



LOCAL GOVERNMENT NEW ZEALAND SUBMISSION

In the matter of the Marine Legislation Bill
**To the Transport and Industrial Relations Select
Committee**

Submission by *Local Government New Zealand*

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The Marine Legislation Bill

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Introduction

1. *Local Government New Zealand* (LGNZ) thanks the Transport and Industrial Relations Select Committee for the opportunity to make this submission in relation to the Marine Legislation Bill.
2. LGNZ wishes to be heard in respect of this submission.

LGNZ is a member based organisation representing all 78 local authorities in New Zealand. LGNZ's governance body is the National Council. The members of the National Council are:

- Lawrence Yule, President, Mayor, Hastings District Council
- John Forbes, Vice-President, Mayor, Opotiki District Council
- John Bain, Zone 1, Deputy Chair, Northland Regional Council
- Richard Northey, Zone 1, Councillor, Auckland Council
- Meng Foon, Zone 2, Mayor, Gisborne District Council
- Jono Naylor, Zone 3, Mayor, Palmerston North City Council
- Adrienne Staples, Zone 4, Mayor, South Wairarapa District Council
- Maureen Pugh, Zone 5, Mayor, Westland District Council
- Tracy Hicks, Zone 6, Mayor, Gore District Council
- Len Brown, Metro Sector, Mayor, Auckland Council
- Dave Cull, Metro Sector, Mayor, Dunedin City Council
- Stuart Crosby, Metro Sector, Mayor, Tauranga City Council
- Brendan Duffy, Provincial Sector, Mayor, Horowhenua District Council
- Stephen Woodhead, Regional Sector, Chair, Otago Regional Council
- Fran Wilde, Regional Sector, Chair, Greater Wellington Regional Council.

3. LGNZ makes this submission on behalf of the National Council, representing the interests of all local authorities of New Zealand.

Where possible the authorities' various comments and views have been incorporated into this submission. This Bill is of primary interest to regional councils.

In addition, some councils will also choose to make individual submissions. The LGNZ submission in no way derogates from these individual submissions.

4. This final submission was endorsed under delegated authority by:
 - Fran Wilde, National Council member and Chair, Regional Sector Group.
5. LGNZ prepared this submission following:
 - analysis of the Bill
 - analysis of all feedback from councils
 - legal review.
6. LGNZ wishes to be heard in respect of this submission.
7. LGNZ requests the opportunity to review the draft Bill when it is finalised.

Context

The Regulatory Impact Statement (RIS) outlines the context for this Bill. Without access to the relevant Cabinet papers it is not possible to determine the details of some of the policy decisions agreed to by Cabinet, and LGNZ has had to make some assumptions based on the RIS, Questions and Answers on the Ministry of Transport website and discussions with officials. This is far from ideal. LGNZ was also surprised at the lack of consultation with regional councils since a 2007 discussion document, particularly given some of the changes proposed.

LGZ understands the change sought is to establish a simple framework of functions, duties and powers that provides clear authority for a harbour safety management regime and with key elements, relevant to local authorities, to be:

- a harbour safety management function for regional councils
- a requirement for regional councils to appoint a suitably qualified harbourmaster
- aligning harbourmasters' functions and powers with harbour safety management
- a safety duty on port facility operators
- provision for making maritime rules for harbour safety management systems
- audit, inspection and compliance powers to support safety management requirements.

Transfer of provisions

LGZ supports the updating of the Maritime Transport Act (MTA) and in particular the transfer of provisions from the Local Government Act 1974 (LGA) to the MTA. Having reviewed the new provisions intended for Part 3A of the MTA, we consider the majority of the new provisions are substantially the same as the old provisions in Parts 39A and 44 of the LGA74.

However, the most notable exceptions to this are:

1. Section 650B of the LGA states a regional council "may" appoint such harbourmasters and enforcement officers as it thinks necessary and that harbourmasters must have such qualifications as required by maritime rules. In contrast, section 33D of the MTA will state that a regional council "must" appoint "a suitably qualified harbourmaster" in relation to every port, harbour or waters in its region that the council considers requires a harbourmaster to be appointed, by notice in the Gazette. The existing power under the LGA74 is more permissive and unconstrained, whereas the new provision imposes an obligation on regional councils to appoint harbourmasters in certain circumstances. There will be cost implications for some councils but for others it will confirm their current practice. It is entirely inappropriate to introduce an obligation for councils without the necessary funding to accompany the change and without consultation with the affected sector, particularly the councils most affected.
2. The offence provision under 33F(4) is considered to be a vast improvement on the equivalent offence provisions under sections 650G and 698 of the LGA74. It includes one provision, rather than two, for dealing with offences and provides far more effective penalties, i.e imprisonment of up to 12 months and maximum fines of \$100,000 compared with a maximum fine of \$500 under the current LGA74 regime.

