids

242. Navigational aids—(1) Subject to the provisions of sections 203 to 207 of the Harbours Act 1950, the Authority shall be responsible for the management of all (*lighthouses and
20 buoys or beacons*) navigational aids on or near the coasts of New Zealand and the adjacent seas and islands.

(2) The Authority may—

- (a) Erect or place any (*lighthouse, buoy, or beacon*) navigational aid:
25 (b) Add to, alter, remove, or maintain any (*lighthouse, buoy, or beacon*) navigational aid:
(c) Inspect any (*lighthouse, buoy, or beacon,*) navigational aid or property related to any (*lighthouse, buoy, or beacon*) navigational aid.

30 *New*

(2A) Any person who is authorised by the Director for that purpose either generally or specially may inspect and examine any navigational aid that is under the management of any local authority or person, and may for that purpose enter, with such
35 assistants as he or she may deem necessary, any such navigational aid and any premises and property appurtenant thereto.

(3) The Authority may, where necessary for the exercise of its powers under this section or for the residence of any person

employed in connection with the management of any such (*lighthouse, buoy, or beacon*) navigational aid, take or otherwise acquire any land under and subject to the provisions of the Public Works Act 1981.

(4) The powers conferred on the Authority by this section shall be in addition to and not in substitution for the powers conferred by the Harbours Act 1950 or any other Act. 5

Cf. 1952, No. 49, ss. 372, 373, 374

[Clauses 243 and 244 of the Transport Law Reform Bill (243—1), as introduced, have been retained by the Transport Committee as clauses 243 and 244 of that Bill.] 10

PART XVI

TRANSITIONAL AND CONSEQUENTIAL PROVISIONS

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[Clause 245 of the Transport Law Reform Bill (243—1), as introduced, has been retained by the Transport Committee as clause 245 of that Bill.]

246. Amendments to other enactments—(1) The enactments specified in **Part I** of the **Second Schedule** to this Act are hereby amended in the manner indicated in that Part of that Schedule. 20

New

(2) The regulations, orders, and notices specified in **Part II** of the **Fourth Schedule** to this Act are hereby amended in the manner indicated in that Part of that Schedule. 25

(3) The regulations, orders, and notices specified in **Part II** of the **Fourth Schedule** to this Act may be amended or revoked as if the amendments specified in that Part of that Schedule had been effected by regulation, order, or notice, as the case may be, and not by this Act. 30

(4) The Shipping Tonnage Regulations 1969 (S.R. 1969/151) shall be read as if there were omitted from regulations 4 (4), 4 (5), 4 (6), 5 (1), 5 (2), 5 (3), 6 (1) (e) (i), 13 (2), 14 (1), 16 (1), and 16 (5) the word “Secretary” wherever it occurs, and there were substituted in each case the word “Director”. 35

[Clause 247 of the Transport Law Reform Bill (243—1), as introduced, has been retained by the Transport Committee as clause 247 of that Bill.]

Transfer of Property and Liabilities of Ministry of Transport

5 **248. Transfer of assets and liabilities to Authority—**
Part IV of the State-Owned Enterprises Act 1986 (except sections 27 to 27D) shall apply in respect of the Crown's maritime assets and liabilities as if—

- 10 (a) The Minister was the shareholding Minister for a State enterprise; and
 (b) The Authority were a State enterprise.

249. Transitional provisions relating to employees—(1)
Notwithstanding any other provision of this Act or any provision of the State Sector Act 1988,—

- 15 (a) Every person employed in the Ministry immediately before the commencement of this Act and engaged principally in duties that relate to functions that are functions of the Authority or of the Director is hereby deemed to be an employee of the Authority; and
20 (b) The terms and conditions of employment of every person who, by virtue of **paragraph (a)** of this subsection, becomes an employee of the Authority shall, until varied or until a new contract of employment is entered into, be based on the employment contract that applied to that person immediately before the commencement of this Act in respect of that person's employment in the Ministry.

25 (2) For the purposes of every enactment, law, award, determination, contract, and agreement at any time relating to the employment of a person who, by virtue of **subsection (1)** of this section, becomes an employee of the Authority,—

- 30 (a) The contract of employment that applied immediately before the commencement of this Act in respect of that person's employment in the Ministry shall be deemed not to have been broken by that person having so become a person employed by the Authority; and
35 (b) Any period recognised by the Secretary of Transport as continuous service in the Ministry shall be deemed to have been a period of continuous service in the Authority.
40

(3) No person who becomes, by virtue of **subsection (1) (a)** of this section, a person employed by the Authority shall be

entitled to any payment, benefit, or compensation whether for redundancy or otherwise by reason only of that person having ceased to be a person employed in the Ministry.

250. Transfer provisions relating to employees—

- (1) Notwithstanding any other provision of this Act (*or the principal Act*) or any provision of the State Sector Act 1988,— 5
- (a) Every person employed in the Ministry immediately before the commencement of this Act and engaged principally in duties that relate to functions that are functions of Marine & Industrial Services Limited is hereby deemed an employee of Marine & Industrial Services Limited (in this section and in **section 251** of this Act referred to as the Company); and 10
- (b) The terms and conditions of employment of every person who, by virtue of **paragraph (a)** of this subsection, becomes an employee of the Company shall, until varied or until a new contract of employment is entered into, be based on the employment contract that applied to that person immediately before the commencement of this Act in respect of that person's employment in the Ministry. 15 20
- (2) For the purposes of every enactment, law, award, determination, contract, and agreement at any time relating to the employment of a person who, by virtue of **subsection (1) (a)** of this section, becomes an employee of the Company,— 25
- (a) The contract of employment that applied immediately before the commencement of this Act in respect of that person's employment in the Ministry shall be deemed not to have been broken by that person having so become a person employed by the Company; and 30
- (b) Any period recognised by the Secretary for Transport as continuous service in the Ministry shall be deemed to have been a period of continuous service in the Company. 35
- (3) No person who becomes, by virtue of **subsection (1) (a)** of this section, a person employed by the Company shall be entitled to any payment, benefit, or compensation whether for redundancy or otherwise by reason only of that person having ceased to be a person employed in the Ministry. 40

New

(4) This section shall come into force on a date to be appointed by the Governor-General by Order in Council.

251. Contributors to Government Superannuation Fund—(1) Any person who, immediately before the commencement of this Act, was an officer or employee appointed under the State Sector Act 1988 and was a contributor to the Government Superannuation Fund under the Government Superannuation Act 1956 shall, if the person becomes an employee of the Company, be deemed to be, for the purposes of the Government Superannuation Fund Act 1956, employed in the Government service so long as that person continues in the service of the Company and the Government Superannuation Fund Act 1956 shall apply to that person in all respects as if the service with the Company were Government service.

(2) Subject to the Government Superannuation Fund Act 1956, nothing in subsection (1) of this section shall entitle any such person to become a contributor to the Government Superannuation Fund after that person has ceased to be a contributor.

(3) For the purposes of applying the Government Superannuation Fund Act 1956, in accordance with subsection (1) of this section, to a person who is in the service of the Company and is a contributor to the Government Superannuation Fund the term “controlling authority” in relation to that person, means Marine & Industrial Services Limited.

New

(4) This section shall come into force on a date to be appointed by the Governor-General by Order in Council.

252. Use of words “Marine & Industrial Services Limited”—(1) No company or other body shall be incorporated or registered under a name that contains the words “Marine & Industrial Services Limited” or under any name that, in the opinion of the Registrar of Companies, or the appropriate registering authority within the meaning of section

2 of the Flags, Emblems, and Names Protection Act 1981, so resembles such a name as to be likely to deceive.

(2) Nothing in subsection (1) of this section shall apply to Marine & Industrial Services Limited or to any person who is appropriately authorised by Marine & Industrial Services Limited. 5

New

(3) This section shall come into force on a date to be appointed by the Governor-General by Order in Council.

252A. Transitional provision relating to performance agreement—Notwithstanding section 100 of this Act, for the financial year of the Authority commencing on the 1st day of July 1993, the Authority shall give to the Minister a draft performance agreement not later than 1 month after the commencement of that section. 10
15

Struck Out

253. Savings—(1) Where, before the commencement of this Act, the Ministry or any officer of the Ministry has become a party to any proceedings under the Shipping and Seamen Act 1952, the proceedings may be continued, completed, and enforced as if the Authority or the Director, as the case may require, were that party. 20

(2) Where, before the commencement of this Act, the Ministry or any officer of the Ministry has commenced an action under the Shipping and Seamen Act 1952 or regulations made under that Act, the action may be continued, completed, and enforced as if the Authority or the Director, as the case may require, had commenced it. 25

(3) Where, before the commencement of this Act, the Ministry or any officer of the Ministry has commenced an investigation under the Shipping and Seamen Act 1952 or regulations made under that Act, the investigation may be continued and completed as if the Director or the Transport 30

Struck Out

Accident Investigation Commission, as the case may require, had commenced it.

5 (4) Where, before the commencement of this Act, any action is taken by any person under sections 102 to 115 of the Shipping and Seamen Act 1952, the action may be continued, completed, and enforced as if those sections had not been repealed by this Act.

10 (5) Every licence, rating, certificate, permit, authorisation, approval, or other document issued, recognised, or accepted by the Ministry, that is current immediately before the commencement of this Act, shall be deemed to be a maritime document issued, recognised, or accepted, (as the case may be) under this Act, and shall have effect and be subject to the
15 provisions of this Act accordingly.

New

253. Savings—(1) Where, before the commencement of this Act, the Ministry or any officer of the Ministry had become a party to any proceedings under the Shipping and Seamen Act
20 1952 or the Marine Pollution Act 1974, the proceedings may be continued, completed, and enforced as if the Authority or the Director, as the case may require, were that party.

25 (2) Where, before the commencement of this Act, the Ministry or any officer of the Ministry had commenced an action under the Shipping and Seamen Act 1952 or the Marine Pollution Act 1974 or regulations made under either of those Acts, the action may be continued, completed, and enforced as if the Authority or the Director, as the case may require, had commenced it.

30 (3) Where, before the commencement of this Act, the Ministry or any officer of the Ministry had commenced an investigation under the Shipping and Seamen Act 1952 or regulations made under that Act, the investigation may be continued and completed as if the Director had commenced it.

