WELLINGTON NEW ZEALAND

PURSUANT to Section 386 of the Maritime Transport Act 1994

I, MAURICE DONALD WILLIAMSON, Minister of Transport,

HEREBY MAKE the following marine protection rules.

SIGNED AT Wellington

This 28 day of June 1998

by MAURICE DONALD WILLIAMSON

Minister of Transport

Marine Protection Rules

Part 170

Prevention of Pollution by Garbage from Ships and Offshore Installations
Maritime Transport Act 1994

Marine Protection Rules

PART 170

PREVENTION OF POLLUTION BY GARBAGE FROM SHIPS AND OFFSHORE INSTALLATIONS
Marine Protection Rules

PART 170—PREVENTION OF POLLUTION BY GARBAGE
FROM SHIPS AND OFFSHORE INSTALLATIONS

PART OBJECTIVE, EXTENT OF CONSULTATION AND
COMMENCEMENT

Objective

The objective of Part 170 is to incorporate into New Zealand law the technical standards contained in Annex V of MARPOL (73/78)—Regulations for the Prevention of Pollution by Garbage from Ships. These rules enable New Zealand to be party to Annex V of MARPOL (73/78).

The Part outlines—

• what classes of garbage may be discharged from ships and in what areas.

• what management plans a ship must have in place. This includes the use of garbage record books and placards to indicate to all persons what discharge requirements are applicable to the ship.

Annex V to MARPOL designates certain areas as “special areas” wherein disposal of garbage is prohibited other than the disposal of food waste which is restricted to outside of 12 miles from land. Antarctica is such a “special area”. Accession to this Annex is a requirement of New Zealand’s adoption of the Protocol on Environmental Protection to the Antarctic Treaty.

The basis for Part 170 is found in sections 226, 386, 388(a), 388(i)(i), and 388(i)(ii) of the Maritime Transport Act 1994.
Extent of Consultation

On 21 February 1998 the Maritime Safety Authority published in each of the daily newspapers in the four main centres of New Zealand a notice inviting comments on the proposed Part 170. A notice was also published in the New Zealand Gazette on 19 February 1998. The Authority then made its Invitation to Comment paper, draft Part 170 and draft Advisory Circular available to the public with 240 copies being sent automatically to interested parties. Comments on the Part were requested to be made by 3 April 1998.

Nine submissions were received on Part 170. All submissions and any verbal comments were considered, and where appropriate, the proposed rules were amended to take account of the comments made.
Commencement

Part 170 as amended was referred to and signed by the Minister of Transport.

Part 170 comes into force 28 days after the date of its notification in the *New Zealand Gazette.*
Marine Protection Rules

PART 170

PREVENTION OF POLLUTION BY GARBAGE FROM SHIPS AND OFFSHORE INSTALLATIONS

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General

170.1 Entry into force

Part 170 shall come into force on the 28th day after the date of its notification in the Gazette.

170.2 Definitions

In Part 170—

"Administration" means the Government of the state under whose authority a ship is operating or the Government of the state whose flag the ship is entitled to fly:

"Coastal marine area" means the foreshore, seabed, and coastal water, and the air space above the water—

(a) of which the seaward boundary is the outer limits of the territorial sea of New Zealand;

(b) of which the landward boundary is the line of mean high water springs, except that where that line crosses a river, the landward boundary at that point shall be whichever is the lesser of—

(i) one kilometre upstream from the mouth of the river; or

(ii) the point upstream that is calculated by multiplying the width of the river mouth by 5:

"Continental shelf" or "continental shelf of New Zealand" has the same meaning as in the Continental Shelf Act 1964:

"Crew" means the persons employed or engaged in any capacity on board a ship (except a master, a pilot, or a person temporarily employed on the ship while it is in port):

"Director" means the person who is for the time being the Director of Maritime Safety under section 439 of the Maritime Transport Act 1994:

"Discharge" includes any release, disposal, spilling, leaking, pumping, emitting or emptying from a ship or off-shore installation; but does not include—

(a) dumping in accordance with a permit issued by the Director under section 262 of the Maritime Transport Act 1994; or

(b) release of harmful substances for the purposes of legitimate scientific research into pollution abatement and control;—

and "to discharge" and "discharged" have corresponding meanings.
"Dunnage" includes but is not limited to wood, nails, rope, wires, matting, gratings, and all other materials used to keep cargo off a floor or deck or bulkhead or to wedge cargo firmly so that it does not shift at sea:

"Exclusive economic zone of New Zealand" has the same meaning given to it by section 9 of the Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977.

"Foreign ship" means any ship that is not a New Zealand ship:

"From the nearest land" means from the baseline from which the territorial sea of the territory in question is established in accordance with international law, except that off the north eastern coast of Australia it means from a line drawn from a point on the coast of Australia in—

latitude 11° 00' S, longitude 142° 08' E,

to a point in latitude 10° 35' S, longitude 141° 55' E,

from there to a point latitude 10° 00' S, longitude 142° 00' E,

from there to a point latitude 9° 10' S, longitude 143° 52' E,

from there to a point latitude 9° 00' S, longitude 144° 30' E,

from there to a point latitude 13° 00' S, longitude 144° 00' E,

from there to a point latitude 15° 00' S, longitude 146° 00' E,

from there to a point latitude 18° 00' S, longitude 147° 00' E,

from there to a point latitude 21° 00' S, longitude 153° 00' E,

from there to a point on the coast of Australia in latitude 24° 42' S, longitude 153° 15' E:

"Garbage" for the purposes of the marine protection rules means all kinds of victual, domestic and operational waste, excluding fresh fish and parts of fresh fish, generated during the normal operation of the ship and liable to be disposed of continuously or periodically; but does not include substances defined or listed in any Annex to MARPOL other than Annex V. "Garbage" as defined here is a "harmful substance" for the purposes of section 225 of the Maritime Transport Act 1994:

"Garbage Record Book" means the record book required under rule 170.7(1) or 170.8(1), in the form shown in the Appendix:

"MARPOL" means the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto; and includes any subsequent protocol or amendment to, or revision of, that convention accepted or ratified by New Zealand:

"Master" means any person (except a pilot) having command or charge of any ship:
"Mile" means nautical mile:

"New Zealand continental waters" means—

(a) New Zealand marine waters; and

(b) the waters beyond the outer limits of the exclusive economic zone of New Zealand but over the continental shelf of New Zealand:

"New Zealand Defence Force" has the same meaning as the term "Defence Force" in section 2(1) of the Defence Act 1990:

"New Zealand jurisdiction" means—

(a) the internal waters of New Zealand; and

(b) the territorial sea of New Zealand; and

(c) the exclusive economic zone of New Zealand; and

(d) those waters under or about any ship or offshore installation constructed, erected, placed or used in, on, or above the continental shelf of New Zealand but beyond the outer limits of the exclusive economic zone of New Zealand in connection with the exploration of the continental shelf or the exploitation of its natural resources:

"New Zealand marine waters" means—

(a) the territorial sea of New Zealand; and

(b) the waters of the exclusive economic zone of New Zealand:

"New Zealand ship" means a ship that is registered under the Ship Registration Act 1992; and includes a ship that is not registered under that Act but is required or entitled to be registered under that Act: 1

"Offshore installation" or "installation" includes any artificial structure (including a floating structure other than a ship) used or intended to be used in or on, or anchored or attached to, the seabed for the purpose of the exploration for, or the exploitation or associated processing of, any mineral; but does not include a pipeline:

"Owner", in relation to any ship includes—

(a) any person who is the legal or equitable owner, or both, of the ship; and

(b) any person in possession of the ship, and includes any salvor in possession of the ship, and any servant or agent of any salvor in possession of the ship; and