As a general observation, we understand the intention of the Bill in relation to local authorities is to make explicit the role and functions of regional councils and harbourmasters in relation to the local regulation of maritime safety, but is not intended to alter fundamentally the current regime whereby both Maritime New Zealand and local councils have separate but overlapping roles in local navigation regulation.

Role of regional councils – new provisions

We support the intention of providing an explicit reference point for councils' activities in the areas of navigation control, including harbour safety management – in contrast to the situation at present where powers provided in Parts 39A and 43 of the LGA 1974 are not linked to any explicit function or purpose.

We also support the intention to emphasise and reinforce authority for councils' activities, particularly in relation to port and harbour control. It also is intended to signal an expectation, again in relation to port and harbour control, that councils are expected to have proper regard to safety considerations.

However, we have some concerns that the manner in which sections 33C and 33E of the MTA have been drafted could have unintended consequences in terms of creating statutory liability for local authorities and harbourmasters and creating ambiguity as to whether local authorities are intended to have a greater role in regulating coastal navigation, and Maritime New Zealand a diminished role. This is further discussed below.

Regional council liability

In our view regional councils' unlimited liability imposes a potentially unreasonable burden on ratepayers. There would seem to be strong policy grounds to provide for a limitation of liability. Regional councils/harbourmasters are the only participants in the maritime system that are not able to limit liability.

Regional councils need to ensure that any liabilities that may arise from exercising their roles under the MTA reflect an appropriate balance between fitting standards of care, the public interest in providing maritime services and the potential financial burden on ratepayers, both in the provision of services – e.g. in allowing for cost recovery – and in terms of the exposure to financial risk.

There is concern within the regional council sector that councils are exposed to unlimited liability if they exercise maritime transport and safety roles. This risk or perceived risk therefore discourages some from taking on roles, which have a strong public benefit element such as pilotage. For public policy reasons, we recommend that the issue of limiting liability for regional councils/harbourmasters should be addressed in the provisions of this Bill, clarifying that local government is not, by acting, assuming unlimited liability for any and all consequences of its actions. We ask that the Committee consider the principle that a local authority cannot be liable in damages for doing that which Parliament has authorised.

Where a council acts within the ambit of its statutory discretion its actions should not be actionable in common law. (This would not apply where an action taken was unreasonable that it falls outside the ambit of the discretion conferred upon the local authority, where the principle would not be justified.) We ask therefore that the committee consider limiting liabilities for roles performed by regional councils as has been done in relation to pilotage in section 60B.

The current section 60B of the MTA reflects the principle that ships under pilotage remain under Master's orders at all times and clarifies that civil liability for a pilot's negligence rests with the Master or owner of the ship. We request that the Bill clarifies (if required, by way of consequential amendment to section 60B) that regional councils are covered by this provision, i.e. that it limits their liabilities as a person or body corporate.

Accordingly, we recommend that the issue of limiting liability for regional councils/harbourmasters should be addressed in the provisions of this Bill:

1. Clarify that local government, by acting, is not assuming unlimited liability for any and all consequences of its actions. Consider the principle that a local authority cannot be liable in damages for doing that which Parliament has authorised

2. Consider limiting liabilities for roles performed by regional councils as has been done in relation to pilotage in section 60B.
3. Clarify, if required, by way of consequential amendment to section 60B, that regional councils are covered by this provision, i.e. that it limits their liabilities as a person or body corporate.

Specific comments on provisions and suggested amendments

Part 1 Amendments to the Maritime Transport Act

Section 2 amended (Interpretation)

Definition of “harbour”

A definition of “harbour” will be added to section 2 of the MTA. “Harbour” is not currently defined in the MTA or either of the Local Government Acts. The new definition of harbour is “any natural or artificial harbour” and “includes any place in or at which ships can or do obtain shelter.” This definition is a simplified version of the previous definition of “harbour or port” under the Harbours Act 1950. We do not consider there will be any obvious adverse or positive implications for local authorities arising from this definition but we do consider it would have been beneficial to define harbour limits to provide greater clarity to the boundaries of harbours.

