



ANALYSIS

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1988, No. 93

An Act to amend the Marine Pollution Act 1974

[29 April 1988]

BE IT ENACTED by the Parliament of New Zealand as follows:

1. Short Title and commencement—(1) This Act may be cited as the Marine Pollution Amendment Act 1988, and shall be read together with and deemed part of the Marine Pollution Act 1974 (hereinafter referred to as the principal Act).

(2) This Act shall come into force on the 1st day of May 1988.

2. Facilities in harbours for disposal of residues—Section 12 of the principal Act is hereby amended by repealing subsections (5) to (7), and substituting the following subsections:

“(5) Where in the case of any harbour it appears to the Minister, after consultation with the Harbour Board and port company (if any) or other person operating the port and with any organisation appearing to the Minister to be representative of shipowners, whether of New Zealand ships or not,—

“(a) If the harbour has oil or pollutant reception facilities, that those facilities are inadequate; or

“(b) If the harbour has no such facilities, that the harbour has need of such facilities,—

the Minister may direct the Harbour Board or the port company or other person operating the port to provide, or arrange for the provision of, such oil or pollutant reception facilities as may be specified in the directions.

“(6) Nothing in this section shall be construed as requiring a Harbour Board or port company or other person operating the

port to allow untreated ballast water (that is to say, ballast water which contains oil or pollutant and has not been subjected to an effective process for separating the oil or the pollutant from the water) to be discharged into any oil or pollutant reception facilities provided by, or by arrangement with, the Harbour Board or port company or other person operating the port; and the Minister shall exercise his or her powers under subsection (5) of this section accordingly.

“(7) Any Harbour Board or port company failing to comply with any directions given under subsection (5) of this section within the period specified in the directions, or within any extended period allowed by the Minister (whether before or after the end of the period so specified), commits an offence and is liable on summary conviction to a fine not exceeding \$500 for each day during which the default continues, from the day after the end of the period specified in the directions or any extended period allowed by the Minister, as the case may be, until the last day before that on which the facilities are provided in accordance with the directions.”

3. Provision of substances and equipment in harbours—(1) The principal Act is hereby amended by repealing section 13, and substituting the following section:

“13. (1) Where in the case of any harbour it appears to the Minister, after consultation with the Harbour Board and port company (if any) or other person operating the port, that—

“(a) If the Harbour Board or port company or other person operating the port has substances, materials, and equipment on hand for dealing with, cleaning up, removing, or dispersing any oil or pollutant which has been discharged or has escaped into the harbour from a ship, a place on land, or a pipeline, those substances or materials or that equipment are inadequate; or

“(b) If the Harbour Board or port company or other person operating the port has no such substances, materials, or equipment, as the case may be, on hand for dealing with, cleaning up, removing, or dispersing any oil or pollutant which has been discharged or has escaped into the harbour from a ship, a place on land, or a pipeline, the harbour has need of such substances, materials, or equipment, as the case may be,—

the Minister may direct the Harbour Board or port company or other person operating the port to provide or arrange for the

provision of such substances, materials, or equipment, as the case may be, as may be specified in the directions.

“(2) Where any oil or pollutant has been discharged or has escaped into a harbour from a ship, a place on land, or a pipeline, the Minister may direct the Harbour Board or port company or other person operating the port to deal with, clean up, remove, or disperse that oil or pollutant.

“(3) Any Harbour Board or port company failing to comply with any directions given under subsection (1) or subsection (2) of this section within the period specified in the directions, or within any extended period allowed by the Minister (whether before or after the end of the period so specified), commits an offence and is liable on summary conviction to a fine not exceeding \$1,000 for each day during which the default continues, from the day after the end of the period specified in the directions or any extended period allowed by the Minister, as the case may be, until the last day before or on which the directions are complied with.”

(2) The following enactments are hereby consequentially repealed:

- (a) Section 2 of the Marine Pollution Amendment Act (No. 2) 1977:
- (b) So much of the Schedule to the Marine Pollution Amendment Act 1980 as relates to section 13 (2) of the principal Act.

4. Liability for costs of removal of oil or pollutant or waste or other matter—Section 30 of the principal Act is hereby amended by inserting, after the words “Harbour Board” in both places where they occur, the words “or the port company”.

This Act is administered in the Ministry of Transport.
