



New Zealand Marine Transport Association  
P O Box 54 025, The Marina  
Auckland 2144, New Zealand  
M: +64 (0)274818360  
Email: [info@marinetransport.co.nz](mailto:info@marinetransport.co.nz)  
Web: [www.marinetransport.co.nz](http://www.marinetransport.co.nz)

30 January 2026

Maritime Legislation Review  
Ministry of Transport / Maritime New Zealand  
Email: [maritimelegislation@maritimenz.govt.nz](mailto:maritimelegislation@maritimenz.govt.nz)

Feedback on 'Effective Maritime Legislation' working papers  
**Maritime Security Act 2004 and Maritime Transport Act 1994**

The New Zealand Marine Transport Association (NZMTA) welcomes the opportunity to provide feedback on the working papers released for discussion on modernising maritime transport legislation.

NZMTA supports the intent of strengthening New Zealand's maritime security settings and ensuring the regulatory system remains fit for purpose, operationally effective, and aligned with current risks and technology.

The maritime sector also recognises the growing threat posed by transnational organised crime, 'trusted insider' risks within port environments, and the evolving nature of terrorism and security threats. We agree that Maritime New Zealand and port operators must have clear, modern tools to manage these risks in a consistent and legally robust manner.

At the same time, reforms must be designed to strengthen security without creating duplication, inconsistent application across ports, or new friction points that undermine freight efficiency and coastal shipping reliability. Security uplift must be risk-based, operationally practical, and nationally consistent across the port system.

NZMTA also notes that the domestic commercial fleet is not uniform. Risk profiles, operating environments, and regulatory capacity differ markedly between small, harvesting-only fishing vessels, large passenger ferries, coastal cargo ships, and port-centric freight operations. Legislative reform should explicitly recognise these distinctions to avoid unintended impacts on low-risk operators while enabling proportionate controls where justified.

**NZMTA's key principles**

NZMTA recommends that legislative modernisation be guided by the following principles:

1. A single national framework with consistent requirements and portability across ports, avoiding multiple overlapping systems.
2. Risk-based and proportionate controls, focusing the strongest requirements on high-risk roles and areas.
3. Clear powers with safeguards, including privacy protections, training standards, and transparent processes.

4. Supply chain continuity – stronger security should not unintentionally create domestic freight choke points.
5. Avoiding duplication and cost shifting – especially where Customs Controlled Area (CCA) requirements already apply.
6. Funding clarity: Reforms should not become an unfunded mandate on ports, operators, or the wider maritime workforce.

---

## Maritime Security Act 2004 – port security strengthening

---

### 1. National consistency and avoiding duplication

NZMTA supports the objective of strengthening port security settings. However, the design must avoid creating two parallel systems that do not align, particularly where Customs Controlled Area (CCA) requirements and border controls already operate.

#### **Management of substandard ships and system oversight**

NZMTA supports the objective of strengthening the management of substandard ships and addressing vessels that pose heightened safety, security, or compliance risks. Ensuring that poorly maintained or non-compliant ships are identified early and managed effectively is critical to protecting people, ports, and the wider supply chain.

At the same time, NZMTA notes that maritime security and enforcement responsibilities are already shared across multiple agencies, including Customs, Police, the New Zealand Defence Force, Maritime NZ, and individual port security regimes operating under the ISPS Code and related requirements.

In this context, careful consideration is required as to whether proposed reforms introduce genuinely new capability, or whether they risk adding an additional layer of oversight that may overlap with existing agency roles and port-level security procedures.

NZMTA would welcome further discussion on how any expanded security or enforcement functions would operate in practice — including how responsibilities would be delineated between agencies, how information would be shared, and how operational decision-making would be coordinated during live port or vessel situations. Clarity on these points will be essential to avoid unnecessary complexity, duplication, or uncertainty for ports and operators, while still achieving the intended uplift in security and compliance outcomes.

#### **We recommend:**

- A nationally consistent framework that is interoperable across all ports, reducing duplication, inconsistency, and compliance costs.
- Explicit alignment between Maritime Security Act settings and Customs security requirements, so operators and the supply chain are not forced to comply with competing or overlapping access regimes.

## 2. Strengthened access and vetting requirements (trusted insider controls)

NZMTA supports stronger controls to manage 'trusted insider' risks, including the use of enhanced background checks and standardised port access credentials. The sector recognises that access control is fundamental to securing port environments.

We recommend:

- A risk-tiered model that prioritises high-risk roles and sensitive areas first, with staged implementation.
- Port access credentials should be portable across ports, recognising the reality of a mobile workforce and contractors working nationally.
- Coverage should extend beyond employees to include contractors, casual labour, and individuals with remote access to critical systems, as these may represent equal or higher risk pathways.
- Any new vetting regime should include clear processing timeframes, a transparent decision pathway, and an appeal mechanism to protect fairness and workforce continuity.

