

**2. International Maritime Standards Bill 2020 –
First Reading approved**

Mrs Maska to move:

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

The President: We turn now to Item 2 on the Order Paper, the International Maritime Standards Bill, as amended in the Keys, and for First Reading I call on the Hon. Member, Mrs Maska.

Mrs Maska: Thank you, Mr President.

This Bill has been prepared as part of the Island's interpretation of the International Maritime Organization Instruments Implementation Code, the III Code.

The International Maritime Organization, otherwise known as the IMO, formally adopted the III Code in 2013, with the aim of providing a global standard for the implementation of certain IMO 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. Incidentally, the Isle of Man bears all of those 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 Organization member states, which currently number 174. As part of the III Code, there is a requirement to ensure that various conventions to which the contracting governments or parties are signed up 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, although in the current adopted practice the UK or the Crown inform us and ask that we be prepared to introduce further conventions in our legislative programme. That has been the adopted code of operation.

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. This could, in turn, ultimately lead to the loss of our Ship Registry and ship management services, with consequent and significant 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 the UK will receive as part of this audit and our own audit will be derived from the performance of other Red Ensign Group members who are audited. It is therefore crucial, for the sake of the Island's international reputation, that the Isle of Man passes the IMO audit that is anticipated, as if we fail it will impact all members of the Red Ensign Group and not just us.

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 that we introduce the legislation ahead of the anticipated audit.

Failure of the Isle of Man to meet its requirements as a flag state could ultimately lead to the closure of its 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 downgrading of the ship register's category 1 status to a category 2 status would be equally damaging to the Island's reputation, and so it is very important that we take the opportunity to put this important and necessary piece of legislation in place.

Hon. Members, this is a very important matter. This might be termed as the Moneyval of the seas. It is vital to our international reputation. It will sustain our highly regarded ship register and gives us every chance that the new Steam Packet Company vessel on the not-too-distant horizon will bear 'Douglas' as its port of registration, as do the current ships in that fleet.

Mr President, I beg to move that the International Maritime Standards Bill 2020 be read for the first time.

The President: Hon. Member, Mr Greenhill.

Mr Greenhill: Thank you, Mr President.
I beg to second and reserve my remarks.

The President: Mrs Poole-Wilson.

Mrs Poole-Wilson: Thank you, Mr President.

I understand completely what the hon. mover has said about the importance of this Bill and support that. I just have a few questions at First Reading, if she is able to assist.

First, I wondered whether she could explain the effect of the language in clause 4(4), which says 'compliance with the Island's obligations under relevant international conventions is hereby designated a corporate matter under the delegated authority of the Chief Secretary' – just to understand what the effect of that is.

The second question is the duty that is on the Chief Secretary – this is in clause 6 – to consult those who have 'considerable experience in, and a high level of technical knowledge', again just to understand the process that will be adopted there to ensure compliance with that.

The third question is in relation to clause 7, which provides that the Chief Secretary must impose such administrative sanction as considered appropriate. Again, I would be interested to understand how that is going to be defined. What will be an appropriate administrative sanction? Is it the sort of thing that will be set out in the non-legislative public document that assigns responsibility, or will it be defined or scoped somewhere else?

Clause 11 is a record-keeping obligation which talks generally about ensuring written records are retained. But is that by reference to anything? Is that for a defined period? Is it by reference to another measure of what is an appropriate period to retain written records?

I understand that she may not have the answers to all of these today, but it would be very helpful to understand those points.

Thank you, Mr President.

The President: Miss August-Hanson.

Miss August-Hanson: Thank you, Mr President.

Appreciating the level of importance here, I do not believe – or I may have completely missed it, and I do apologise if I have, but when the IMO audit will actually take place I do not believe was stated.

And just a quick note here that when Departments are bringing legislation to Legislative Council, they ensure that they are bringing the green paper with the Keys amendments ahead of time.

Thank you, Mr President.

The President: I call on the mover to reply. Mrs Maska.

Mrs Maska: Thank you, Mr President.

I am obliged to my hon. colleagues for raising these matters at this point, and as my colleague Mrs Poole-Wilson has already had a conversation with me this morning, I was aware of some of the matters that might arise.

My understanding is that in clause 4 the corporate matter which would be delegated to the Chief Secretary comes from his duty under the international conventions; it actually falls directly to him in an operational manner. If I am wrong, then I will absolutely come back with this, but it is an operational matter. I think the thinking behind the drafting is that it enables a quick response, if necessary, and matters that would be the responsibility, say, of the Chief Minister and then accountable to Tynwald would be dealt with in a different way. This would fall to the Chief Secretary and would be an operational and corporate matter that could be responded to. But I certainly will augment on that when I come back for Second Reading and clauses.

The duty to consult I understand would be a consultation with the industry, and operating and taking guidance from the industry would then go further in actually consulting further and taking advice. But again, I am more than happy to come back and augment and fully inform Members on what lies behind that.

The administrative sanction: I am advised that suitable administrative sanctions would be applied, so I will absolutely come back and further inform where that might lie, and to what degree that might sit.

With that, Mr President, I would like to move the First Reading. Thank you.

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

Hon. Members, that concludes the Order Paper. Thank you very much. The Council will now stand adjourned to our next sitting, which will be at 2.30 today, in Tynwald Court.

The Council adjourned at 11.41 a.m.