35 (4) Every licence, rating, certificate, permit, authorisation, approval, or document issued, recognised, or accepted by the Ministry, or the Secretary for Transport, or an officer of the Ministry, that was in force immediately before the commencement of this Act, shall be deemed to be as valid as if

New

it had been issued, recognised, or accepted by the Authority or the Director, as the case may be.

[Clause 254 of the Transport Law Reform Bill (243—1), as introduced, has been retained by the Transport Committee as clause 254 of that Bill.] 5

[Parts XVII to XXXII of the Transport Law Reform Bill (243—1), as introduced, have been retained by the Transport Committee as Parts XVII to XXXII of that Bill.] 10

PART XXXIII

AMENDMENTS TO CIVIL AVIATION ACT 1990

506. This Part to be read with Civil Aviation Act 1990—This Part of this Act shall be read together with and deemed part of the Civil Aviation Act 1990* (in this Part referred to as the principal Act). 15

*1990, No. 98

Amendments: 1991, No. 116; 1992, No. 75

507. Interpretation—(1) Section 2 of the principal Act is hereby amended by inserting, after the definition of the term “flight information service”, the following definition: 20

“‘General Manager’ means the person who is for the time being the General Manager of the Aviation Security Service under **section 72L** of this Act:”.

(2) Section 2 of the principal Act is hereby amended by omitting from the definition of the term “Aviation Security Service” the expression “Part VIII”, and substituting the expression “**section 72B (2) (ca)**”. 25

New

(3) Section 2 of the principal Act is hereby amended by omitting from the definition of the term “security area” the word “Secretary”, and substituting the word “Director”. 30

508. Restrictions on delegations—The principal Act is hereby amended by inserting, after section 23B (as inserted by

section 15 of the Civil Aviation Amendment Act 1992), the following section:

“23c. Notwithstanding sections 23 to 23B of this Act,—

5 “(a) Neither the Authority nor the Director may delegate any function or power that does not relate to the functions or powers of the Aviation Security Service to any person in the Aviation Security Service without the prior written approval of the Minister:

10 “(b) Neither the Authority nor the Director may delegate any function or power in relation to the Aviation Security Service to any person outside that Service without the prior written approval of the Minister:

15 “(c) The General Manager shall not delegate any function or power in relation to the Aviation Security Service to any employee of the Authority who is not in the Aviation Security Service without the prior written approval of the Minister.”

20 **509. Functions of Authority**—(1) Section 72B of the principal Act (as inserted by section 31 of the Civil Aviation Amendment Act 1992) is hereby amended by inserting in subsection (2), after paragraph (c), the following paragraph:

“(ca) To establish and continue a service to be called the Aviation Security Service”.

25 (2) Section 72B of the principal Act (as so inserted) is hereby amended by inserting, after subsection (3), the following subsections:

30 “(3A) The Authority may provide such administrative support services for the Aviation Security Service and on such terms and conditions, as are agreed between the Director and the General Manager.

“(3B) The Authority shall perform its functions in respect of the Aviation Security Service separately from its other functions and shall maintain accounts, records, and reports accordingly.”

35 (3) The following enactments are hereby consequentially repealed:

(a) Section 78 of the principal Act:

(b) Section 45 (a) of the Civil Aviation Amendment Act 1992.

40 **510. Surplus of Aviation Security Service funds payable to the Crown**—The principal Act is hereby amended by inserting, after section 72c (as inserted by section 31 of the Civil Aviation Amendment Act 1992), the following section:

“72CA. If the Minister of Finance is satisfied at any time that in any financial year the Aviation Security Service has a surplus of funds he or she may, after consultation with the Minister, direct the Authority to pay to the Crown a sum equal to the whole or any part of that surplus, as the Minister of Finance thinks fit.” 5

511. Acting Director of Civil Aviation—Section 72j of the principal Act (as inserted by section 31 of the Civil Aviation Amendment Act 1992) is hereby amended by adding the following subsection: 10

“(3) No person employed within the Aviation Security Service shall be given any direction or appointment by the Authority under this section without the prior written approval of the Minister.”

512. New sections inserted—The principal Act is hereby amended by inserting, after section 72k (as inserted by section 31 of the Civil Aviation Amendment Act 1992), the following sections: 15

“72L. General Manager of Aviation Security Service—
(1) The Authority shall from time to time appoint a General Manager of the Aviation Security Service who, by virtue of his or her office, shall be an aviation security officer. 20

“(2) The General Manager shall have and may exercise such functions and powers in relation to the Aviation Security Service as may be conferred or imposed on the General Manager by this Act, or regulations or rules made under this Act, and such functions and powers in relation to aviation security services as may be delegated to the General Manager by the Authority under section 23 of this Act or by the Director under section 23A of this Act. 25 30

“(3) The General Manager shall, in performing any functions or exercising any powers conferred or imposed on the General Manager by this Act or any other Act, or by regulations or rules made under this Act or any other Act, (including any functions or powers relating to enforcement of the aviation security provisions of this Act or any other Act, or regulations or rules made under this Act or any other Act), in respect of any particular case, act independently and shall not be responsible to the Minister, the Authority, or the Director for the performance of such functions or the exercise of such powers. 35 40

“72M. Acting General Manager of Aviation Security Service—(1) In the case of absence from duty of the General

Manager (from whatever cause arising) or on the occurrence from any cause of a vacancy in that position (whether by reason of death, resignation, or otherwise) and from time to time while the absence or vacancy continues, all or any of the powers and duties of the General Manager or pertaining to that position may be exercised and performed by—

5 “(a) Any other person in the Aviation Security Service for the time being directed by the Authority to exercise and perform them; or

10 “(b) Any other employee of the Authority for the time being directed by the Authority (with the prior written approval of the Minister) to exercise and perform them; or

15 “(c) Any other person for the time being appointed by the Authority to exercise and perform them,— whether the direction has been given or the appointment has been made before the absence or vacancy occurs or while the absence or vacancy continues.

20 “(2) No such direction or appointment, and no acts done by any employee or other person acting pursuant to any such direction or appointment, shall in any proceedings be questioned on the ground that the occasion for the direction or appointment had not arisen or had ceased, or on the ground that the employee or other person has not been appointed to any position to which the direction or appointment relates.

25 “72N. **Use of words ‘Aviation Security Service’**—(1) No company or other body shall be incorporated or registered under a name that contains the words ‘Aviation Security Service’ or under any name that, in the opinion of the Registrar of Companies, or the appropriate registering authority within the meaning of section 2 of the Flags, Emblems, and Names Protection Act 1981, so resembles such a name as to be likely to deceive.

35 “(2) Nothing in subsection (1) of this section shall apply to the Aviation Security Service or the Authority or to any person who is appropriately authorised by the Authority.

40 “72O. **References to Director to be read as General Manager of Aviation Security Service in certain circumstances**—(1) Every reference in sections 23A, 23B, 42, 49 (1) (a), and 50 of this Act to the Director shall be read as a reference to the General Manager in so far as the subject-matter relates to aviation security services, the Aviation Security Service, or the office of the General Manager.

“(2) Where any doubt arises as to whether or not any subject-matter relates to aviation security services, the Aviation Security Service, or the office of the General Manager, or relates to any other matter to which this Act relates, the issue shall be determined by the Authority. 5

“(3) No act, omission, or proceeding shall be called in question or declared invalid on the ground that the Director or the General Manager was not the appropriate person to be involved in the act, omission, or proceeding if it is clear that either the Director or the General Manager was the appropriate person to be so involved.” 10

New

512A. Responsibility of Minister—Section 77 of the principal Act is hereby amended by adding the following subsections: 15

“(2) The Minister may, at any time in the event of an emergency or other crisis, appoint the Aviation Security Service to provide aviation security at any designated aerodrome or security designated navigation installation, notwithstanding that the operator of that aerodrome or navigation installation is providing aviation security services. 20

“(3) Any appointment made by the Minister under subsection (2) of this section shall have effect for a period specified by the Minister, being not more than 10 days.”

513. Authorised aviation security service providers— 25
(1) Section 79 (1) of the principal Act is hereby amended by omitting the expression “subsection (2)”, and substituting the expression “subsections (2) and (2A)”.

(2) Section 79 of the principal Act is hereby amended by inserting, after subsection (2), the following subsections: 30

“(2A) Notwithstanding sections 9 and 79 (1) (b) of this Act or subsection (2) of this section, and subject to **subsection (2B)** of this section, the Minister may from time to time by notice in the *Gazette* specify that only the Aviation Security Service may be granted an aviation document to provide aviation security services at any security designated aerodrome or security designated navigation installation. Any such notice may be amended or revoked by the Minister by notice in the *Gazette*. 35

“(2B) Where any person already holds an aviation document entitling that person to provide aviation security services at a 40

security designated aerodrome or security designated navigation installation, the Minister shall not give a notice under **subsection (2A)** of this section in respect of that aerodrome or navigation installation without the consent of that person.”

5 **514. Third Schedule amended**—The Third Schedule to the principal Act (as added by section 38 of the Civil Aviation Amendment Act 1992) is hereby amended by inserting, in their appropriate numerical order, the following heading and clauses:

10 “*General Manager*

“23A. The terms and conditions of employment of the General Manager appointed under **section 72L** of this Act shall be determined from time to time by the Authority.

15 “23B. The Authority shall not, in determining terms and conditions under **clause 23A** of this Schedule, agree to any conditions of employment for a General Manager without—

 “(a) Consulting the State Services Commissioner; and

 “(b) Having regard to all recommendations the Commissioner makes to the Authority about them
20 within a reasonable time of being consulted.

“25A. In respect of the functions of the Authority in relation to employees in the Aviation Security Service, the references in clauses 24 and 25 of this Schedule to the Director shall be read as references to the General Manager.

25 “25B. No person employed in the Aviation Security Service may hold any other office with the Authority whether as an employee, consultant, agent, or otherwise without the written approval of the Minister.

30 “38A. The annual report shall separately identify all financial and performance matters that relate to the Aviation Security Service (including any direction given under **section 72CA** of this Act) and shall include a statement by the General Manager in relation to those matters.”

35 **515. Consequential amendments**—Section 51 and section 80 (a) and (d) are hereby amended by omitting the word “Secretary” wherever it appears, and substituting in each case the word “Director”.