We recognise that it may be possible for regional councils to define harbour limits in their navigation bylaws to reduce any ambiguity in this regard.

However, we recommend that the definition of “harbour” in the Bill be amended to define harbour limits and thus provide greater clarity to the boundaries of harbours. Regional councils would be happy to work with the Committee through LGNZ to assist with this definition.

Part 3A Local regulation of maritime activity

33A application of this part

33A(b) refers to a maritime-related activities – this is not defined and may result in misinterpretation. As a possible solution, this could be amended to reflect the Code definition of Maritime Operations – “those operations that facilitate the safe use of a harbour by vessels. They include, but are not limited to, directing shipping, regulation of safety of navigation, pilotage, communications between vessels and the shore, the maintenance of navigation aids and dredging within the harbour.” Alternatively, it could be defined as “any activity taking place on the water,” although this is very broad and could also be open to interpretation.

Accordingly, we recommend that the term “maritime-related activities” is defined. Regional councils would be happy to work with the Committee through LGNZ to assist with this definition.

33 B Interpretation

“Port” – our legal advice is that, as worded, “Port” would include a marina and we understand, from discussion with officials, that this is not the intention.

Accordingly, we recommend that the definition of port is amended so it does not include marinas or other structures it is not intended to cover.

33C Responsibility of regional councils for maritime safety

In our view, the way this provision is framed, particularly in conjunction with section 33E, creates a potentially onerous statutory obligation on regional councils in relation to “maritime safety.” Our legal advice is that the proposed wording is both unusual and inappropriate. The use of the words “must take all reasonable and practicable steps” is more consistent with the Health and Safety in Employment Act (e.g. section 6 HSEA) than the phraseology one would expect in relation to clarifying a regional council’s role or functions. For example:

(a) Section 30 of the RMA states:

30 Functions of regional councils under this Act

(1) Every regional council shall have the following functions for the purpose of giving effect to this Act in its region:

- *(a) the establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the natural and physical resources of the region*
- *(b) the preparation of objectives and policies in relation to any actual or potential effects of the use, development, or protection of land which are of regional significance...*

(b) Section 11 of the LGA 2002 states:

11 Role of local authority

- *The role of a local authority is to:*
 - *(a) give effect, in relation to its district or region, to the purpose of local government stated in section 10*
 - *(b) perform the duties, and exercise the rights, conferred on it by or under this Act and any other enactment.*

The wording of 33C and 33E should be re-cast so that it is more consistent with provisions that describe a local authority’s responsibility or function rather than creating a statutory obligation.

In addition, clarity of the meaning of ‘maritime safety’ is required in sections 33C to 33F.

33C(a) refers to “ports, harbours and **waters in their regions.**” We understand the intention is **not** to require regional councils to “regulate maritime-related activities in their regions for the purpose of ensuring maritime safety” for all regional waters out to 12 nautical miles from the coast and the region’s lakes, rivers and waterways. However, the wording in the Bill as stated does impose this responsibility onto regional councils. As worded, the Bill makes it **less** clear than the current situation about where responsibility lies.

The wording needs to reflect that agencies such as Maritime New Zealand remain responsible for ships transiting around the New Zealand coast. As stated, this clause implies that regional councils would be responsible for providing some coastal navigation aids, monitoring transiting ships and imposing coastal routing schemes that they may consider appropriate. An example of where this would be problematic is where which authority would be responsible for vessel routing schemes within the 12 mile limit.

Accordingly, we recommend that section 33C should be reworded to:

1. Remove the words “must take all reasonable and practicable steps” and replace them with “the role of regional councils is to...”
2. Clarify in this provision that regional councils are not intended to take over Maritime New Zealand’s role in relation to maritime safety in New Zealand’s territorial waters.

3. Provide clarity regarding the term “maritime safety.”

33D Regional councils must appoint harbourmasters

“(1) A regional council must appoint a suitably qualified harbourmaster for every port or harbour, or for waters, in its region:

“(a) that the council considers requires a harbourmaster for the purposes of ensuring maritime safety; or

“(b) for which the Minister, by notice in the Gazette, requires harbourmaster be appointed.

