



Resource Management (Marine Pollution) Amendment Regulations 2014

Rt Hon Dame Sian Elias, Administrator of the Government

Order in Council

At Wellington this 28th day of July 2014

Present:

Her Excellency the Administrator of the Government in Council

Pursuant to section 360(1)(hb), (hf), and (hh) of the Resource Management Act 1991, Her Excellency the Administrator of the Government makes the following regulations, acting—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Minister for the Environment made after consultation with the Minister of Transport and the Minister of Conservation.

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Regulations

1 Title

These regulations are the Resource Management (Marine Pollution) Amendment Regulations 2014.

2 Commencement

These regulations come into force on 28 August 2014.

3 Principal regulations

These regulations amend the Resource Management (Marine Pollution) Regulations 1998 (the **principal regulations**).

4 Regulation 2 amended (Interpretation)

- (1) In regulation 2, replace the definition of **en route** with:
“**en route**, in relation to a ship, means that the ship is underway at sea on a course that, as far as practicable for navigational purposes, will cause any discharge from the ship to be spread over as great an area as is reasonable and practicable”.
- (2) In regulation 2, replace the definition of **garbage** with:
“**garbage**, in relation to a ship or an offshore installation, means—
“(a) all kinds of food waste, domestic waste, operational waste, plastic, cargo residue, incinerator ash, cooking oil, fishing gear, and any animal carcass generated during the normal operation of the ship or offshore installation and liable to be disposed of continuously or periodically; but
“(b) does not include—

- “(i) any substance that is defined or listed in any Annex to MARPOL other than Annex V; or
 - “(ii) fresh fish or parts of fresh fish generated as a result of fishing activity undertaken during a voyage, or as a result of aquaculture activity that involves the transport of fish (including shellfish) for placement in an aquaculture facility and the transport of harvested fish (including shellfish) from such facilities to shore for processing”.
- (3) In regulation 2, replace the definition of **plastics** with:
“**plastic** means solid material that contains as an essential ingredient 1 or more high molecular mass polymers and that is formed (shaped) during either manufacture of the polymer or the fabrication into a finished product by heat or pressure, or both, and includes synthetic rope, synthetic fishing net, plastic garbage bags, and incinerator ash from the incineration of plastic”.
- (4) In regulation 2, insert in their appropriate alphabetical order:
“**animal carcass** means the body of any animal that is carried on board as cargo and that dies or is euthanised during the voyage
“**cargo residue**—
“(a) means the remnants of any cargo that are not covered by any annex to MARPOL other than Annex V and that remain on the deck or in holds following loading or unloading, including loading and unloading excess or spillage, whether in wet or dry conditions or entrained in wash water; but
“(b) does not include cargo dust that remains on the deck after sweeping or dust on the external surfaces of the ship
“**cooking oil** means any type of edible oil or animal fat used or intended to be used for the preparation or cooking of food, but does not include the food that is prepared using such oil or fat
“**domestic waste** means any type of waste that is not covered by any annex to MARPOL other than Annex V and that is generated in the accommodation spaces on board the ship, but does not include grey water

“**fishing gear** means any physical device or any part of any physical device or combination of items that may be placed on or in the water or on the seabed with the intended purpose of capturing, or controlling for subsequent capture or harvesting, marine or freshwater organisms

“**food waste** means any spoiled or unspoiled food substance, and includes any fruit, vegetable, dairy product, poultry, meat product, and food scraps generated on board a ship or an off-shore installation

“**incinerator ash** means ash and clinkers resulting from a ship-board incinerator used for the incineration of garbage

“**MARPOL** means the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978

“**operational waste**—

- “(a) means any solid waste (including slurry) that is not covered in any annex to MARPOL other than Annex V and that is collected on board during normal maintenance or operations of a ship or an offshore installation or is used for cargo stowage and handling; and
- “(b) includes any cleaning agent or additive contained in cargo-hold and external wash water; but
- “(c) does not include grey water, bilge water, or other similar discharges essential to the operation of a ship or an offshore installation”.

5 Regulation 3 amended (Definition of harmful substances)

Replace regulation 3(g) with:

- “(g) all kinds of food waste, domestic waste, operational waste, plastic, cargo residue, incinerator ash, cooking oil, fishing gear, and any animal carcass generated during the normal operation of a ship or an offshore installation and liable to be disposed of continuously or periodically, except—
 - “(i) any substance that is defined or listed in any Annex to MARPOL other than Annex V; and
 - “(ii) fresh fish or parts of fresh fish generated as a result of fishing activity undertaken during a voy-

age, or as a result of aquaculture activity that involves the transport of fish (including shellfish) for placement in an aquaculture facility and the transport of harvested fish (including shellfish) from such facilities to shore for processing.”