40 **516. Transitional provision relating to employees**—
(1) Notwithstanding any other provision of this Act or the principal Act or any provision of the State Sector Act 1988,—

- (a) Every person employed *(by)* in the Ministry immediately before commencement of this Act and engaged principally in duties that relate to functions that are functions of the Aviation Security Service is hereby deemed an employee of the Authority; and 5
- (b) The terms and conditions of employment of every person who, by virtue of **paragraph (a)** of this subsection, becomes an employee of the Authority shall, until varied or until a new contract of employment is entered into, be based on the employment contract that applied to that person immediately before the commencement of this Act in respect of that person's employment in the Ministry. 10
- (2) For the purposes of every enactment, law, award, determination, contract, and agreement at any time relating to the employment of a person who, by virtue of **subsection (1)** of this section, becomes an employee of the Authority,— 15
- (a) The contract of employment that applied immediately before the commencement of this Act in respect of that person's employment in the Ministry shall be deemed not to have been broken by that person having so become a person employed by the Authority; and 20
- (b) Any period recognised by the Secretary as continuous service in the Ministry shall be deemed to have been a period of continuous service in the Authority. 25
- (3) No person who becomes, by virtue of **subsection (1) (a)** of this section, a person employed by the Authority shall be entitled to any payment, benefit, or compensation whether for redundancy or otherwise by reason only of that person having ceased to be a person employed in the Ministry. 30

New

516A. Contributors to Government Superannuation Fund—(1) Any person who, immediately before the commencement of this Act, was an officer or employee appointed under the State Sector Act 1988 and was a contributor to the Government Superannuation Fund under the Government Superannuation Fund Act 1956 shall, if the person becomes an employee of the Authority be deemed to be, for the purposes of the Government Superannuation Fund Act 1956, employed in the Government service so long as that

New

5 person continues in the service of the Authority and the Government Superannuation Fund Act 1956 shall apply to that person in all respects as if the service with the Authority were Government service.

(2) Subject to the Government Superannuation Fund Act 1956, nothing in subsection (1) of this section shall entitle any such person to become a contributor to the Government Superannuation Fund after that person has ceased to be a contributor.

10 (3) For the purposes of applying the Government Superannuation Fund Act 1956, in accordance with subsection (1) of this section, to a person who is in the service of the Authority and is a contributor to the Government Superannuation Fund
15 the term “controlling Director”, in relation to that person, means the Authority.

516b. National Provident superannuation scheme—

Where—

20 (a) The contract of service of an officer or employee under the State Sector Act 1988 is transferred to the Authority under this Act; and

(b) The officer or employee was, immediately before the date on which the transfer takes effect, a member of a superannuation scheme of which the Board of Trustees of the National Provident Fund is trustee; and
25

(c) The employer of that officer or employee contributed to that scheme,—

30 the Authority shall on and from that date be obliged to contribute to that scheme in respect of that employee in accordance with the terms of the scheme.

516c. Transfer of assets and liabilities relating to aviation security to Authority—Part IV of the State-Owned Enterprises Act 1986 (except sections 27 to 27D) shall apply in
35 respect of the Crown’s assets and liabilities relating to aviation security services as if—

(a) The Minister was the shareholding Minister for a State enterprise; and

(b) The Authority were a State enterprise.

New

516D. Amendment to Civil Aviation Charges Regulations 1990—Regulation 23 (1) of the Civil Aviation Charges Regulations 1990 (S.R. 1990/121) is hereby amended by omitting the word “Secretary”, and substituting the words “General Manager”. 5

[Parts XXXIV to XXXVII of the Transport Law Reform Bill (243—1), as introduced, have been retained by the Transport Committee as Parts XXXIV to XXXVII of that Bill.] 10

SCHEDULES

FIRST SCHEDULE

Section 94

PROVISIONS RELATING TO MARITIME SAFETY AUTHORITY OF NEW ZEALAND

Membership

1. The Minister shall appoint one of the members of the Authority as the Chairperson and another member as the Deputy Chairperson, and those appointees shall hold office until removed by the Minister.

2. If the Chairperson or Deputy Chairperson vacates office as a member or is removed by the Minister as Chairperson or Deputy Chairperson, the Minister may appoint any existing member or any new member as Chairperson or Deputy Chairperson. If the Deputy Chairperson is appointed as Chairperson he or she shall vacate office as Deputy Chairperson.

3. Every member shall hold office for a term not exceeding 3 years, and may from time to time be reappointed.

4. Every member, unless removed from office under clause 6 of this Schedule, shall continue in office until his or her successor comes into office, notwithstanding that his or her term of office may have expired.

5. Any member may at any time resign from office by written notice to the Minister.

6. Any member may at any time be removed from office by the Minister.

7. If any member dies or resigns or is removed from office, the vacancy shall, as soon as practicable, be filled by the appointment of another member, and, if the term of the vacating member has not expired at the time of the appointment, the member appointed to fill the vacancy shall hold office by virtue of that appointment for the residue of the term of the vacating member. In making any appointment under this clause, the Minister shall maintain on the Authority the balance of representation referred to in (section 92) section 94 of this Act.

8. The powers of the Authority shall not be affected by any vacancy in its membership.

Remuneration and Expenses of Authority Members

9. There shall be paid to the members of the Authority such remuneration by way of fees, salary, or allowances, and such travelling allowances and expenses as are from time to time agreed between members of the Authority and the Minister.

Meetings

10. Meetings of the Authority shall be held at such times and places as the Authority or the Chairperson or the Deputy Chairperson from time to time appoints.

11. The Chairperson shall preside at each meeting of the Authority. In the event of the absence of the Chairperson from any meeting of the Authority, the Deputy Chairperson shall preside at that meeting and, if he or she is also absent, the meeting shall be presided over by a member appointed by the members present.

12. At all meetings of the Authority, the quorum necessary for the transaction of business shall be a majority of the members then in office.

FIRST SCHEDULE—*continued*

PROVISIONS RELATING TO MARITIME SAFETY AUTHORITY OF NEW ZEALAND—*continued*

13. At any meeting of the Authority the person presiding at the meeting shall have a deliberative vote and, if the voting is equal, shall also have a casting vote.

14. A resolution in writing signed, or assented to in writing, by every member shall be as valid and effective as if it had been passed at a meeting of the (*board*) Authority duly called and constituted. Any such resolution may consist of several documents in like form each signed, or purported to have been (*despatched*) signed, by one or more members.

15. The contemporaneous linking together by telephone or other means of communication of a number of members, whether or not one or more of the members is out of New Zealand, shall be deemed to constitute a meeting of the Authority if the following conditions are met:

(a) Notice shall have been given to every member for the time being entitled to receive notice of a meeting of the Authority:

(b) The number of members taking part in the meeting by telephone and other means of communication shall not be less than the quorum provided by clause 12 of this Schedule and each of the members taking part must—

(i) Be linked by telephone or such other means for the purposes of the meeting; and

(ii) At the commencement of the meeting acknowledge, to all the other members taking part, that member's presence for the purpose of a meeting of the Authority; and

(iii) Be able throughout the meeting to hear each of the other members taking part; and

(iv) On any vote, individually express his or her vote to the meeting,—

and the following conditions shall apply to teleconference meetings:

(c) A member shall not leave a meeting held under this clause by disconnecting the member's telephone or other means of communication unless the member has previously obtained the express consent of the chairperson of the meeting:

(d) A member shall be conclusively presumed to have been present, and to have formed part of the quorum, at all times during the meeting by telephone or other means of communication unless the member has previously obtained the express consent of the chairperson to leave the meeting.

16. Subject to this Act, the Authority may regulate its procedure in such manner as it thinks fit.

Disclosure of Interest

17. A member who, otherwise than as a member, has, directly or indirectly, any pecuniary interest in—

(a) The Authority's performance of any function or exercise of any power; or

(b) Any arrangement, agreement, or contract, made or entered into, or proposed to be made or entered into, by the Authority,—

FIRST SCHEDULE—*continued*

PROVISIONS RELATING TO MARITIME SAFETY AUTHORITY OF NEW
ZEALAND—*continued*

shall, as soon as is practicable after the relevant facts have come to the member's notice, disclose the nature of the interest in accordance with **clause 19** of this Schedule.

18. For the purposes of **clause 17** of this Schedule, a member—

- (a) Has a pecuniary interest if that pecuniary interest is one to which section 6 of the Local Authorities (Members' Interests) Act 1968 would apply if he or she were a member of a local authority; but
- (b) Does not have a pecuniary interest if the pecuniary interest is not different in kind from the interests of other persons involved in the maritime system.

19. A member required by **clause 17** of this Schedule to disclose the nature of an interest shall disclose it—

- (a) To the Minister, if—
 - (i) The person is the Authority's Chairperson; or
 - (ii) The person is the Authority's Deputy Chairperson, and for the time being the Authority has no Chairperson; and
- (b) To the Authority's Chairperson or Deputy Chairperson, in any other case.

20. After becoming required by **clause 17** of this Schedule to disclose the nature of an interest, a member—

- (a) Shall disclose to the members present at any meeting of the Authority at which any deliberation or decision of the Authority relating to the matter takes place or is made that the member has an interest in the matter; and
- (b) Shall not take part in any deliberation or decision of the Authority relating to the matter in which the member has the interest.

21. A member required by **clause 17** of this Schedule to disclose the nature of an interest in any matter shall be disregarded in determining whether or not there is a quorum of the Authority present for any part of a meeting of the Authority during which a deliberation or decision of the Authority relating to the matter takes place or is made.

22. The Minister may by written notice to the Authority waive or modify any of the provisions of **clause 17** to **clause 21** of this Schedule in respect of any particular member or matter, or class of matters that, in the Minister's opinion, does not constitute a direct or indirect material interest.

23. The Minister shall lay before the House of Representatives a copy of any notice issued under **clause 22** of this Schedule within 12 sitting days after the date on which the Minister issues the notice.

Committees

24. The Authority may from time to time constitute, reconstitute, and dissolve committees. Any such committee may include among its membership persons who are not members of the Authority, but every such committee shall at all times have a majority of members who are members of the Authority.