## 3. Clarifying powers to search for and screen people, vehicles and goods

NZMTA agrees there is currently ambiguity regarding port screening practices and the legal basis for searches being conducted under private property settings. If new search powers are formalised, this should include clear guardrails and consistent application across the port system.

NZMTA supports earlier intervention thresholds where they complement, rather than displace, the authority and accountability of the master, and where clear operational protocols prevent conflicting directions during live operations.

We recommend:

- If search and screening powers are to be strengthened in legislation, they must be paired with:
  - clear thresholds and limits (reasonableness and proportionality)
  - privacy protections
  - consistent training and competency standards
  - national guidance to ensure uniform practice across ports.
- If a concept similar to "maritime security guards" is considered, NZMTA's support would depend on it delivering tangible improvements in competence and consistency without creating unnecessary administrative or cost burdens.

## 4. Cybersecurity and supply chain disruption

NZMTA supports the explicit recognition of cyber risks and non-violent disruption as part of modern maritime security planning. Ports and maritime operators increasingly rely on digital systems for access control, cargo handling and communications.

We recommend:

- Cyber resilience requirements should be included as a core component of security planning, but be scaled and practical, aligned with national cyber guidance, and focused on protecting critical operational functions.

## 5. Implementation approach and funding

Security uplift is a matter of national interest. It is essential that changes are phased, well-supported, and do not result in cost shifting onto ports, operators, and workers without clear funding arrangements.

We recommend:

- A staged implementation programme with transition support and clear cost allocation.
- A full impact assessment that recognises the difference between large ISPS ports and smaller regional ports.
- Government funding support for elements that are border security in nature, to avoid an unfunded mandate across the sector.

---

## **Maritime Transport Act 1994 – effectiveness, efficiency and modernisation**

---

### 6. Earlier intervention powers to prevent incidents escalating

NZMTA supports modernising intervention thresholds so the Director of Maritime New Zealand can act earlier in situations that may escalate into distress, environmental harm, or disruption. Reliance on a “distress” threshold can constrain timely action and increases overall risk and cost.

We recommend:

- Lowering the threshold to enable earlier intervention (such as a “ship in need of assistance” concept), supporting prevention and better system outcomes.

### 7. Clear command and control during emergencies

NZMTA supports a clear hierarchy of direction-making powers during maritime incidents, provided it is applied consistently and supported by effective communication protocols across agencies and local response actors.

We recommend:

- Legislative clarity that supports unified command and decisive action, including clarity where Harbourmasters, local authorities, port companies, and Maritime NZ may all be involved.
- A requirement for clear communications and coordination protocols so operators are not caught between competing directions or unclear authority.

## 8. Powers to require port facilities / places of refuge – with safeguards

NZMTA acknowledges that, in some emergency scenarios, it may be necessary for the Director to require access to port facilities for stricken ships, and supports the principle where it protects life, environment, and public safety.

However, this must be implemented with safeguards to protect the functioning of critical freight networks and ensure appropriate cost recovery.

We recommend:

- Clear triggers for use of power and assurance are applied proportionately.
- Operational safeguards to minimise disruption to domestic freight, coastal shipping schedules, and essential port operations.
- An explicit cost recovery pathway from the ship owner (and clarity around insurance and salvage interfaces), so ports are not left carrying disproportionate operational and financial burden.

### NZMTA summary recommendations

The NZMTA recommends that Government:

1. Adopt a single nationally consistent port access and vetting framework, risk-tiered and portable across ports.
2. Clarify search and screening settings in legislation including training standards, safeguards, and privacy protections.
3. Ensure reforms avoid duplication between Maritime Security Act controls and Customs CCA controls.
4. Explicitly incorporate cyber resilience and disruption risks into modern security planning, scaled to port size and risk.
5. Lower the intervention threshold under the Maritime Transport Act so that Maritime NZ can act earlier to prevent escalation.
6. Clarify emergency command and control, including a consistent hierarchy of directions supported by communications protocols.
7. Enable port facility / place-of-refuge directions with safeguards and clear cost recovery protection for ports and supply chain continuity.
8. Provide clear funding and implementation pathways to avoid unfunded mandates across the port and maritime system.

NZMTA appreciates the opportunity to contribute to this early-stage engagement and supports the direction of modernising maritime legislation to ensure New Zealand's regulatory settings remain robust, workable and responsive to evolving threats.

We would welcome the opportunity to meet with officials to discuss the practical design and implementation of these proposals, and to support a nationally consistent approach that strengthens maritime security while maintaining safe, efficient, resilient freight and coastal shipping operations.

Ngā mihi nui,

Margaret Wind  
Executive Director  
New Zealand Marine Transport Association (NZMTA)