



Marine Protection (Offences) Amendment Regulations 2015

Jerry Mateparae, Governor-General

Order in Council

At Wellington this 28th day of September 2015

Present:

The Hon Bill English presiding in Council

Pursuant to section 394 of the Maritime Transport Act 1994, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

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Regulations

1 Title

These regulations are the Marine Protection (Offences) Amendment Regulations 2015.

2 Commencement

These regulations come into force on 31 October 2015.

3 Principal regulations

These regulations amend the Marine Protection (Offences) Regulations 1998 (the **principal regulations**).

4 Schedule 1 amended

Amend Schedule 1 of the principal regulations in the manner indicated in the Schedule of these regulations.

**Schedule
Schedule 1 amended**

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Item relating to Part 124

Revoke the item relating to Part 124.

Item relating to rule 124.11(2)

Revoke the item relating to rule 124.11(2).

New items relating to Part 131

After the item relating to rule 130B.13, insert:

<i>Part 131</i>		<i>Offshore installations—oil spill contingency plans and oil pollution prevention certification</i>			
Rule 131.21	No person may operate offshore installation without Director’s written approval of oil spill contingency plan	5,000	30,000	—	—
Rule 131.25(1)	Owner must keep approved oil spill contingency plan with Director’s written approval, and make both documents available to Director on request	—	—	500	3,000
Rule 131.25(4)	If offshore installation is within a region, owner must supply a copy of Director’s written approval and approved oil spill contingency plan to regional on-scene commander as soon as practicable after approval is issued	1,250	6,000	500	3,000
Rule 131.26(1)	Owner must apply to Director for approval of modification to oil spill contingency plan in accordance with rule	5,000	30,000	2,000	12,000

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New items relating to Part 131—continued					
Rule 131.27(1)	Owner must notify Director and every person holding a copy of oil spill contingency plan required to be kept or supplied under rule 131.25 of modification made to that plan	1,250	6,000	500	3,000
Rule 131.27(2)	Owner must keep record of actions taken in accordance with rule 131.27(1)	1,250	6,000	500	3,000
Rule 131.28	Owner of offshore installation must—				
	(a) ensure personnel are aware of their responsibilities under approved oil spill contingency plan and receive appropriate training; and	5,000	30,000	2,000	12,000
	(b) ensure training is undertaken and recorded, and training record maintained and provided to Director in accordance with rule; and	1,250	6,000	500	3,000
	(c) maintain access to equipment to deal with spill at appropriate level; and	5,000	30,000	2,000	12,000
	(d) when requested by Director, justify response option identified in oil spill contingency plan as effective and achievable	1,250	6,000	500	3,000
Rule 131.29(1)	Owner of offshore installation must test emergency response procedures and review effectiveness of procedures in accordance with rule	5,000	30,000	2,000	12,000
Rule 131.29(2)	Owner must notify Director of test or review, make and keep a record of every test and review made under rule 131.29(1) and of the results, and provide a copy of the results to Director in accordance with rule	2,500	15,000	500	3,000
Rule 131.29(3)	Following every review of emergency response procedures, owner must determine modifications to oil spill contingency plan, submit modifications to Director for approval, and implement modifications in accordance with rule	2,500	15,000	500	3,000
Rule 131.41(1)	Owner of offshore installation must report oil spill in accordance with rule	—	—	2,000	12,000

New items relating to Part 131—continued

Rule 131.41(2)	Person responsible for implementing emergency response procedures must report oil spill that he or she considers cannot be contained or cleaned up using the resources available in accordance with rule	—	—	2,000	12,000
Rule 131.42(1)	Owner must ensure event or defect is reported in accordance with rule 131.42(2)	5,000	30,000	2,000	12,000
Rule 131.61(1)	Owner of offshore installation must ensure there is a valid international oil pollution prevention certificate held in respect of installation	2,500	15,000	1,000	6,000
Rule 131.61(2)	Owner must ensure international oil pollution prevention certificate held in respect of offshore installation is available in accordance with rule	2,500	15,000	1,000	6,000
Rule 131.62(1)	Owner of offshore installation must ensure installation undergoes initial survey, renewal surveys, annual survey, and intermediate survey	5,000	30,000	2,000	12,000
Rule 131.66(1)	Owner of offshore installation must ensure offshore installation's equipment is maintained	5,000	30,000	2,000	12,000
Rule 131.66(2)	Owner must ensure no change is made to offshore installation's structure, equipment, systems, piping, fittings, arrangements, or material covered by survey, without approval of surveyor (except direct replacement of equipment and fittings)	5,000	30,000	2,000	12,000
Rule 131.81	Owner of offshore installation must ensure placards re discharge requirements are displayed in accordance with rule	5,000	30,000	2,000	12,000
Rule 131.81	Owner of offshore installation must ensure placards re discharge requirements are in required languages	1,250	7,500	500	3,000
Rule 131.82(1)(a)	Owner of offshore installation in territorial sea must ensure installation has garbage management plan	5,000	30,000	—	—
Rule 131.82(1)(b)	Owner of offshore installation in territorial sea must ensure up-to-date copy of garbage management plan is carried on board installation	5,000	30,000	—	—
Rule 131.82(1)(c)	Owner of offshore installation in territorial sea must ensure all persons on board comply with garbage management plan	5,000	30,000	—	—

