

**5.1. International Maritime Standards Bill 2020 –
Second Reading approved**

Mr Baker to move:

That the International Maritime Standards Bill 2020 be read a second time.

The Speaker: Item 5 is Bills for Second Reading.

We will take the International Maritime Standards Bill 2020, and then Hon. Members have been circulated notice of a motion in the name of Mr Harmer to progress the Courts, Tribunals and Local Authority Procedures and Miscellaneous Provisions Bill 2020.

So I call next on Mr Baker.

Mr Baker: Thank you, Mr Speaker.

This is a Second Reading for this Bill. This Bill has been prepared as part of the Island's interpretation of the International Maritime Organization's Instruments Implementation Code, known as the III Code.

The International Maritime Organization (IMO) formally adopted the III Code in 2013, with the aim of providing a global standard for the implementation of certain International Maritime Organization conventions. The III Code sets out the responsibilities and obligations of member states and is broken down into flag state, port state and coastal state responsibilities.

On 1st January 2016, the IMO III Code became mandatory. The aim is to ensure a consistent and auditable standard of safety in marine pollution prevention in International Maritime Organisation member states, which currently number 174.

As part of the III Code, there is a requirement to ensure that the various conventions to which the contracting governments or parties are signed up to are included in their national laws and regulations. This Bill will provide for the allocation of specific responsibilities for discharging the Island's obligations under the international conventions which are relevant to the III Code. The Bill will also provide a mechanism by which the extent of the Island's compliance with relevant international conventions may be enhanced.

This will be achieved by providing the Chief Secretary with a broad power to assign responsibility for performing specified tasks in respect of flag, port or coastal state obligations. Such tasks must be tasks which the Island is duty-bound to perform in fulfilment of its international obligations under the international conventions concerning maritime safety and the prevention and control of marine pollution from ships, which we have already committed to observing. There is no provision for this power to apply to any new conventions.

The main motivation for bringing forward this legislation is to demonstrate to an International Maritime Organization auditor, as part of the forthcoming IMO III Code audit, that the Island has considered its responsibilities under the III Code and has taken the necessary steps to introduce them into national legislation. Failure to do so could lead to 'non-conformity' as part of the forthcoming IMO audit. That could in turn ultimately lead to the loss of our Ship Registry and ship management services, with consequent damage to our reputation and economy.

The Isle of Man is part of the Red Ensign Group, for which the UK has responsibility. Ultimately, the score that the UK will receive as part of this audit will be derived from the performance of other Red Ensign Group members audited. It is therefore crucial for the sake of the Island's international reputation that the Isle of Man passes the IMO audit, because if we fail this, this will impact all members of the Red Ensign Group.

We need to have this legislation in place ahead of the audit, otherwise it will be identified as a non-conformity finding for the Isle of Man. A corrective action plan to introduce legislation would then be required. It is far better, Mr Speaker, that we introduce legislation ahead of the audit.

Failure of the Isle of Man to meet its requirements as a flag state could ultimately lead to the closure of our shipping register. This would obviously be the worst possible outcome for the Isle of Man, given its international reputation, and could also present significant negative reputational and economic impacts for the wider Isle of Man maritime sector. The potential downgrading of the ship register's category 1 status to a category 2 ship register would be equally damaging to the Island's reputation.

Hon. Members, this is a very important matter. This is the Moneyval of the seas. It is vital to our international reputation and will sustain our highly regarded ship register and what gives us every chance that the new Isle of Man Steam Packet Company vessel will bear 'Douglas' as its port of registration, just as the current and previous ones have done.

Mr Speaker, I beg to move that this Bill is read for a second time.

The Speaker: I call the Hon. Member for Onchan, Mr Callister.

Mr Callister: Thank you, Mr Speaker. I beg to second.

The Speaker: Mr Thomas, Hon. Member for Douglas Central.

Mr Thomas: Thank you, Mr Speaker.

I am just repeating the questions I asked in the very helpful Members' briefing that the Minister arranged a couple of weeks ago.

Can the Minister advise whether the allocation of responsibilities to the Chief Secretary in this Bill has a precedent anywhere else in the Isle of Man statute book? And how successful has that precedent been? I do remember in the planning world, a few years ago, there was the idea to delegate some responsibilities to the Chief Executive Officer of the Department of Environment, Food and Agriculture. That was thrown out by this Hon. House, from memory, at quite an early stage, so I would very much like to know whether this has been fully thought through and whether there is that precedent and what it is.

Secondly, I wanted to ask the Minister moving how it is envisaged that the Chief Secretary might seek advice from the people from whom he feels it is relevant to seek advice, and then if somebody else comes forward who believes that they should have had advice taken from them – firstly; or, secondly, if there is contradictory advice, because often it is not black and white about old and new conventions, old and new things. Sometimes there are side agreements that are partially adopted by some people. There are all sorts of complexity to all of this, so I just think it would be helpful for *Hansard*, for the Minister to put down very clearly a couple of practical issues and how they are thought through and how they are going to be dealt with in the future if they arise, hypothetically on a contingency basis.

The Speaker: Mr Perkins, Hon. Member for Garff.

Mr Perkins: Thank you, Mr Speaker.