6 Regulation 13 replaced (Discharge of garbage)

Replace regulation 13 with:

“13 Discharge of garbage prohibited

Except as provided in regulation 13A, the discharge of garbage in the coastal marine area from any ship or offshore installation is prohibited.”

7 New regulation 13A inserted (Exceptions to prohibition on discharge of garbage)

After regulation 13, insert:

“13A Exceptions to prohibition on discharge of garbage

“(1) The prohibition in regulation 13 on the discharge of garbage from a ship in the coastal marine area does not apply to a discharge that is—

“(a) necessary for the purpose of securing the safety of a ship and those on board or saving life at sea; or

“(b) an accidental loss of garbage resulting from damage to a ship or its equipment, if all reasonable precautions have been taken before and after the occurrence of the damage to prevent or minimise the accidental loss; or

“(c) an accidental loss of fishing gear from a ship, if all reasonable precautions have been taken to prevent such loss; or

“(d) a discharge of fishing gear from a ship for the protection of the marine environment or for the safety of that ship or its crew; or

“(e) food waste, if the discharge occurs—

“(i) while the ship is en route; and

“(ii) at least 5 500 metres (3 nautical miles) seaward of the inner limits of the territorial sea; and

“(iii) at least 500 metres (0.27 nautical miles) from any offshore installation; and

- “(iv) after the food waste has been ground or reduced to a particle size no greater than 25 millimetres; or
 - “(f) cleaning agents or additives contained in cargo-hold, deck, and external surfaces wash water, if those substances are not harmful to the marine environment, taking into account guidelines developed by the International Maritime Organization.
- “(2) The prohibition in regulation 13 on the discharge of garbage from an offshore installation in the coastal marine area does not apply to a discharge that is—
- “(a) necessary for the purpose of securing the safety of an offshore installation and those on board or saving life at sea; or
 - “(b) an accidental loss of garbage resulting from damage to an offshore installation or its equipment, if all reasonable precautions have been taken before and after the occurrence of the damage to prevent or minimise the accidental loss.”

8 Regulation 15 amended (Discharges made as part of normal operations of ship or offshore installation)

In regulation 15, replace “installation” with “installation, except a contaminant that is garbage and for which no exception is provided in regulation 13A”.

9 Schedule 1 amended

In Schedule 1, replace item 2 with:

- “2 The tables are as follows:
- “(a) the tables of substances in Chapters 17 and 18 of the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk in the form of those chapters set out in the Annex of the International Maritime Organization resolution MEPC.225(64) adopted on 5 October 2012 (*see*, for example, Annex 12 of the Report of the Marine Environment Protection Committee on its Sixty-fourth Session dated 11 October 2012);

- “(b) the tables of substances in Annexes 1 to 4 of the International Maritime Organization circular dated 17 December 2013 about provisional categorization of liquid substances (MEPC.2/Circ.19).”

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 28 August 2014, amend the Resource Management (Marine Pollution) Regulations 1998 (the **regulations**).

The purpose of the amendments is to fulfil New Zealand’s international obligations as a party to the International Convention for the Prevention of Pollution from Ships 1973, as modified by the Protocol of 1978 (**MARPOL**), by incorporating into the regulations recent changes made to Annex V of MARPOL, which came into force on 1 January 2013. Annex V of MARPOL restricts where, and what type of, garbage can be discharged from ships and offshore installations. Changes have been made to Annex V to extend the prohibitions on the discharge of garbage so that wastes that were traditionally discharged by ships (such as paper, rags, and glass) can no longer be discharged. The general effect of the changes is to introduce a general prohibition on the discharge of garbage from ships and offshore installations in the coastal marine area (from mean high-water springs to 12 nautical miles). These discharges are a source of marine pollution and pose risks to marine life and hazards to shipping. These amendment regulations also prescribe certain exceptions to the prohibition.

The regulations work in concert with other regulatory regimes, which apply to garbage discharges from ships and offshore installations that

are beyond the coastal marine area and within the exclusive economic zone of New Zealand.

Issued under the authority of the Legislation Act 2012.
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These regulations are administered by the Ministry for the Environment.