Execution of Documents

25. The Authority may from time to time, in writing, authorise any one or more members or employees of the Authority to execute any deeds,

FIRST SCHEDULE—*continued*

PROVISIONS RELATING TO MARITIME SAFETY AUTHORITY OF NEW
ZEALAND—*continued*

instruments, contracts, or other documents on behalf of the Authority, and may at any time in the same manner revoke any such authority.

26. Any authority given under **clause 25** of this Schedule to any employee of the Authority may be given to—

- (a) The Director; or
- (b) Any specified employee; or
- (c) Any employee of a specified class; or
- (d) The holder for the time being of any specified office or of any office of a specified class.

27. Every person purporting to execute any document on behalf of the Authority pursuant to any such authority, shall, in the absence of proof to the contrary, be presumed to be acting in accordance with such an authority.

Powers to Borrow, etc.

28. The Authority may borrow money subject to the approval of the Minister of Finance.

Director

29. The terms and conditions of employment of the Director appointed under (**section 101**) **section 103** of this Act shall be determined from time to time by the Authority.

30. The Authority shall not, in determining terms and conditions under **clause 29** of this Schedule, agree to any conditions of employment for a Director of the Authority without—

- (a) Consulting the State Services Commissioner; and
- (b) Having regard to all recommendations the Commissioner makes to the Authority about them within a reasonable time of being consulted.

Appointment of Staff

31. The Director may appoint such employees, including employees on secondment from other organisations, as he or she thinks necessary for the efficient performance of the Authority's functions.

32. Subject to the terms and conditions of employment, the Director may at any time terminate or suspend the employment of any of the Authority's employees.

33. Before entering into any collective employment contract under the Employment Contracts Act 1991, the Authority shall consult with the State Services Commissioner about the conditions of employment to be included in the collective employment contract.

34. No member or employee of the Authority shall be personally liable for any liability of the Authority, or for any act done or omitted by the Authority, or by the Director or any other employee of the Authority in good faith in pursuance or intended pursuance of the functions or powers of the Authority or of the Director.

35. The Authority shall operate a personnel policy containing provisions generally accepted as necessary for the fair and proper treatment of

FIRST SCHEDULE—*continued*

PROVISIONS RELATING TO MARITIME SAFETY AUTHORITY OF NEW ZEALAND—*continued*

employees in all aspects of their employment, including provisions requiring—

- (a) Good and safe working conditions; and
- (b) The impartial selection of suitably qualified people for appointment; and
- (c) Recognition of—
 - (i) The aims and aspirations of Maori; and
 - (ii) The employment requirements of Maori; and
 - (iii) The need for greater involvement of Maori as employees of the Authority; and
- (d) Opportunities for the enhancement of the abilities of individual employees; and
- (e) Recognition of the aims and aspirations, and the cultural differences, of ethnic and minority groups; and
- (f) Recognition of the employment requirements of women; and
- (g) Recognition of the employment requirements of people with disabilities.

36. In each financial year, the Authority shall—

- (a) Develop and publish an equal employment opportunities programme for the Authority; and
- (b) Ensure that the programme is complied with.

37. For the purposes of ~~(clause 35)~~ **clause 36** of this Schedule, an equal employment opportunities programme is a programme aimed at identifying and eliminating all aspects of policies, procedures, and other institutional barriers, that cause or perpetuate, or tend to cause or perpetuate, inequality in respect of the employment of any people or group of people.

Superannuation or Retiring Allowances

38. For the purposes of providing superannuation funds or retiring allowances for employees of the Authority, sums by way of subsidy may from time to time be paid into any scheme registered under the Superannuation Schemes Act 1989.

39. Notwithstanding anything in this Act, a person who, immediately before becoming an employee of the Authority, is a contributor to the Government Superannuation Fund under Part II or Part IIA of the Government Superannuation Fund Act 1956 shall, for the purposes of the Government Superannuation Fund Act 1956, be deemed to be employed in the Government service so long as that person continues to be an employee of the Authority; and the Government Superannuation Fund Act 1956 shall apply to that person in all respects as if that person's service as an employee of the Authority is Government service.

40. Nothing in **clause 39** of this Schedule entitles any person to become a contributor to the Government Superannuation Fund after that person has once ceased to be a contributor.

41. For the purposes of applying the Government Superannuation Fund Act 1956, in accordance with **clause 39** of this Schedule, to an employee of the Authority who is a contributor to the Government Superannuation Fund, the term "controlling authority", in relation to that employee, means the Authority.

FIRST SCHEDULE—*continued*

PROVISIONS RELATING TO MARITIME SAFETY AUTHORITY OF NEW
ZEALAND—*continued*

42. No person shall be deemed to be employed in the service of the Crown for the purposes of the State Sector Act 1988 or the Government Superannuation Fund Act 1956 by reason only of that person's appointment or co-option as a member or appointment as an employee of the Authority.

Consultants, Agents, etc.

43. The Authority or the Director may from time to time appoint consultants, agents, specialists, and advisory committees to advise it or him or her in relation to the exercise of its or his or her functions and powers, and to exercise such functions and powers as may be delegated under this Act to such persons or committees.

44. The Authority or the Director may—

- (a) Pay to any such persons or members of committees so appointed such remuneration by way of fees, salary or allowances, and such travelling allowances and expenses, as it thinks fit; and
- (b) Contribute towards the remuneration, travelling allowances, and expenses of any such persons or members of committees, whose employers provide services for the Authority or the Director.

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Annual Report

45. As soon as practicable after the end of each financial year, the Authority shall prepare an annual report which shall comprise—

- (a) A statement of the Authority's activities during that year; and
- (b) The annual financial statements of the Authority prepared under Part V of the Public Finance Act 1989, including the management statement forming part thereof; and
- (c) The performance agreement between the Minister and the Authority for that year; and
- (d) An analysis of the Authority's performance as compared with the performance agreement; and
- (e) The audit opinion of the Audit Office prepared under Part V of the Public Finance Act 1989 in respect of the annual financial statements of the Authority; and
- (f) A statement of the extent to which the Authority's equal employment opportunities programme for the year to which the report relates was complied with; and
- (g) Such other matters as the Minister in writing may from time to time require.

46. The Authority shall forward a copy of its annual report to the Minister, and the Minister shall lay a copy of the report before the House of Representatives as soon as practicable after its receipt by the Minister.

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ENACTMENTS AMENDED

New

PART I
ACTS AMENDED

(Enactment) Act	Amendment
<p>1950, No. 334—The Harbours Act 1950 (R.S. Vol. 2, p. 551)</p>	<p>By omitting, from the definition of (<i>Coastal light</i>) “Harbour light” in section 2, 5 (2), 177 (1A), 179 (1), 204, 241 (1) (b), 241A (1) (c), 241A (1) (d), 241A (1) (dd), the words “Ministry of Transport”, wherever they occur, and substituting in each case the word “Authority”.</p> <p>By inserting in section 2, in their appropriate alphabetical order, the following definitions:</p> <p style="padding-left: 40px;">“‘Authority’ means the Maritime Safety Authority of New Zealand established under the Maritime Safety Authority and Aviation Security Service Act 1993:</p> <p style="padding-left: 40px;">“‘Director’ means the Director of Maritime Safety appointed under the Maritime Safety Authority and Aviation Security Service Act 1993:”.</p> <p>By omitting from the definition of “Coastal light” in section 2 the words “by the Ministry of Transport”, and substituting the words “by or on behalf of the Authority”.</p> <p>By repealing the definition of “Secretary” in section 2.</p> <p>By omitting from section 177 (1A) the word “Secretary” wherever it occurs, and substituting in each case the word “Director”.</p>

SECOND SCHEDULE—*continued*PART I—*continued*ACTS AMENDED—*continued*

(Enactment) Act	Amendment
1950, No. 334—The Harbours Act 1950 (R.S. Vol. 2, p. 551)— <i>continued</i>	<p style="text-align: center;"><i>Struck Out</i></p> <div style="border: 1px solid black; padding: 5px;"> <p>By omitting from section 177 (1A) (b) the words “, on behalf of the Minister,”.</p> </div> <p style="text-align: center;"><i>New</i></p> <div style="border: 1px solid black; padding: 5px;"> <p>By omitting from section 177 (1A) (b) the word “Minister”, and substituting the word “Authority”.</p> </div> <p>By omitting from section 180 the word “Secretary”, and substituting the word “Director”.</p> <p>By inserting in section 232 (17), after the words “the Ministry of Agriculture and Fisheries”, the words “or being a person acting under the authority of the Authority or the Director”.</p> <p>By inserting in section 240 (2), after the words the “Minister of Transport”, the words “and the Authority”.</p> <p>By inserting in paragraph (j) of section 241 (1) after the words “the Minister of Transport”, the words “, or on the Authority, or on the Director”.</p> <p style="text-align: center;"><i>Struck Out</i></p> <div style="border: 1px solid black; padding: 5px;"> <p>By omitting from section 241B (1) (a) (iii) the words “or the Secretary of Transport”.</p> </div>

SECOND SCHEDULE—continued

PART I—continued

ACTS AMENDED—continued

(Enactment) Act	Amendment
1950, No. 334—The Harbours Act 1950 (R.S. Vol. 2, p. 551)—continued	<p style="text-align: center;"><i>New</i></p> <div style="border: 1px solid black; padding: 5px;"> <p>By omitting from section 241B (1) (a) (iii) the words “Secretary for Transport”, and substituting the word “Director”.</p> </div> <p>By inserting in section 251, after the words “the Minister”, the words “, or the Authority, or the Director”.</p> <p>By repealing section 257, and substituting the following (<i>section</i>) sections:</p> <p style="padding-left: 2em;">“257. Freedom of passage for officers of Customs Department, Ministry of Agriculture and Fisheries, etc.—Officers of Customs, officers of the Ministry of Agriculture and Fisheries, officers of the (<i>Ministry of Transport</i>) Authority, and persons acting under the authority of the Authority or the Director, acting in the execution of their duty, shall at all times, have free ingress, passage, and egress, into, through, and out of any harbour, by land or water, and with vessels or otherwise, and over any wharf.</p> <p style="text-align: center;"><i>New</i></p> <div style="border: 1px solid black; padding: 5px;"> <p>“257A. Delegation of Minister’s functions and powers to Director—</p> <p>(1) The Minister may from time to time, either generally or particularly, delegate to the Director all or any of the Minister’s functions and powers under this Act.</p> <p>“(2) Every delegation under this section shall be in writing.</p> <p>“(3) The Director shall not delegate any functions or powers delegated to the</p> </div>