“(2) A regional council may appoint a harbourmaster for any other port or harbour, or any other waters, in its region.

“(3) The regional council must be satisfied that a person appointed as harbourmaster is capable of performing the functions of a harbourmaster.

“(4) If maritime rules prescribe qualifications for harbourmasters, the regional council must be satisfied that a person appointed as harbourmaster has the required qualifications.

33D(4) enables an accreditation process to be developed. We note there have been no prescribed qualifications for harbourmasters since March 2003 and this suggests that addressing this is not considered to be a high priority. Various possibilities are left open without formal qualifications.

What constitutes a “suitably qualified” harbourmaster and what defines “capable” is left open to interpretation and up to the regional council to decide. This appears to be consistent with the current framework because there is already a requirement for harbourmasters to have the qualifications required by maritime rules.

33D(3) states that councils have to be satisfied that a person appointed as harbourmaster is capable of performing his/her functions. It is unclear how this provision could be quantified or enforced. If a council appointed a harbourmaster who subsequently was found to be incapable of fulfilling his/her functions it would currently be dealt with as an employment issue.

It is unclear how the 33D provisions would apply in regions where ports are not owned or managed by the local regional council. For example, since 1989 the ports on the west coast of the South Island have been managed by district councils. There are other examples where territorial authorities, not the regional councils, have appointed harbourmasters (e.g. some lakes).

We suggest that consideration be given as to how the West Coast port management and ownership arrangements will be affected by this provision and possibly other provisions of this Bill.

Accordingly we recommend that:

1. 33D(3) is redundant and should be deleted.
2. 33D is amended to reflect the particular arrangements in place regarding ownership and management of the ports on the west coast of the South Island and consequential amendments as required.
3. Amendments are made to acknowledge that some harbourmasters are not appointed by regional councils.

Section 33E Duties of harbourmasters for maritime safety

LGNZ considers that the way this provision (along with section 33C) is framed creates a potentially onerous statutory obligation on harbourmasters in relation to maritime safety. As outlined above, the use of the

words “must take all reasonable and practicable steps” is more consistent with the Health and Safety in Employment Act (e.g. section 6 HSEA) than the phraseology one would expect in relation to clarifying the regional council’s role or functions.

Accordingly, we recommend section 33E is reworded as follows:

1. Remove the words “must take all reasonable and practicable steps” and replace them with something like “The role of harbourmasters is to...”
2. Clarify that harbourmasters are not intended to take over Maritime New Zealand’s role in relation to maritime safety in waters that relate to their appointment.

33F Harbourmasters’ general powers

Currently, there is no ability for a harbourmaster to investigate incidents and accidents that occur in the area over which he or she has responsibility for navigation safety. If the intention is for local authorities to assume a greater role in maritime safety, then harbourmasters and enforcement officers should have investigative powers similar to those that exist under section 58 of the MTA. It would also provide a robust mechanism through which further action might be taken. In many cases incidents occur that would benefit from proper investigation to determine causes and identify potential safety lessons.

Accordingly, we recommend that a new sub-section be included to empower a harbourmaster to undertake investigations of accidents and incidents in the interest of navigation safety where no other authority (eg the Transport Accident Investigation Commission) is investigating.

33J Removal of wrecks by regional council

We are aware that at least three regional councils have had great difficulty dealing with derelict vessels under Part 39A of the LGA74. The problem with the current statutory regime is that the harbourmaster and regional councils have the power to address derelict vessels only when they pose a clear risk to maritime safety. One option may be to add a provision to section 33M (Navigation bylaws) that allows regional councils to make bylaws regulating the removal of abandoned or derelict vessels from wharves.

The proposed Bill enables a wreck to be removed or dealt with provided “it is a hazard to navigation” but this can become a subjective assessment, and it is unclear whether the provisions will apply if the wreck is clearly not a hazard to navigation.

33J should be modified to state “Removal of wrecks and derelicts by regional council.” While the definition of wreck includes a derelict, we suggest that a definition of “derelict” should clearly include a vessel floating alongside a wharf, or at an anchorage.

Accordingly, we recommend that:

1. The heading of this section is amended to read “Removal of wrecks and derelicts by regional council.”
2. A definition of derelict is added to clearly include a vessel floating alongside a wharf or at anchorage.
3. Options are considered to deal with the matter of removing derelict vessels which may not be a hazard to navigation. Regional councils would be happy to work with the Committee through LGNZ to assist with this.

