

Marine Protection (Offences) Amendment Regulations (No 2) 2006

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.

Contents

		Page
1	Title	1
2	Commencement	1
3	Principal regulations amended	1
4	Schedule 1 amended	2
	Schedule	2
	New offence provisions and penalties added to Schedule 1 of principal regulations	

-
- 1 Title**
These regulations are the Marine Protection (Offences) Amendment Regulations (No 2) 2006.
- 2 Commencement**
These regulations come into force on 14 December 2006.
- 3 Principal regulations amended**
These regulations amend the Marine Protection (Offences) Regulations 1998.

4 Schedule 1 amended

Schedule 1 is amended by inserting, in their appropriate order, the items set out in the Schedule.

Schedule
New offence provisions and penalties
added to Schedule 1 of principal
regulations

r 4

		2006/342			
		Marine Protection (Offences) Amendment Regulations (No 2) 2006			
		Schedule			
Provision	Brief description	Maximum penalty on summary conviction for individual	Maximum penalty on summary conviction for body corporate	Infringement fee for individual	Infringement fee for person other than individual
<i>Part 130B</i>	<i>Oil transfer site marine oil spill contingency plans</i>				
Rule 130B.4	No person may operate oil transfer site without approved contingency plan that complies with certain requirements	5,000	30,000	2,000	12,000
Rule 130B.8(a)	Operator of oil transfer site must ensure certain personnel receive appropriate training	5,000	30,000	2,000	12,000
Rule 130B.8(c)	Operator of oil transfer site must maintain access to equipment to deal with oil spill	5,000	30,000	2,000	12,000

		Schedule			
		Marine Protection (Offences) Amendment Regulations (No 2) 2006			
		2006/342			
Provision	Brief description	Maximum penalty on summary conviction for individual	Maximum penalty on summary conviction for body corporate	Infringement fee for individual	Infringement fee for person other than individual
Rule 130B.8(d)	Operator of oil transfer site must, when called upon by the Director, justify response option in contingency plan as effective and achievable	\$ 3,000	\$ 20,000	\$ 1,200	\$ 7,200
Rule 130B.9(1)	Operator of oil transfer site must keep Director's written approval with approved site marine oil spill contingency plan, and make both documents available to Director on request	\$ 3,000	\$ 20,000	\$ 1,200	\$ 7,200

		2006/342			
		Marine Protection (Offences) Amendment Regulations (No 2) 2006			
		Schedule			
Provision	Brief description	Maximum penalty on summary conviction for individual	Maximum penalty on summary conviction for body corporate	Infringement fee for individual	Infringement fee for person other than individual
Rule 130B.9(3)	Operator must, as soon as practicable, supply a copy of Director's written approval and approved contingency plan to Director, District Chief Officer, and regional on-scene commander (if any)	\$ 3,000	\$ 20,000	\$ 1,200	\$ 7,200
Rule 130B.10(1)	Operator of oil transfer site must ensure contingency plan is tested and reviewed	\$ 3,000	\$ 20,000	\$ 1,200	\$ 7,200
Rule 130B.10(2)	Operator of oil transfer site must keep record of every test and review, and the results and findings	\$ 2,500	\$ 15,000	\$ 500	\$ 3,000

Provision	Brief description	Maximum penalty on summary conviction for individual	Maximum penalty on summary conviction for body corporate	Infringe- ment fee for indi- vidual	Infringe- ment fee for person other than individual
		\$	\$	\$	\$
Rule 130B.10(3)	Operator of oil transfer site must determine and implement changes to contingency plan	2,500	15,000	500	6,000
Rule 130B.11(1)	Operator of oil transfer site must ensure any modification to contingency plan is notified	1,250	6,000	500	3,000
Rule 130B.11(2)	Operator of oil transfer site must keep a record of action(s) taken in accordance with Rule 130B.11(1)	1,250	6,000	500	3,000
Rule 130B.12(1)	Operator of oil transfer site must obtain approval for modifications to contingency plan	5,000	30,000	2,000	12,000