SECOND SCHEDULE—*continued*PART I—*continued*ACTS AMENDED—*continued*

<i>(Enactment)</i> Act	Amendment
1950, No. 334—The Harbours Act 1950 (R.S. Vol. 2, p. 551)— <i>continued</i>	<p style="text-align: center;"><i>New</i></p> <p>Director under this section without the written consent of the Minister.</p> <p>“(4) The power of the Minister to delegate under this section—</p> <p>“(a) Is subject to any prohibitions, restrictions, or conditions contained in any other Act in relation to the delegation of the Minister’s functions or powers; but</p> <p>“(b) Does not limit the power of delegation conferred on the Minister by any other Act.</p> <p>“(5) Subject to any general or special directions given or conditions imposed by the Minister, the Director may exercise any functions or powers so delegated to the Director in the same manner and with the same effect as if they had been conferred on the Director directly by this section and not by delegation.</p> <p>“(6) Where the Director purports to act pursuant to any delegation under this section, the Director, shall, in the absence of proof to the contrary, be presumed to be acting in accordance with the terms of the delegation.</p> <p>“(7) No such delegation shall affect or prevent the exercise of any function or power by the Minister, nor shall any such delegation affect the responsibility of the appropriate Minister for the actions of any person acting under the delegation.”</p>

SECOND SCHEDULE—*continued*

PART I—*continued*

ACTS AMENDED—*continued*

<u>(Enactment) Act</u>	Amendment
<p>1952, No. 49—The Shipping and Seamen Act 1952 (R.S. Vol. 4, p. 275)</p>	<p style="text-align: center;"><i>New</i></p> <p>By inserting in section 2, in its appropriate alphabetical order, the following definition:</p> <p style="padding-left: 40px;">“‘Authority’ means the Maritime Safety Authority of New Zealand established under the Maritime Safety Authority and Aviation Security Service Act 1993.”.</p> <p>By repealing the definition of the term “Department” in section 2, and substituting the following definition:</p> <p style="padding-left: 40px;">“‘Department’ means the Authority.”.</p> <p>By repealing the definition of the term “Director” in section 2, and substituting the following definition:</p> <p style="padding-left: 40px;">“‘Director’ means the Director of Maritime Safety appointed under the Maritime Safety Authority and Aviation Security Service Act 1993; and includes the deputy of the Director.”.</p> <p>By omitting from sections 15E (5) (b) and 506 (5) the word “Secretary”, and substituting in each case the word “Authority”.</p> <p>By omitting from sections 18 (2), 19 (1), 19 (2) (b), 19 (2) (c), 19 (2) (d), 19 (2) (e), 19 (2) (g), 19 (2) (j), 21 (1), 21 (2), 22 (1), 22 (2), 24 (4), 34 (4), 39 (1) (b), 40A (5), 59 (1), 124 (2) (b), 133 (5), 133 (7), 178A (4), 185A (5), 185A (8), 187 (3), 189 (3), 371 (6), 371 (7), 371A (1), 371A (3) (a), 371A (3) (b), 371A (4), 375 (3) (d), 377 (1), 377 (2) (a), 378A (1), 378A (2), 378A (3), 378c (1), 378c (2), 379 (3), 491 (1) (a), 491 (1) (b), 493 (c), 500 (1), 507 (1), and 507A the word “Secretary” wherever it occurs, and substituting in each case the word “Director”.</p>

SECOND SCHEDULE—*continued*PART I—*continued*ACTS AMENDED—*continued*

<i>(Enactment) Act</i>	Amendment
	<i>New</i>
<p>1952, No. 49—The Shipping and Seamen Act 1952 (R.S. Vol. 4, p. 275)—<i>continued</i></p>	<p>By omitting from sections 306 (1), 306 (2), 307 (3), 353 (3) (b), 369 (3), 378c (2), and 492 (1) the word “Crown” wherever it occurs, and substituting in each case the word “Authority”.</p> <p>By repealing sections 372, 373, and 374.</p> <p>By omitting from section 503 (2) the words “or Secretary” and “or the Secretary” wherever they occur.</p> <p>By inserting, after section 507A, the following section:</p> <p style="padding-left: 2em;">“507B. Delegation of Minister’s functions and powers to Director—</p> <p style="padding-left: 2em;">(1) The Minister may from time to time, either generally or particularly, delegate to the Director all or any of the Minister’s functions and powers under this Act.</p> <p style="padding-left: 2em;">“(2) Every delegation under this section shall be in writing.</p> <p style="padding-left: 2em;">“(3) The Director shall not delegate any functions or powers delegated to the Director under this section without the written consent of the Minister.</p> <p style="padding-left: 2em;">“(4) The power of the Minister to delegate under this section—</p> <p style="padding-left: 4em;">“(a) Is subject to any prohibitions, restrictions, or conditions contained in any other Act in relation to the delegation of the Minister’s functions or powers; but</p> <p style="padding-left: 4em;">“(b) Does not limit the power of delegation conferred on the Minister by any other Act.</p> <p style="padding-left: 2em;">“(5) Subject to any general or special directions given or conditions imposed</p>

SECOND SCHEDULE—*continued*

PART I—*continued*

ACTS AMENDED—*continued*

<i>(Enactment) Act</i>	Amendment
	<i>New</i>
<p>1952, No. 49—The Shipping and Seamen Act 1952 (R.S. Vol. 4, p. 275)—<i>continued</i></p>	<p>by the Minister, the Director may exercise any functions or powers so delegated to the Director in the same manner and with the same effect as if they had been conferred on the Director directly by this section and not by delegation.</p> <p>“(6) Where the Director purports to act pursuant to any delegation under this section, the Director, shall, in the absence of proof to the contrary, be presumed to be acting in accordance with the terms of the delegation.</p> <p>“(7) No such delegation shall affect or prevent the exercise of any function or power by the Minister, nor shall any such delegation affect the responsibility of the appropriate Minister for the actions of any person acting under the delegation.”</p>
<p>1971, No. 17—The Hovercraft Act 1971 (R.S. Vol. 23, p. 549)</p>	<p>By inserting in section 2, in their appropriate alphabetical order, the following definitions:</p> <p>“‘Authority’ means the Maritime Safety Authority of New Zealand established under the Maritime Safety Authority and Aviation Security Service Act 1993:</p> <p>“‘Director’ means the Director of Maritime Safety appointed under the Maritime Safety Authority and Aviation Security Service Act 1993; and includes the deputy of the Director:”</p> <p>By repealing the definition of the term “Secretary” in section 2.</p>

SECOND SCHEDULE—*continued*PART I—*continued*ACTS AMENDED—*continued*

<i>(Enactment) Act</i>	Amendment
	<i>New</i>
<p>1971, No. 17—The Hovercraft Act 1971 (R.S. Vol. 23, p. 549)—<i>continued</i></p> <p>1974, No. 14—The Marine Pollution Act 1974 (R.S. Vol. 24, p. 499)</p>	<p>By omitting from section 4 (1) (t) the word “Secretary”, and substituting the word “Director”.</p> <p>By adding to section 7 (3) the words “or of the Authority”.</p> <p>By inserting in section 2, in their appropriate alphabetical order, the following definitions:</p> <p>“ ‘Authority’ means the Maritime Safety Authority of New Zealand established under the Maritime Safety Authority and Aviation Security Service Act 1993:</p> <p>“ ‘Director’ means the Director of Maritime Safety appointed under the Maritime Safety Authority and Aviation Security Service Act 1993; and includes the deputy of the Director.”.</p> <p>By omitting from sections 29^H(1) and 29^H(2) the words “Secretary for Transport” wherever they occur, and substituting in each case the word “Director”.</p> <p>By omitting from section 29^G(1) the words “of Marine”.</p> <p>By inserting in section 30, after the word “Minister”, the words “or the Authority”.</p> <p>By inserting in section 30, after the words “debt due to the Crown”, the words “or the Authority”.</p> <p>By inserting, after section 65A, the following sections:</p> <p>“65B. Delegation of Minister’s functions and powers to Director— (1) The Minister may from time to time, either generally or particularly, delegate</p>

SECOND SCHEDULE—*continued*

PART I—*continued*

ACTS AMENDED—*continued*

<i>(Enactment) Act</i>	Amendment
	<i>New</i>
<p>1974, No. 14—The Marine Pollution Act 1974 (R.S. Vol. 24, p. 499)—<i>continued</i></p>	<p>to the Director all or any of the Minister's functions and powers under this Act.</p> <p>“(2) Every delegation under this section shall be in writing.</p> <p>“(3) The Director shall not delegate any functions or powers delegated to the Director under this section without the written consent of the Minister.</p> <p>“(4) The power of the Minister to delegate under this section—</p> <p>“(a) Is subject to any prohibitions, restrictions, or conditions contained in any other Act in relation to the delegation of the Minister's functions or powers; but</p> <p>“(b) Does not limit the power of delegation conferred on the Minister by any other Act.</p> <p>“(5) Subject to any general or special directions given or conditions imposed by the Minister, the Director may exercise any functions or powers so delegated to the Director in the same manner and with the same effect as if they had been conferred on the Director directly by this section and not by delegation.</p> <p>“(6) Where the Director purports to act pursuant to any delegation under this section, the Director, shall, in the absence of proof to the contrary, be presumed to be acting in accordance with the terms of the delegation.</p> <p>“(7) No such delegation shall affect or prevent the exercise of any function or power by the Minister, nor shall any</p>