33 M Navigation bylaws

33M (1)(k) requires the setting of fees and charges through a bylaw process. Councils' experience shows this process is fraught with obstacles and can be challenged at any stage. Accordingly we do not support this mechanism. The ability to set these charges should be enabled through regulation. This is a standard process used by councils for setting fees.

We recommend this provision be amended to remove the setting of fees from the bylaw process and to include a statement in the legislation that allows regional councils to establish fees and charges in respect of maritime safety through their annual plan process.

33M(2)(d) states that "Navigation bylaws made under subsection (1) may not be inconsistent with regulations or rules made under this Act".

The current situation is that the standards set in some councils' bylaws are higher than the maritime rules. This occurs when a council decides that the maritime rule is "not adequate." Examples are council bylaws concerning the wearing of lifejackets in specific circumstances or the registration of personal watercraft in busy areas. We seek the ability to provide for a higher standard where local circumstances, including history, require that a higher standard is applied, and that this is not considered to be "inconsistent."

Accordingly, we recommend that clarification is provided in relation to 33M(2)(d) and Clause 85 so that a navigation bylaw is able to set a higher standard in relation to maritime safety, and that this is not considered to be invalid because it is deemed to be "inconsistent" with a maritime rule.

33S(1) Delegation or transfer of Council's responsibilities

Clause 84 Transitional and savings provisions

We note that a regional council is able to transfer some of its responsibilities to a public authority or port operator. In some cases the regional council does not currently own or manage ports in their region. This has been the situation on the west coast of the South Island since amalgamation in 1989. The legislation needs to reflect these arrangements.

In addition, outside of these existing arrangements, we consider that the legislation should enable a regional council to transfer some of its responsibilities to another regional council, a territorial authority or to an independent service provider.

Accordingly, section 33S(1) should be amended to enable a regional council to transfer some of its responsibilities to another regional council, a territorial authority or to an independent service provider.

The transitional and savings provisions also need to reflect the arrangements that already exist in some regions.

Accordingly, we recommend that 33S be amended to:

1. Reflect existing arrangements between a regional council and another party, including a territorial authority, an independent service provider.
2. Enable new delegations/transfers between a regional council and a territorial authority.
3. Clause 84 Transitional and savings provisions be amended to reflect existing arrangements and enable the transfer/delegation of responsibilities between regional councils and territorial authorities.

Clause 85 Conflicts between existing navigation bylaws and existing maritime rules

The above discussion in relation to 33M (2)(d) is also relevant to Clause 85 which deals with conflicts between existing navigation bylaws and existing maritime rules.

Accordingly, we recommend that clarification is provided in relation to 33M(2)(d) and Clause 85 so that when a navigation bylaw sets a higher standard in relation to maritime safety, this is not invalid because it is deemed to be inconsistent with a maritime rule.

34(2)(2)(b) Section 191 amended (Maritime safety charges)

We consider that it is appropriate to include services provided by regional councils in the list of activities which maritime levies are able to fund.

Accordingly, we recommend “regional councils” are included in section 34(2)(2)(b).

Part 26A civil liability for pollution of marine environment from marine structures

385A Interpretation

A new Part 26A to the MTA is proposed which deals with the civil liability that owners or operators of offshore installations and pipelines (for example) would have to the Crown and marine agencies (e.g. regional councils).

The term “marine operation” is used throughout Part 26A and it is not defined.

Accordingly, we recommend that a definition of “marine operation” is included in the interpretation section.

Conclusion

LGNZ supports the updating of the Maritime Transport Act (MTA) and in particular the transfer of provisions from the Local Government Act 1974 (LGA) to the MTA. Having reviewed the new provisions intended for Part 3A of the MTA, we consider the majority of the new provisions are substantially the same as the old provisions in Parts 39A and 44 of the LGA74. However, as outlined above, we have particular concerns with those provisions which place new obligations on regional councils, especially without central government funding for performing these duties.

We support the intention of providing an explicit reference point for councils’ activities in the areas of navigation control, including harbour safety management, and we also support the intention to emphasise and reinforce authority for councils’ activities, particularly in relation to port and harbour control.

However, we have particular concerns that the drafting of sections 33C and 33E of the MTA could have unintended consequences in terms of creating statutory liability for local authorities and harbourmasters and creating ambiguity as to whether local authorities are intended to have a greater role in regulating coastal navigation, and Maritime New Zealand a diminished role.