I welcome this Bill because it gives out the message that we are very serious about maintaining our position in the world's ship registries. It is vital that we ensure that all our vessels comply with the safety of life at sea, the tonnage measurement, the load lines that go right back to Samuel Plimsoll that have saved so many mariners' lives over the years.

MARPOL, the protocol on the prevention of pollution from ships, is essential to the Isle of Man to be responsible for doing our bit to protect the planet; COLREGs, the International Regulations for Preventing Collisions at Sea – all of these things are a vitally important piece of the jigsaw to enable us to compete on the international stage.

As a flag state and coastal state, we need to comply with international maritime standards and ensure that all of the ships we register comply with the current standards.

One word of warning, though, that I must give is that we must not slip on the ground. Our inspectors must make sure that all the ships *fully* comply (**A Member:** Hear, hear.) and do not just scrape through with the regulations, but they comply in all respects.

I will be fully supporting this Bill. Thank you, Mr Speaker.

The Speaker: I call the Minister to reply to the debate.

Mr Baker: Thank you very much, Mr Speaker.

The Speaker: Oh, my apologies – Mr Hooper.

Mr Hooper: Thank you very much, Mr Speaker.

It was only just a very brief question. I think Mr Thomas touched on this. I just want to make sure that we do get some clarity: the powers in this Bill are for the Chief Secretary to assign responsibility; the powers are for the Chief Secretary to make these decisions. I would have thought there would be, at the very least, some Council of Ministers' or ministerial oversight as to that process, and I would be grateful if the Minister could advise why there isn't any such oversight already built into the Bill.

The Speaker: My apologies. Minister to reply.

Mr Baker: Thank you very much, Mr Speaker.

I will actually start with Mr Hooper's comment, because that is the most recent one. In terms of the oversight, this Bill has been prepared on the advice of Chambers and very much reflects the obligations that we already have set down in the provisions of the International Maritime Organization, so we are already committed to these. It is quite black and white in terms of what our obligations actually are, and it is about the implementation of those. So I believe that it is appropriate for the Chief Secretary to be –

Mr Hooper: If the Minister would just very briefly give way, just to clarify?

The Speaker: It is up to you, Minister.

Mr Baker: Yes, I will give way.

Mr Hooper: Thank you.

The reason I am asking the question is because it is about implementation. The obligations themselves are relatively straightforward, as he has already said. The worry I have is that the Bill allows the Chief Secretary to decide whether it is the DOI or the MUA or the Ship Registry that has a particular responsibility for delivering on those obligations. Clearly that is a political decision, which organisation is responsible for making sure we comply with our obligations, and yet the Bill delegates that responsibility entirely to the Chief Secretary. I would have thought that the Council of Ministers would have wanted some level of oversight as to which of their various Departments is responsible for some of these obligations being set out in the Bill.

Mr Baker: Thank you for clarifying the point and for acknowledging that it is quite straightforward in terms of what we actually have to comply with.

I believe that it is appropriate for the Chief Secretary to be able to apply that degree of discretion in terms of who is tasked with delivering the obligations, given that it is within the overall framework of the public service. It is important that the Bill does demonstrate that we have a mechanism for all this compliance to be delivered.

So it is envisaged within the Bill that the provisions would only be applied as appropriate by the Chief Secretary, when they have been made aware that an obligation is not being fulfilled and also that nobody has been given responsibility to actually undertake that obligation. So to give the assurance to the International Maritime Organization, the strongest way of doing that is to have that power of the Chief Secretary to actually allocate it and to require the obligation to be addressed.

I think at this point, the comments made by the Member for Ramsey very much come together with the points made by the Hon. Member for Douglas Central.

I would highlight that the provisions apply only to the six conventions to which the III Code relates, and they are clearly set out in Schedule 1 to the Bill. The Council of Ministers may by order amend the Schedule, but Tynwald approval is required for the addition of conventions, so I think the scope for going further and wider is extremely limited and is within the view of Tynwald Court.

I would also highlight that all obligations to which the Island is a signatory are currently being undertaken by the relevant Departments, so no further allocations are required for now. This is very much about making sure that we are future-proofed in terms of protecting the Ship Registry and the Island's international reputation.

The powers envisaged by the Bill are clearly limited to only those which are pertinent to demonstrating compliance with the III Code. Indeed, all this is actually doing, contrary perhaps to the suggestion that this is giving the Chief Secretary unlimited powers, is providing a mechanism to ensure that the Island delivers on already agreed standards. So I would highlight that.

If Hon. Members have particular concerns, then I am quite happy to pick those up individually in terms of that, but I would come back to the comments made by my hon. friend from Garff, Mr Perkins, that this is very important. It is about the Isle of Man being a key player in international shipping and about our international reputation.

With that, Mr Speaker, I beg to move.

The Speaker: I put the question that the International Maritime Standards Bill 2020 be read for a second time. Those in favour, say aye; against, no. The ayes have it. The ayes have it.

Hon. Members, given the time, I propose to suspend the sitting at this point and reconvene it at 2.30 p.m. I have been asked by the Minister for Education, Sport and Culture to remind you that there is a presentation in the Barrool Suite regarding the Beamans Report.

With that, Hon. Members, the sitting is suspended until 2.30 p.m.

*The House adjourned at 1.06p.m.
and resumed its sitting at 2.30 p.m.*