SECOND SCHEDULE—*continued*

PART I—*continued*

ACTS AMENDED—*continued*

<i>(Enactment) Act</i>	Amendment
	<i>New</i>
<p>1974, No. 14—The Marine Pollution Act 1974 (R.S. Vol. 24, p. 499)—<i>continued</i></p>	<p>such delegation affect the responsibility of the appropriate Minister for the actions of any person acting under the delegation.</p> <p>“65c. Delegation of Secretary’s functions and powers to Authority—</p> <p>(1) The Secretary may from time to time, either generally or particularly, delegate to the Authority all or any of the Secretary’s functions and powers under this Act.</p> <p>“(2) Every delegation under this section shall be in writing.</p> <p>“(3) The Authority shall not delegate any functions or powers delegated to the Authority under this section without the written consent of the Secretary.</p> <p>“(4) The power of the Secretary to delegate under this section—</p> <p>“(a) Is subject to any prohibitions, restrictions, or conditions contained in any other Act in relation to the delegation of the Secretary’s functions or powers; but</p> <p>“(b) Does not limit the power of delegation conferred on the Secretary by any other Act.</p> <p>“(5) Subject to any general or special directions given or conditions imposed by the Secretary, the Authority may exercise any functions or powers so delegated to the Authority in the same manner and with the same effect as if they had been conferred on the Authority directly by this section and not by delegation.</p>

SECOND SCHEDULE—*continued*

PART I—*continued*

ACTS AMENDED—*continued*

(Enactment) Act	Amendment
	<i>New</i>
<p>1974, No. 14—The Marine Pollution Act 1974 (R.S. Vol. 24, p. 499)—<i>continued</i></p>	<p>“(6) Where the Authority purports to act pursuant to any delegation under this section, the Authority, shall, in the absence of proof to the contrary, be presumed to be acting in accordance with the terms of the delegation.</p> <p>“(7) No such delegation shall affect or prevent the exercise of any function or power by the Secretary, nor shall any such delegation affect the responsibility of the Secretary for the actions of any person acting under the delegation.”</p>
<p>1975, No. 9—The Ombudsmen Act 1975 (R.S. Vol. 21, p. 657)</p>	<p>By inserting in Part II of the First Schedule, in its appropriate alphabetical order, the following item:</p> <p>“The Maritime Safety Authority of New Zealand.”</p>
<p>1989, No. 44—The Public Finance Act 1989</p>	<p>By inserting in the Fourth, Fifth, and Sixth Schedules (as added by section 41 of the Public Finance Amendment Act 1992), in its appropriate alphabetical order, the following item:</p> <p>“Maritime Safety Authority of <u>New Zealand</u>.”</p>
<p>1992, No. 89—The Ship Registration Act 1992</p>	<p>By revoking the definition of the term “Director” in section 2 (1), and substituting the following definition:</p> <p>“‘Director’ means the person who is for the time being the Maritime Safety Director under the Maritime Safety Authority and Aviation Security Service Act 1993 (and includes the deputy of the Director):”.</p> <p>By omitting from section 84 (2) the words “Ministry of Transport”, and substituting the word “Director”.</p>

SECOND SCHEDULE—*continued*

PART I—*continued*

ACTS AMENDED—*continued*

<u>(Enactment) Act</u>	Amendment
1992, No. 89—The Ship Registration Act 1992— <i>continued</i>	<p style="text-align: center;"><i>New</i></p> <div style="border: 1px solid black; padding: 10px;"> <p>By inserting, after section 85, the following section:</p> <p>“85A. Delegation of Minister’s functions and powers to Director—</p> <p>(1) The Minister may from time to time, either generally or particularly, delegate to the Director all or any of the Minister’s functions and powers under this Act.</p> <p>“(2) Every delegation under this section shall be in writing.</p> <p>“(3) The Director shall not delegate any functions or powers delegated to the Director under this section without the written consent of the Minister.</p> <p>“(4) The power of the Minister to delegate under this section—</p> <p>“(a) Is subject to any prohibitions, restrictions, or conditions contained in any other Act in relation to the delegation of the Minister’s functions or powers; but</p> <p>“(b) Does not limit the power of delegation conferred on the Minister by any other Act.</p> <p>“(5) Subject to any general or special directions given or conditions imposed by the Minister, the Director may exercise any functions or powers so delegated to the Director in the same manner and with the same effect as if they had been conferred on the Director directly by this section and not by delegation.</p> <p>“(6) Where the Director purports to act pursuant to any delegation under this section, the Director, shall, in the</p> </div>

SECOND SCHEDULE—*continued*

PART I—*continued*

ACTS AMENDED—*continued*

<i>(Enactment) Act</i>	Amendment
<p>1992, No. 89—The Ship Registration Act 1992—<i>continued</i></p>	<p style="text-align: center;"><i>New</i></p> <div style="border: 1px solid black; padding: 5px;"> <p>absence of proof to the contrary, be presumed to be acting in accordance with the terms of the delegation.</p> <p>“(7) No such delegation shall affect or prevent the exercise of any function or power by the Minister, nor shall any such delegation affect the responsibility of the appropriate Minister for the actions of any person acting under the delegation.”</p> </div> <p>By omitting from section 86 (1) the words “Ministry of Transport”, and substituting the word “Authority”.</p>

SECOND SCHEDULE—*continued**New*

PART II	
AMENDMENTS TO REGULATIONS	
Regulation	Amendment
The Shipping Casualty Rules 1937 (S.R. 1937/221)	<p>By revoking the definition of the term "Secretary" in rule 5.</p> <p>By omitting from rules 24 and 28 the word "Secretary", and substituting in each case the words "Director of Maritime Safety".</p>
The Coastal Pilots Regulations 1964 (S.R. 1964/13)	<p>By revoking the definition of the term "Secretary" in regulation 2.</p> <p>By inserting in regulation 2, in its appropriate alphabetical order, the following definition:</p> <p style="padding-left: 40px;">" 'Director' means the Director of Maritime Safety; and includes the deputy of the Director: "</p> <p>By omitting from regulations 7 (1), 7 (2), 8, 9, 13 (1), and 14 the word "Minister", and substituting in each case the word "Director".</p> <p>By omitting from the Schedule the words "Minister for Marine" wherever they occur, and substituting in each case the words "Director of Maritime Safety".</p>
The General Harbour (Nautical and Miscellaneous) Regulations 1968 (S.R. 1968/239)	<p>By omitting from regulations 13 (5) and 58 the words "Secretary for Marine", and substituting in each case the words "Director of Maritime Safety".</p> <p>By omitting from regulation 21 (4) the words "Marine Department", and substituting the word "Director".</p> <p>By omitting from regulation 21 (4) the word "Crown", and substituting the word "Authority".</p>
The General Harbour (Ship, Cargo, and Dock Safety) Regulations 1968 (S.R. 1968/240)	<p>By revoking the definition of the term "Port Safety Inspector" in regulation 2, and substituting the following definition:</p> <p style="padding-left: 40px;">" 'Port Safety Inspector' means an officer of the Maritime Safety Authority holding office as a Port Safety Inspector: "</p> <p>By omitting from regulations 16A (2), 16A (4), 43 (2), the second proviso to regulation 84 (1), 120 (1), 120 (2), 120 (3),</p>

SECOND SCHEDULE—*continued*

New

PART II— <i>continued</i>	
AMENDMENTS TO REGULATIONS— <i>continued</i>	
Regulation	Amendment
<p>The General Harbour (Ship, Cargo, and Dock Safety) Regulations 1968 (S.R. 1968/240)—<i>continued</i></p>	<p>and 130 (2) the words “Secretary for Marine” wherever they occur, and substituting in each case the words “Director of Maritime Safety”.</p> <p>By omitting from regulation 130 (2) and the First Schedule the words “Marine Department”, and substituting in each case the words “Maritime Safety Authority of New Zealand”.</p>
<p>The Load Line Rules 1970 (S.R. 1970/71)</p>	<p>By inserting in rule 2, in its appropriate alphabetical order, the following definition:</p> <p style="padding-left: 40px;">“‘Director’ means the Director of Maritime Safety; and includes the deputy of the Director.”.</p> <p>By revoking the definition of the term “Secretary” in rule 2.</p> <p>By omitting from rules 6 (3), 7 (1) (b), 10 (1), 30 (3), and 35 (2) the word “Secretary” wherever it occurs, and substituting in each case the word “Director”.</p> <p>By omitting from the First Schedule the words “Marine Department” wherever they occur, and substituting in each case the words “Maritime Safety Director”.</p>
<p>The Load Line (Assigning Authorities) Notice 1970 (S.R. 1970/81)</p>	<p>By omitting from clauses 3 (2), 4 (2), and 4 (3) the words “Secretary for Marine”, and substituting in each case the word “Director”.</p>
<p>The Ships’ Compasses Regulations 1971 (S.R. 1971/80)</p>	<p>By omitting from regulations 4 (1), 18 (b), 18 (c), 19, 21, 36 (1), 36 (2), and 40 the word “Secretary” wherever it occurs, and substituting in each case the word “Director”.</p> <p>By revoking regulation 33, and substituting the following regulation:</p>

SECOND SCHEDULE—*continued**New*

PART II— <i>continued</i>	
AMENDMENTS TO REGULATIONS— <i>continued</i>	
Regulation	Amendment
<p>The Ships' Compasses Regulations 1971 (S.R. 1971/80)—<i>continued</i></p>	<p>“33. Documents to be sent to Director—A Surveyor to whom is delivered any document pursuant to regulation 32 of these regulations shall forthwith forward the document to the Director.”</p> <p>By omitting from regulations 18 (a) and 19 the words “Marine Department Office”, and substituting in each case the words “office of the Maritime Safety Authority of New Zealand”.</p> <p>By omitting from paragraphs (a), (b), and (c) of regulation 37 and from the Schedule the words “Marine Department” wherever they occur, and substituting in each case the words “Director of Maritime Safety”.</p> <p>By omitting from regulation 42 (2) the words “Marine Department”, and substituting the words “Maritime Safety Authority of New Zealand”.</p> <p>By omitting from Form 3 of the Schedule the words “Secretary for Marine”, and substituting the words “Director of Maritime Safety”.</p>
<p>The Load Line (Assigning Authorities) Notice 1972 (S.R. 1972/164)</p>	<p>By omitting from clauses 3 (2), 4 (2), and 4 (3) the words “Secretary for Marine”, and substituting in each case the word “Director”.</p>
<p>The Shipping (Anchors and Chain Cables) Rules 1972 (S.R. 1972/184)</p>	<p>By revoking the definition of the term “certifying authority” in rule 2, and substituting the following definition:</p> <p>“‘Certifying authority’ means the Director of Maritime Safety; and includes any person or organisation duly authorised by the Minister of Transport to be a certifying authority for the purposes of these rules.”</p>

