

**DEED OF TRANSFER OF RESPONSIBILITIES
IN TERMS OF NAVIGATION SAFETY**

This deed was made on ... day of.... 2018

Parties:

The West Coast Regional Council (WCRC)

Grey District Council (GDC)

Whereas:

WCRC is the regional council for the area where the Port of Greymouth (the Port) is located.

WCRC in terms of Part 3A (S. 33A – S.33X) of the Maritime Transport Act 1994 is responsible for various functions, duties and responsibilities and have specific powers relating to navigation safety as it relates to the Port

GDC is the owner and, for purposes of the Maritime Transport Act 1994 the statutory authority for the Port.

Historical arrangements whereby GDC has exercised navigation safety functions under transfer from WCRC are unclear if not outdated and require formalization.

The Maritime Transport Act 1994 by S.33X provides for the WCRC to Transfer its function under the Act and for GDC to accept a transfer of such functions, subject thereto that either party must, after public consultation using the Special Consultative Procedure, be convinced that the benefits of the transfer outweigh the negatives.

The Local Government Act by S.17 also provides a mandate for the transfer and acceptance of responsibilities amongst local authorities, subject to public consultation using the Special Consultative Procedure and also the Minister of Local Government

WCRC and GDC, following the consultation procedures as outlined, have agreed that:

- The benefits of the transfer outweigh the disadvantages
- It is appropriate to continue with the transfer and to do so by means of a formal Deed of Transfer

Now Therefore:

1. All previous arrangements mandating GDC to exercise navigation safety functions under transfer of WCRC be rescinded.
2. WCRC, pursuant to S.33X of the Maritime Transport Act 1994 read with S.17 of the Local Government Act 2002, transfers to GDC all responsibilities, powers and duties that it has under Part 3A of the former Act as it relates to the Port, including, but not limited to:
 - The power to appoint a Harbourmaster
 - The power to appoint enforcement officers.
 - The power to erect, maintain navigational aids in accordance with maritime rules
 - The power to make Navigation Bylaws.
3. GDC accepts the transfer as outlined in 1 above.
4. The transfer is on the terms and conditions as detailed in this Deed and is subject to the provisions of both the Maritime Transport Act 1994 and the Local Government Act 2002.
5. For the avoidance of doubt, GDC shall have all the responsibilities, powers and duties as vested in WCRC under Part 3A of the Act as a Territorial Local Authority including, but not limited the power to cover costs per S 33R of the Act

6. GDC shall have no right to call upon the WCRC for any contribution to costs incurred by it in accepting the transfer and exercising the responsibilities, powers and duties transferred.
7. GDC shall in response to a reasonable request made by WCRC provide such information that may be required by WCRC to satisfy any residual responsibility it may retain despite this Deed of Transfer.
8. If WCRC should at any time wish to revoke the transfer as outlined herein it shall do so for cause only and only once it has consulted GDC on such revocation. Any such revocation will be subject to the transfer provisions in Part 3A of the Maritime Transport Act 1994 and S.17 of the Local Government Act 2002.
9. If GDC requires any variation to the terms of this Deed or wish to initiate a reversal of the transfer outlined herein, it shall as a first step consult WCRC and this will be subject to the transfer provisions in Part 3A of the Maritime Transport Act 1994 and S.17 of the Local Government Act 2002.
10. Unless so relinquished by GDC or revoked by WCRC as provided for herein, the Deed and its provisions remain in force.

This Deed was executed on the date appearing at the head of the Deed.

The Common Seal of
WEST COAST REGIONAL COUNCIL
was affixed in the presence of

.....
Chairman

.....
Chief Executive Officer

The Common Seal of
GREY DISTRICT COUNCIL
was affixed in the presence of

.....
Mayor

.....
Chief Executive Officer