		2006/342				Marine Protection (Offences) Amendment Regulations (No 2) 2006		Schedule	
Provision	Brief description	Maximum penalty on summary conviction for individual \$	Maximum penalty on summary conviction for body corporate \$	Infringe- ment fee for indi- vidual \$	Infringe- ment fee for person other than individual \$				
Rule 130B.13	Operator of oil transfer site must report any marine oil spill	—	—	2,000	1,200				
<i>Part 200</i>	<i>Offshore installations--discharges</i>								
Rule 200.4	No person may operate an offshore installation without discharge management plan approved by Director	5,000	30,000	—	—				
Rule 200.8(1)	Owner must keep approved discharge management plan with Director's written approval, and make both documents available to the Director on request	—	—	500	3,000				

		Schedule			
		Marine Protection (Offences) Amendment Regulations (No 2) 2006			
		2006/342			
Provision	Brief description	Maximum penalty on summary conviction for individual	Maximum penalty on summary conviction for body corporate	Infringement fee for individual	Infringement fee for person other than individual
Rule 200.8(3)	If installation is within a region, owner must supply a copy of Director's written approval and approved discharge management plan to regional on-scene commander as soon as practicable after approval is issued	\$ 1,250	\$ 6,000	\$ 500	\$ 3,000
Rule 200.9(1)	Owner must apply to Director for approval of modification to discharge management plan	\$ 5,000	\$ 30,000	\$ 2,000	\$ 12,000

		2006/342			
		Marine Protection (Offences) Amendment Regulations (No 2) 2006			
		Schedule			
Provision	Brief description	Maximum penalty on summary conviction for individual \$	Maximum penalty on summary conviction for body corporate \$	Infringe-ment fee for indi-vidual \$	Infringe-ment fee for person other than individual \$
Rule 200.10(1)	Owner must notify Director and every person holding a copy of discharge management plan required to be kept or supplied under Rule 200.8 of modification made to discharge management plan	1,250	6,000	500	3,000
Rule 200.10(2)	Owner must keep record of action(s) taken in accordance with Rule 200.10(1)	1,250	6,000	500	3,000
Rule 200.11	Owner of installation must--				
	(a) ensure personnel receive appropriate training; and	5,000	30,000	2,000	12,000
	(b) keep a record of training; and	1,250	6,000	500	3,000

Provision	Brief description	Maximum penalty on summary conviction for individual	Maximum penalty on summary conviction for body corporate	Infringe- ment fee for indi- vidual	Infringe- ment fee for person other than individual
		\$	\$	\$	\$
	(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 discharge management plan as effective and achievable	1,250	6,000	500	3,000

		2006/342			
		Marine Protection (Offences) Amendment Regulations (No 2) 2006			
		Schedule			
Provision	Brief description	Maximum penalty on summary conviction for individual	Maximum penalty on summary conviction for body corporate	Infringement fee for individual	Infringement fee for person other than individual
Rule 200.12(1)	Owner of installation must test emergency response procedures at least every 12 months and review effectiveness of procedures as soon as practicable after every test, every use of procedures, and any change in procedures or equipment for site (other than direct replacement of equipment)	\$ 5,000	\$ 30,000	\$ 2,000	\$ 12,000
Rule 200.12(2)	Owner must keep a record of every test and review made under Rule 200.12(1), and results and findings	\$ 2,500	\$ 15,000	\$ 500	\$ 3,000

		Schedule			
		Marine Protection (Offences) Amendment Regulations (No 2) 2006			
		2006/342			
Provision	Brief description	Maximum penalty on summary conviction for individual	Maximum penalty on summary conviction for body corporate	Infringement fee for individual	Infringement fee for person other than individual
Rule 200.12(3)	Following every review of emergency response procedures, owner must determine and implement modifications to discharge management plan immediately, for modifications to 24 hour contact list or reassignment of personnel responsibilities, or on approval of Director	\$ 2,500	\$ 15,000	\$ 500	\$ 3,000

Provision	Brief description	Maximum penalty on summary conviction for individual \$	Maximum penalty on summary conviction for body corporate \$	Infringe-ment fee for indi-vidual \$	Infringe-ment fee for person other than individual \$
Rule 200.13	Owner of controlled offshore installation must ensure no harmful substance, nor degradation or transformation product of any harmful substance, is discharged from controlled offshore installation, unless harmful substance is specified in approved discharge management plan and discharged in accordance with plan	—	—	2,000	12,000