SECOND SCHEDULE—*continued*

New

PART II— <i>continued</i>	
AMENDMENTS TO REGULATIONS— <i>continued</i>	
Regulation	Amendment
<p>The Shipping (Anchors and Chain Cables) Rules 1972 (S.R. 1972/184)—<i>continued</i></p>	<p>By revoking the definition of the term “Secretary” in rule 2.</p> <p>By omitting from rules 3 (d), 4 (2), 5 (1) (a), and 14 the word “Secretary” wherever it occurs, and substituting in each case the word “Director”.</p> <p>By omitting from rule 6 (1) the words “Marine Department”, and substituting the words “Director of Maritime Safety”.</p>
<p>The Shipping (Certificates of Competency as Qualified Fishing Deckhand) Regulations 1973 (S.R. 1973/195)</p>	<p>By revoking the definition of the term “approved course” in regulation 2, and substituting the following definition: “ ‘Approved course’ means a course of instruction for fishermen approved by the Director of Maritime Safety:”.</p> <p>By revoking the definition of the term “certificate” in regulation 2, and substituting the following definition: “ ‘Certificate’ means a certificate of competency as qualified fishing deckhand issued by the Director of Maritime Safety:”.</p>
<p>The Shipping (Pilot Ladders) Rules 1974 (S.R. 1974/171)</p>	<p>By omitting from rule 4 the words “the Director, Marine Division of the Ministry of Transport”, and substituting the words “the Director of Maritime Safety”.</p>
<p>The Shipping (Crew Accommodation) Regulations 1974 (S.R. 1974/212)</p>	<p>By revoking the definition of the term “approved” in regulation 2, and substituting the following definition: “ ‘Approved’ means approved by the Director:”.</p> <p>By revoking the definition of the term “Chief Surveyor” in regulation 2, and substituting the following definition: “ ‘Chief Surveyor’ means the person appointed by the Director as the</p>

SECOND SCHEDULE—*continued**New*

PART II— <i>continued</i>	
AMENDMENTS TO REGULATIONS— <i>continued</i>	
Regulation	Amendment
<p>The Shipping (Crew Accommodation) Regulations 1974 (S.R. 1974/212)— <i>continued</i></p>	<p>Chief Surveyor of Ships; and includes the person appointed as the Assistant Chief Surveyor.”</p> <p>By revoking the definition of the term “Director” in regulation 2, and substituting the following definition: “ ‘Director’ means the Director of Maritime Safety; and includes the deputy of the Director.”</p> <p>By revoking the definition of the term “Secretary” in regulation 2.</p> <p>By omitting from regulation 35 (e) the word “Secretary” wherever it occurs, and substituting in each case the word “Director”.</p>
<p>The Marine Pollution (Dispersants and Exceptions) Regulations 1975 (S.R. 1975/84)</p>	<p>By revoking the definition of the term “Director” in regulation 2, and substituting the following definition: “ ‘Director’ means the Director of Maritime Safety; and includes the deputy of the Director.”</p>
<p>The Load Line (Assigning Authorities) Notice 1975 (S.R. 1975/119)</p>	<p>By omitting from clauses 4 (2) and 4 (3) the words “Secretary for Transport” wherever they occur, and substituting in each case the word “Director”.</p>
<p>The Load Line (Assigning Authorities) Notice 1976 (S.R. 1976/3)</p>	<p>By omitting from clauses 4 (2) and 4 (3) the words “Secretary for Transport” wherever they occur, and substituting in each case the word “Director”.</p>
<p>The Shipping Tonnage Rules 1976 (S.R. 1976/288)</p>	<p>By revoking the definition of the term “Director” in rule 2, and substituting the following definition: “ ‘Director’ means the Director of Maritime Safety; and includes the deputy of the Director.”</p>

SECOND SCHEDULE—*continued*

New

PART II— <i>continued</i>	
AMENDMENTS TO REGULATIONS— <i>continued</i>	
Regulation	Amendment
The Oil Pollution Levies Order 1978 (S.R. 1978/35)	By omitting from clauses 5, 6, 9, 10, and 11 the words “Secretary for Transport” wherever they occur, and substituting in each case the words “Director of Maritime Safety”.
The Shipping (Dangerous Goods) Rules 1979 (S.R. 1979/11)	By revoking the definition of the term “Director” in rule 2, and substituting the following definition: “ ‘Director’ means the Director of Maritime Safety; and includes the deputy of the Director:”.
The Water Recreation Regulations 1979 (S.R. 1979/30)	By omitting from paragraph (b) of the definition of the term “supervising officer” in regulation 2 the words “Ministry of Transport”, and substituting the words “Maritime Safety Director of New Zealand”.
The Wreck Districts Notice 1980 (S.R. 1980/256)	By omitting from regulations 3 (1), 3 (2) (a), 3 (3), 6 (2), 17 (1), 17 (3), 17 (4), and 17 (5) the words “Secretary for Transport” wherever they occur, and substituting in each case the words “Director of Maritime Safety”. By revoking clause 2, and substituting the following clause: “2. Interpretation —In this notice, the expression ‘port area’ means any port other than Gisborne, Wanganui, Greymouth, or Timaru, at which the Maritime Safety Director has an office; and includes any other place, whether on land or within the territorial limits of New Zealand, that is nearer, by the most practicable route, to that port than any other port.”
The Load Line (Assigning Authorities) Notice 1981 (S.R. 1981/151)	By revoking the definition of the term “Director” in clause 2, and substituting the following definition: “ ‘Director’ means the Director of Maritime Safety; and includes the deputy of the Director:”.

SECOND SCHEDULE—*continued**New*

PART II— <i>continued</i>	
AMENDMENTS TO REGULATIONS— <i>continued</i>	
Regulation	Amendment
The General Harbour (Safe Working Load) Regulations 1982 (S.R. 1982/30)	By revoking the definitions of the terms “Chief Surveyor”, “Director”, and “Port Safety Inspector” in regulation 2, and substituting, respectively, the following definitions: “‘Chief Surveyor’ means the person who is for the time being the Chief Surveyor of Ships of the Maritime Safety Director; and includes the deputy of the Chief Surveyor: “‘Director’ means the Director of Maritime Safety; and includes the deputy of the Director: “‘Port Safety Inspector’ means a Port Safety Inspector of the Maritime Safety Director of New Zealand.”
The Marine Pollution (Dumping and Incineration) Regulations 1982 (S.R. 1982/35)	By revoking the definition of the term “Director” in regulation 2, and substituting the following definition: “‘Director’ means the Director of Maritime Safety; and includes the deputy of the Director.”
The Milford Sound Harbour Regulations 1983 (S.R. 1983/103)	By omitting from regulations 16 (1), 16 (3), and 17 the word “Ministry”, and substituting in each case the word “Authority”.
The Load Line (Assigning Authorities) Notice 1984 (S.R. 1984/105)	By revoking the definition of the term “Director” in regulation 2, and substituting the following definition: “‘Director’ means the Director of Maritime Safety; and includes the deputy of the Director.”
The Shipping (Medical Examination of Seafarers) Regulations 1986 (S.R. 1986/104)	By omitting from regulation 6 (1) the words “Ministry of Transport”, and substituting the words “Maritime Safety Authority of New Zealand”.
The Marine Engineers (Certificates of Service) Regulations 1986 (S.R. 1986/106)	By omitting from the definition of the term “Chief Examiner” in regulation 2 the word “Minister”, and substituting the word “Director”.

SECOND SCHEDULE—*continued*

New

PART II— <i>continued</i>	
AMENDMENTS TO REGULATIONS— <i>continued</i>	
Regulation	Amendment
<p>The Marine Engineers (Certificates of Service) Regulations 1986 (S.R. 1986/106)—<i>continued</i></p>	<p>By omitting from regulations 2 (2) and 4 the word “Minister”, and substituting in each case the word “Director”. By revoking paragraph (b) of regulation 6 (1), and substituting the following paragraph: “(b) To the Chief Examiner of Marine Engineers, Maritime Safety Authority, P.O. Box 27-006, Wellington.”</p>
<p>The Shipping (Manning and Watchkeeping) Regulations 1986 (S.R. 1986/110)</p>	<p>By omitting from the definition of the term “approved” in regulation 2 and from regulations 7, 8 (1), 8 (2), 22 (c) (i), 26 (2), and 27 (2) the word “Minister” wherever it occurs, and substituting in each case the word “Director”.</p>
<p>The Shipping (Manning of Fishing Boats) Regulations 1986 (S.R. 1986/112)</p>	<p>By omitting from the definition of the term “certificate” in regulation 2 the word “Minister”, and substituting the word “Director”.</p>
<p>The Shipping (Manning of Restricted-Limit Ships) Regulations 1986 (S.R. 1986/113)</p>	<p>By revoking the definition of the term “certificate” in regulation 2, and substituting the following definition: “‘Certificate’ means a certificate of competency or a certificate of service issued by the Director in accordance with the Act; and includes any qualification recognised in New Zealand by the Shipping (Recognition of Certificates of Competency) Order 1988 as equivalent to any such certificate.”</p>
<p>The Oil Pollution Levies Order 1978, Amendment No. 3 (S.R. 1986/239)</p>	<p>By omitting from clause 3 (1) the words “Secretary for Transport”, and substituting the words “Director of Maritime Safety”.</p>

SECOND SCHEDULE—*continued**New*

PART II— <i>continued</i>	
AMENDMENTS TO REGULATIONS— <i>continued</i>	
Regulation	Amendment
The Masters and Mates (Endorsement of Inshore Fishing Skipper Certificates) Regulations 1987 (S.R. 1987/363)	By omitting from the definition of the term “Principal Examiner” in relation 2 the word “Secretary”, and substituting the word “Director”.
The Ship Survey (Approved Organisations) Notice 1988 (S.R. 1988/109)	By omitting from clause 4 (3) the words “Marine Division of the Ministry of Transport”, and substituting the words “Maritime Safety Director of New Zealand”.
The Shipping (Nautical Publications) Regulations 1988 (S.R. 1988/113)	By revoking subparagraph (ii) of regulation 5 (c), and substituting the following subparagraph: “(ii) The Maritime Safety Director of New Zealand.”
The Shipping (Lifesaving Appliances) Regulations 1989 (S.R. 1989/255)	By omitting from the definition of the term “certificated person” in regulation 2 the word “Secretary”, and substituting the word “Director”.
The Shipping (Survey) Regulations 1989 (S.R. 1989/265)	By revoking the definition of the term “Chief Surveyor” in regulation 2, and substituting the following definition: “‘Chief Surveyor’ means the person who is for the time being the Chief Surveyor of Ships of the Maritime Safety Authority of New Zealand.”
The Shipping (Electronic Navigational Equipment) Regulations 1989 (S.R. 1989/288)	By revoking paragraph (a) of regulation 35, and substituting the following paragraph: “(a) A certificate of proficiency as a radar observer, issued by the Director.”
The Shipping (Radio) Regulations 1989 (S.R. 1989/289)	By omitting from regulations 19 (1) (b) and 40 (4) (b) the words “granted by the Minister”, and substituting in each case the words “granted by the Director”. By revoking subparagraph (v) of regulation 43 (a), and substituting the following subparagraph: “(v) A copy of Marine Notice No. B1 relating to distress and