Recommended amendments

Amend the Bill to include a limitation of liability for regional councils/harbourmasters:

1. Clarify that local government is not, by acting, assuming unlimited liability for any and all consequences of its actions. Consider the principle that a local authority cannot be liable in damages for doing that which Parliament has authorised.
2. Consider limiting liabilities for roles performed by regional councils as has been done in relation to pilotage in section 60B.
3. Clarify, if required by way of consequential amendment to section 60B, that regional councils are covered by this provision, i.e. that it limits their liabilities as a person or body corporate.

Amend the Bill according to the table below:

Part 1 Amendments to the Maritime Transport Act	
Section 2 amended (interpretation)	Amend the definition of “harbour” in the Bill to define harbour limits and thus provide greater clarity to the boundaries of harbours.
Definition of “harbour”	Regional councils would be happy to work with the Committee through LGNZ to assist with this.
Part 3A Local regulation of maritime activity	
33A Application of this Part	Define “maritime-related activities.”
33A (b) maritime-related activities	Regional councils would be happy to work with the Committee through LGNZ to assist with this.
33B Interpretation	Amend the definition of “port” so it does not include marinas or other structures it is not intended to cover.
Definition of “port”	
33C Responsibility of regional councils for maritime safety	
33C(a) and (b)	<ol style="list-style-type: none"> Remove the words “must take all reasonable and practicable steps” and replace them with “The role of regional councils is to.” Clarify in this provision that regional councils are not intended to take over Maritime New Zealand’s role in relation to maritime safety in New Zealand’s territorial waters. Provide clarity regarding the term “maritime safety.”
33D Regional councils must appoint harbourmasters	
33D(3)	<ol style="list-style-type: none"> 33D(3) is redundant and should be deleted. Amend 33D to reflect the particular arrangements in place regarding ownership and management of the ports on the west coast of the south island and make consequential amendments as required. Amend this provision to acknowledge that some harbourmasters are not appointed by regional councils.
33E Duties of harbourmasters for	
	<ol style="list-style-type: none"> Remove the words “must take all reasonable and practicable steps” and replace them with something like “The role of harbourmasters is to.”

maritime safety 33E(a) and (b)	b. Clarify that harbourmasters are not intended to take over Maritime New Zealand's role in relation to maritime safety in waters that relate to their appointment.
33E New sub-section	Insert a new sub-section to empower a harbourmaster to undertake investigations of accidents and incidents in the interest of safety of navigation where no other authority is investigating.
33J Removal of wrecks by regional councils	<ul style="list-style-type: none"> a. Amend the heading of this section to read "Removal of wrecks and derelicts by regional council." b. A definition of derelict is added to clearly include a vessel floating alongside a wharf or at anchorage. c. Options are considered to deal with the matter of removing derelict vessels which may not be a hazard to navigation. Regional councils would be happy to work with the Committee through LGNZ to assist with this.
33M Navigation bylaws 33M(1)(k)	Amend 33M(1)(k) to remove the setting of fees from the bylaw process and include a statement in the legislation that allows regional councils to establish fees and charges in respect of maritime safety through their annual plan process.
33M(2)(d) Clause 85 Conflicts between existing navigation bylaws and existing maritime rules	Amend 33M(2)(d) and Clause 85 to provide clarification that a navigation bylaw is able to set a higher standard in relation to maritime safety, and that this is not deemed to be invalid because it is "inconsistent" with a maritime rule.
33S Delegation or transfer of Council's responsibilities	Amend 33S to: <ul style="list-style-type: none"> a. Reflect existing arrangements between a regional council and another party, including a territorial authority. b. Enable new delegations/transfers between a regional council and a territorial authority. c. Clause 84 Transitional and savings provisions be amended to reflect existing arrangements and enable the transfer/delegation of responsibilities between regional councils and territorial authorities.
34(2)(2)(b) Section 191 amended (Maritime safety charges)	Amend 34(2)(2)(b) to include "regional councils" in section 34(2)(2)(b).
Transitional and savings provisions	Amend Clause 84 the Transitional and savings provisions to: Reflect existing arrangements and enable the transfer/delegation of responsibilities between regional councils and territorial authorities.
Part 26A civil liability for pollution of marine environment from marine structures	
385A Interpretation	Include a definition of "marine operation"