New items relating to Part 131—continued

Rule 131.82(3)	All persons on board offshore installation in territorial sea must comply with garbage management plan	5,000	—	—	—
Rule 131.83	Owner of offshore installation must comply with garbage record book requirements	5,000	30,000	2,000	12,000
Rule 131.84(1)	Owner of offshore installation must ensure installation is fitted with oil filtering equipment meeting specified requirements	5,000	30,000	2,000	12,000
Rule 131.84(2)	Offshore installation of 10 000 gross tons or more must have oil filtering equipment fitted with alarm and arrangements to ensure discharge of oily mixture is automatically stopped if oil content of effluent exceeds 15 parts per million	5,000	30,000	2,000	12,000
Rule 131.85(1)	Owner of offshore installation that is not fixed offshore installation must ensure installation is fitted with oil residue (sludge) tank that complies with prescribed requirements	5,000	30,000	2,000	12,000
Rule 131.85(3)	Owner of fixed offshore installation must ensure installation is fitted with oil residue (sludge) tank that complies with prescribed requirements	5,000	30,000	2,000	12,000
Rule 131.86(1)	Owner of offshore installation must provide installation with oil record book in approved form	4,000	25,000	1,000	6,000
Rule 131.86(2)	Owner must ensure an entry is made in oil record book of certain operations taking place on offshore installation and of certain discharges	4,000	25,000	1,000	6,000
Rule 131.86(3)	Owner must ensure statement is made in oil record book of the circumstances of and reasons for discharge or escape of oil or oily mixtures or substances containing oil	4,000	25,000	1,000	6,000
Rule 131.86(6)	Owner must ensure oil record book is available for inspection and is kept in accordance with rule	4,000	25,000	1,000	6,000
Rule 131.86(7)	Owner must ensure a true copy of every completed page of offshore installation's oil record book is forwarded to Director in accordance with rule	1,250	7,500	500	3,000
Rule 131.86(8)	Owner must preserve oil record book for 3 years after last entry	5,000	30,000	2,000	12,000

Item relating to rule 150.5(3)

In the item relating to rule 150.5(3), first column, replace “150.5(3)” with “150.5(5)”.

Item relating to rule 170.5(a)

In the item relating to rule 170.5(a), first column, replace “170.5(a)” with “170.18”.

Item relating to rule 170.5(b)

In the item relating to rule 170.5(b), first column, replace “170.5(b)” with “170.18”.

In the item relating to rule 170.5(b), second column, replace “discharge requirements placards are in English” with “placards re discharge requirements are in required languages”.

Item relating to rule 170.6(1)

In the item relating to rule 170.6(1), first column, replace “170.6(1)” with “170.19(2)(a)”.

New items relating to rules 170.19(2)(b), 17.19(2)(c), and 170.19(3)

After the item relating to rule 170.6(1), insert:

Rule 170.19(2)(b)	Owner and master of New Zealand ship must ensure up-to-date copy of garbage management plan is carried on board ship	5,000	30,000	2,000	12,000
Rule 170.19(2)(c)	Owner and master of New Zealand ship must ensure all persons on board comply with garbage management plan	5,000	30,000	—	—
Rule 170.19(3)(c)	Owner and master of New Zealand ship must ensure garbage management plan is written in required languages	1,250	7,500	500	3,000

Item relating to rule 170.6(3)

Revoke the item relating to rule 170.6(3).

Item relating to rule 170.6(4)

In the item relating to rule 170.6(4), first column, replace “170.6(4)” with “170.19(4)”.

Item relating to rule 170.6(5)

Revoke the item relating to rule 170.6(5).

Item relating to rule 170.7(1)

In the item relating to rule 170.7(1), first column, replace “170.7(1)” with “170.20(2)”.

Item relating to rule 170.7(4)

In the item relating to rule 170.7(4), first column, replace “170.7(4)” with “170.20(3)”.

Item relating to rule 170.7(5)

In the item relating to rule 170.7(5), first column, replace “170.7(5)” with “170.20(4)”.

New items relating to rules 170.21, 170.23, and 170.24

After the item relating to rule 170.7(5), insert:

Rule 170.21	Owner and master of ship must report loss or discharge of fishing gear	5,000	30,000	2,000	12,000
Rule 170.23	Responsibilities of owner and master of foreign ship within New Zealand jurisdiction re provision of placards	5,000	30,000	2,000	12,000
Rule 170.24	Responsibilities of owner and master of foreign ship within New Zealand jurisdiction re provision of garbage management plans	5,000	30,000	2,000	12,000

Item relating to rule 170.8(1)

In the item relating to rule 170.8(1), first column, replace “170.8(1)” with “170.25”.

In the item relating to rule 170.8(1), second column, replace “registered in state party to Annex 5 of MARPOL” with “within New Zealand jurisdiction”.

Item relating to rule 170.8(2)

Revoke the item relating to rule 170.8(2).

Items relating to Part 200

Revoke the items relating to Part 200.

Michael Webster,
Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on 31 October 2015, amend the Marine Protection (Offences) Regulations 1998 (the **principal regulations**).

The amendments—

- make consequential changes to the principal regulations to make them consistent with—
 - the revocation of the Marine Protection Rules Part 124 that was revoked by the Marine Protection Rules Part 200 on 17 October 2006, effective on 14 December 2006; and
 - amendments to the Marine Protection Rules Part 170, made on 13 December 2012, and in force on 17 January 2013; and
 - amendments to the Marine Protection Rules Part 150, made on 8 April 2014, and in force on 1 July 2014; and
 - the new Marine Protection Rules Part 131 (which, among other things, will revoke the Marine Protection Rules Part 200) expected to be in force on 31 October 2015; and
- give effect to New Zealand’s international obligations following amendments to Annex V of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 (MARPOL), which came into effect on 1 January 2013.

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 1 October 2015.

These regulations are administered by the Ministry of Transport.