SECOND SCHEDULE—continued

New

PART II—continued	
AMENDMENTS TO REGULATIONS—continued	
Regulation	Amendment
<p>The Shipping (Radio) Regulations 1989 (S.R. 1989/289)—<i>continued</i></p>	<p>urgency information (issued by the Maritime Safety Authority of New Zealand); and”.</p> <p>By revoking subparagraph (iii) of regulation 43 (b), and substituting the following subparagraph:</p> <p style="padding-left: 40px;">“(iii) A copy of Marine Notice No. B1 relating to distress and urgency information (issued by the Maritime Safety Authority of New Zealand); and”.</p> <p>By omitting from regulation 45 the word “Minister” wherever it occurs, and substituting in each case the word “Director”.</p>
<p>The Shipping (Fees) Regulations 1990 (S.R. 1990/320)</p>	<p>By revoking regulation 9, and substituting the following regulation:</p> <p style="padding-left: 40px;">“9. Director may refund or waive fees—The Director may authorise the refund or waiver of any fee, in whole or in part, where the ship in respect of which the fee is payable—</p> <p style="padding-left: 80px;">“(a) Is operated principally for training purposes on a national basis by an incorporated society or a charitable trust; or</p> <p style="padding-left: 80px;">“(b) Is operated principally for search and rescue purposes.”</p> <p>By omitting from regulations 3 (2) (a), 3 (2) (b), 3 (3) (a), 3 (3) (b) (i), 4, 5, and 7 (1) the word “Department” wherever it occurs, and substituting in each case the words “Maritime Safety Authority of New Zealand”.</p> <p>By omitting from Parts I, III, V, and VI of the First Schedule the word “Department” wherever it occurs, and substituting in each case the words</p>

SECOND SCHEDULE—*continued**New*

PART II— <i>continued</i>	
AMENDMENTS TO REGULATIONS— <i>continued</i>	
Regulation	Amendment
The Shipping (Fees) Regulations 1990 (S.R. 1990/320)— <i>continued</i>	“Maritime Safety Authority of New Zealand”.
The Marine Safety Charges Regulations 1990 (S.R. 1990/335)	By omitting from regulations 6 (3) (b), 8 (2), 8 (3), 8 (4), and 8 (5) the word “Minister” wherever it occurs, and substituting in each case the word “Director”.
The Ship Registration (Fees) Regulations 1992 (S.R. 1992/298)	By revoking the definition of the term “Secretary” in regulation 2. By inserting in regulation 2, in its appropriate alphabetical order, the following definition: “‘Director’ means the Director of Maritime Safety; and includes the deputy of the Director.” By revoking regulation 4, and substituting the following regulation: “4. Director may refund or waive fees —The Director may authorise the refund or waiver of any fee, in whole or in part, where the ship in respect of which the fee is payable— “ <i>(a)</i> Is operated principally for training purposes on a national basis by an incorporated society or a charitable trust; or “ <i>(b)</i> Is operated principally for search and rescue purposes.”
The Masters and Mates (Coastal Fishing and Restricted-Limit Ships) Qualification Regulations 1993 (S.R. 1993/35)	By omitting from the definitions of the terms “ancillary certificate”, “approved”, “certificate”, “examiner”, and “Principal Examiner” in regulation 2 the word “Minister”, and substituting in each case the word “Director”. By inserting in regulation 2, in their appropriate alphabetical order, the following definitions: “‘Authority’ means the Maritime Safety Authority of New Zealand:

SECOND SCHEDULE—*continued*

New

PART II— <i>continued</i>	
AMENDMENTS TO REGULATIONS— <i>continued</i>	
Regulation	Amendment
<p>The Masters and Mates (Coastal Fishing and Restricted-Limit Ships) Qualification Regulations 1993 (S.R. 1993/35)—<i>continued</i></p>	<p>“ ‘Director’ means the Director of Maritime Safety; and includes the deputy of the Director:”.</p> <p>By revoking the definitions of the terms “Ministry” and “Secretary” in regulation 2.</p> <p>By omitting from regulations 5, 11 (2), 11 (3), 12 (2), 14, 15, 25 (a), and 35 (4) (c) the word “Minister” wherever it occurs, and substituting in each case the word “Director”.</p> <p>By revoking subclause (2) of regulation 6, and substituting the following subclause: “(2) The prescribed form is obtainable from any mercantile marine office and every completed application form shall be sent by post to the office of the Examiners of Masters and Mates, Maritime Safety Authority, Wellington, so as to arrive at least 14 days before the scheduled examination date.”</p> <p>By omitting from regulations 6 (4), 7 (2), 13, and 27 (1) the word “Ministry” wherever it occurs, and substituting in each case the word “Director”.</p> <p>By omitting from the Third Schedule the words “Secretary for Transport” wherever they occur, and substituting in each case the word “Director”.</p>
<p>The Masters and Mates (Foreign-Going and Coastal) Qualification Regulations 1993 (S.R. 1993/36)</p>	<p>By omitting from the definitions of the terms “ancillary certificate”, “approved”, “certificate”, “examiner”, and “Principal Examiner” in regulation 2 the word “Minister” wherever it occurs, and substituting in each case the word “Director”.</p>

SECOND SCHEDULE—*continued**New*PART II—*continued*AMENDMENTS TO REGULATIONS—*continued*

Regulation	Amendment
The Masters and Mates (Foreign-Going and Coastal) Qualification Regulations 1993 (S.R. 1993/36)— <i>continued</i>	<p>By inserting in regulation 2, in their appropriate alphabetical order, the following definitions:</p> <p>“‘Authority’ means the Maritime Safety Authority of New Zealand:</p> <p>“‘Director’ means the Director of Maritime Safety; and includes the deputy of the Director.”</p> <p>By revoking the definitions of the terms “Ministry” and “Secretary” in regulation 2.</p> <p>By omitting from regulations 4, 11 (2), 11 (3), 12 (2), 14, 15, and 24 (4) the word “Minister” wherever it occurs, and substituting in each case the word “Director”.</p> <p>By omitting from regulation 6 (2) the words “Maritime Transport Division, Ministry of Transport”, and substituting the word “Authority”.</p> <p>By omitting from regulations 6 (4), 7(2), and 13 the word “Ministry” wherever it occurs, and substituting in each case the word “Authority”.</p> <p>By omitting from the Third Schedule the words “Secretary for Transport”, and substituting the word “Director”.</p>
The Fishing Boat Engineering Personnel (Examination) Regulations 1993 (S.R. 1993/38)	<p>By omitting from the definitions of the terms “approved”, “Chief Examiner”, and “examiner” in regulation 2 the word “Secretary” wherever it occurs, and substituting in each case the word “Director”.</p> <p>By inserting in regulation 2, in their appropriate alphabetical order, the following definitions:</p>

SECOND SCHEDULE—*continued*

New

PART II—*continued*

AMENDMENTS TO REGULATIONS—*continued*

Regulation	Amendment
<p>The Fishing Boat Engineering Personnel (Examination) Regulations 1993 (S.R. 1993/38)—<i>continued</i></p>	<p>“‘Authority’ means the Maritime Safety Authority of New Zealand: “‘Director’ means the Director of Maritime Safety; and includes the deputy of the Director:”.</p> <p>By revoking the definitions of the terms “Ministry” and “Secretary” in regulation 2.</p> <p>By omitting from regulation 8 (2) the words “Maritime Transport Division, Ministry of Transport”, and substituting the word “Authority”.</p> <p>By omitting from regulations 8 (3) and 16 the word “Ministry”, and substituting in each case the word “Authority”.</p> <p>By omitting from regulations 15 (2), 17, 18, and 22 (2) the word “Secretary”, and substituting in each case the word “Director”.</p> <p>By omitting from regulation 27 the words “Maritime Transport Division, Ministry of Transport”, and substituting the word “Authority”.</p>
<p>The Marine Engineers (Examination) Regulations 1993 (S.R. 1993/39)</p>	<p>By omitting from the definitions of the terms “ancillary certificate”, “approved”, “certificate”, “Chief Examiner”, and “examiner” in regulation 2 the word “Secretary” wherever it occurs, and substituting in each case the word “Director”.</p> <p>By inserting in regulation 2, in their appropriate alphabetical order, the following definitions: “‘Authority’ means the Maritime Safety Authority of New Zealand: “‘Director’ means the Director of Maritime Safety; and includes the deputy of the Director:”.</p>

SECOND SCHEDULE—*continued**New*PART II—*continued*AMENDMENTS TO REGULATIONS—*continued*

Regulation	Amendment
The Marine Engineers (Examination) Regulations 1993 (S.R. 1993/39)— <i>continued</i>	<p>By revoking the definitions of the terms “Ministry” and “Secretary” in regulation 2.</p> <p>By omitting from regulations 4, 12 (4), 14 (2), 16, 33, and 35 the word “Secretary” wherever it occurs, and substituting in each case the word “Director”.</p> <p>By omitting from regulation 7 (2) the words “Maritime Transport Division, Ministry of Transport”, and substituting the word “Authority”.</p> <p>By omitting from regulations 8 (2) and 15 the word “Ministry”, and substituting in each case the word “Authority”.</p> <p>By omitting from the Schedule the words “Secretary for Transport”, and substituting the words “Director of Maritime Safety”.</p>