		Schedule			
		Marine Protection (Offences) Amendment Regulations (No 2) 2006			
		2006/342			
Provision	Brief description	Maximum penalty on summary conviction for individual	Maximum penalty on summary conviction for body corporate	Infringement fee for individual	Infringement fee for person other than individual
Rule 200.14(1)(a)	Owner of controlled offshore installation must, by use of best practicable option, ensure dispersed oil content of production water, displacement water, or offshore processing drainage discharged from controlled offshore installation is measured by method approved by Director in discharge management plan at least twice daily, at intervals of approximately 12 hours	\$ —	\$ —	\$ 2,000	\$ 12,000
Rule 200.14(4)	If dispersed oil content of production water, displacement water, or offshore processing drainage exceeds—				

		2006/342				Marine Protection (Offences) Amendment Regulations (No 2) 2006		Schedule	
Provision	Brief description	Maximum penalty on summary conviction for individual \$	Maximum penalty on summary conviction for body corporate \$	Infringe-ment fee for indi-vidual \$	Infringe-ment fee for person other than individual \$				
Rule 200.15	(a) limit in Rule 200.14(1)(b), owner must report excess to Director as soon as practicable; and	3,000	20,000	1,200	7,200				
	(b) limit in Rule 200.14(4)(b), owner must report excess as marine oil spill in accordance with Rule 200.22	5,000	30,000	2,000	12,000				
	No person may discharge garbage from a controlled offshore installation except food waste that has passed through a comminuter or grinder and is capable of passing through a screen with openings no greater than 25mm ²	—	—	2,000	1,200				

		Maximum penalty on summary conviction for individual	Maximum penalty on summary conviction for body corporate	Infringe- ment fee for indi- vidual	Infringe- ment fee for person other than individual
Provision	Brief description	\$	\$	\$	\$
Rule 200.16(1)	Owner of controlled offshore installation must ensure no drilling fluid is used unless fluid is water or synthetic-based, and is specified in approved discharge management plan and discharged in accordance with that plan	5,000	30,000	2,000	12,000
Rule 200.18	Owner must ensure that oil residue that cannot be discharged into sea in accordance with Rule 200.17 is retained on board installation, offloaded as cargo, or discharged to a reception facility	—	—	2,000	12,000

		2006/342			
		Marine Protection (Offences) Amendment Regulations (No 2) 2006			
		Schedule			
Provision	Brief description	Maximum penalty on summary conviction for individual	Maximum penalty on summary conviction for body corporate	Infringement fee for individual	Infringement fee for person other than individual
		\$	\$	\$	\$
Rule 200.19(1)	Owner of offshore installation must ensure installation is fitted with oil filtering equipment meeting certain requirements	5,000	30,000	2,000	12,000
Rule 200.19(2)	Offshore installation of 10,000 gross tons or more must have oil filtering equipment (as provided in accordance with Rule 200.19(1)) 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

Provision	Brief description	Maximum penalty on summary conviction for individual	Maximum penalty on summary conviction for body corporate	Infringe- ment fee for indi- vidual	Infringe- ment fee for person other than individual
		\$	\$	\$	\$
Rule 200.20	Owner of offshore installation must ensure that installation is fitted with tank(s) to hold oily residues that cannot be dealt with in accordance with this Part, and are designed and constructed to be cleaned and emptied at reception facility	5,000	30,000	2,000	12,000
Rule 200.21(1)	Owner must provide installation with oil record book in approved form	4,000	25,000	1,000	6,000
Rule 200.21(2)	Owner must ensure that an entry is made in oil record book of certain operations taking place on installation	4,000	25,000	1,000	6,000

		2006/342				Marine Protection (Offences) Amendment Regulations (No 2) 2006		Schedule	
		Maximum penalty on summary conviction for individual	Maximum penalty on summary conviction for body corporate	Infringe-ment fee for indi-vidual	Infringe-ment fee for person other than individual				
Provision	Brief description	\$	\$	\$	\$				
Rule 200.21(3)	Owner must ensure that an entry is made in oil record book of certain discharges	4,000	25,000	1,000	6,000				
Rule 200.21(4)	Owner must ensure that a statement is made in oil record book of the circumstances of and reason for discharge or escape of oil or oily mixtures	4,000	25,000	1,000	6,000				
Rule 200.21(7)	Owner must ensure oil record book is kept on board and available for inspection	4,000	25,000	1,000	6,000				

		Schedule			
		Marine Protection (Offences) Amendment Regulations (No 2) 2006			
		2006/342			
Provision	Brief description	Maximum penalty on summary conviction for individual	Maximum penalty on summary conviction for body corporate	Infringement fee for individual	Infringement fee for person other than individual
Rule 200.21(8)	Owner must ensure that a true copy of every completed page of installation's oil record book is forwarded to Director within 15 working days of end of month in which completed	\$ 1,250	\$ 7,500	\$ 500	\$ 3,000
Rule 200.21(9)	Owner must preserve oil record book for 3 years after last entry	\$ 5,000	\$ 30,000	\$ 2,000	\$ 12,000
Rule 200.22(1)	Owner of offshore installation must report oil spill	—	—	\$ 2,000	\$ 12,000
Rule 200.22(2)	Owner of controlled offshore installation must report spill of harmful substance	—	—	\$ 2,000	\$ 12,000

		2006/342				Marine Protection (Offences) Amendment Regulations (No 2) 2006		Schedule	
		Maximum penalty on summary conviction for individual	Maximum penalty on summary conviction for body corporate	Infringe-ment fee for indi-vidual	Infringe-ment fee for person other than individual				
Provision	Brief description	\$	\$	\$	\$				
Rule 200.22(3)	Person responsible for implementing emergency response plan must report oil spill that he or she considers cannot be contained or cleaned up using resources available	—	—	2,000	12,000				
Rule 200.23(1)	Owner must ensure accident or defect is reported in accordance with Rule 200.23(2)	5,000	30,000	2,000	12,000				
Rule 200.24(1)	Owner of offshore installation must ensure there is, held in respect of installation, a valid international oil pollution prevention certificate	2,500	15,000	1,000	6,000				

		Schedule			
		Marine Protection (Offences) Amendment Regulations (No 2) 2006			
		2006/342			
Provision	Brief description	Maximum penalty on summary conviction for individual	Maximum penalty on summary conviction for body corporate	Infringement fee for individual	Infringement fee for person other than individual
Rule 200.24(2)	Owner must ensure that international oil pollution prevention certificate held in respect of installation is kept on board and available for inspection by Director	\$ 2,500	\$ 15,000	\$ 1,000	\$ 6,000
Rule 200.25(1)	Owner of offshore installation must ensure that installation undergoes initial survey, renewal surveys, annual survey, and intermediate survey	\$ 5,000	\$ 30,000	\$ 2,000	\$ 12,000

		2006/342				Marine Protection (Offences) Amendment Regulations (No 2) 2006		Schedule	
		Maximum penalty on summary conviction for individual	Maximum penalty on summary conviction for body corporate	Infringe-ment fee for indi-vidual	Infringe-ment fee for person other than individual				
Provision	Brief description	\$	\$	\$	\$				
Rule 200.29(1)	Owner of offshore installation must ensure that offshore installation’s equipment is maintained	5,000	30,000	2,000	12,000				
Rule 200.29(2)	Owner must ensure no change is made to installation’s structure, equipment, systems, fittings, arrangements, or material covered by survey, without approval of surveyor (except direct replacement of equipment and fittings)	5,000	30,000	2,000	1,200				

Diane Morcom,
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 14 December 2006, amend Schedule 1 of the Marine Protection (Offences) Regulations 1998 by inserting references to certain provisions in the following Marine Protection Rules (the **rules**):

- Part 130B (Oil transfer site marine oil spill contingency plans):
- Part 200 (Offshore installations—discharges).

The amendments prescribe the breaches of Part 130B and Part 200 of the rules that are summary offences, the breaches that are infringement offences, and prescribe the fines and infringement fees for those offences.

Part 130B of the rules prescribes requirements for operators of oil transfer sites to develop contingency plans for dealing with oil spills into New Zealand's internal waters, territorial sea, and exclusive economic zone.

Part 200 of the rules seeks to prevent the marine environment from being polluted by substances that are used or produced during mineral exploration and exploitation in offshore installations.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 16 November 2006.