(c) any charterer, manager, or operator of the ship, or any other person (other than a pilot) responsible for the navigation or management of the ship:

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1 This includes pleasure craft.
"Part" means a group of rules made under the Maritime Transport Act 1994:

"Plastics" includes but is not limited to synthetic ropes, synthetic fishing nets and plastic garbage bags:

"Rules" includes maritime rules and marine protection rules:

"Special areas" mean—

(a) the Mediterranean Sea area comprising the Mediterranean Sea proper including the gulfs and the seas therein with the boundary between the Mediterranean and the Black Sea constituted by the 41° N parallel and bounded to the west by the Straits of Gibraltar at the meridian 5°36’W; and

(b) the Baltic Sea area comprising the Baltic Sea proper with the Gulf of Bothnia, the Gulf of Finland and the entrance to the Baltic Sea bounded by the parallel of the Skaw in the Skagerrak at 57°44.8’ N; and

(c) the Black Sea comprising the Black Sea proper with the boundary between the Mediterranean and the Black Sea constituted by the parallel 41° N; and

(d) the Red Sea comprising the Red Sea proper including the Gulfs of Suez and Aqaba bounded at the south by the rhumb line between Ras si Ane (12° 28.5’ N, 43°19.6’ E) and Husn Murad (12° 40.4’ N, 43° 30.2’ E); and

(e) the Gulfs area comprising the area located north-west of the rhumb line between Ras al Hadd (22° 30’ N, 59° 48’ E) and Ras Al Fasteh (25° 04’ N, 61° 25’ E); and

(f) the North Sea area comprising the North Sea proper including seas therein with the boundary between:

(i) the North Sea southwards of latitude 62° N and eastwards of longitude 4° W; and

(ii) the Skagerrak, the southern limit of which is determined east of the Skaw by latitude 57°44.8’ N; and

(iii) the English Channel and its approaches eastwards of longitude 5° W and northwards of latitude 48°30’ N; and

(g) the Antarctic area comprising the sea area south of latitude 60° S; and

(h) the Wider Caribbean Region comprising the Gulf of Mexico and Caribbean Sea proper including the bays and seas therein and that portion of the Atlantic Ocean with the boundary constituted by the 30° N parallel from Florida eastward to 77°30’ W meridian, from there to a rhumb line to the intersection of 20° N parallel and 59° W meridian, from there to a rhumb line to the intersection of 7°20’ N parallel and 50° W meridian, and from there to a rhumb line drawn south-westerly to the eastern boundary of French Guiana:
"Territorial sea of New Zealand" means the territorial sea of New Zealand as defined by section 3 of the Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977.

170.3 Application of Part 170

(1) Nothing in Part 170 affects any defence which a person may have to proceedings for an offence against section 237 of the Maritime Transport Act 1994 on the grounds contained in section 243 of that Act.

(2) Where a rule in Part 170 places an obligation on the master of any New Zealand ship, the same obligation will apply to the master of any warship or any other ship of the New Zealand Defence Force to which that rule applies.

(3) The requirements in rules 170.9 to 170.15 shall not apply to—
   (a) the discharge of garbage from a ship necessary for the purpose of securing the safety of a ship and those on board or saving life at sea; or
   (b) the escape of garbage resulting from damage to a ship or its equipment provided all reasonable precautions have been taken before and after the occurrence of the damage, for the purpose of preventing or minimising the escape; or
   (c) the accidental loss of synthetic fishing nets, provided that all reasonable precautions have been taken to prevent such loss.

Placards, Garbage Management Plans and Garbage Record Books—New Zealand Ships

170.4 Application of Rules 170.5 to 170.7

(1) Rules 170.5 to 170.7 inclusive apply to—
   (a) any New Zealand ship; and
   (b) any warship and any other ship of the New Zealand Defence Force.

(2) Compliance with rules 170.5 to 170.7 is not required until six months after the date on which Part 170 enters into force.

170.5 Placards

The owner and the master of any ship of 12 metres or more in length to which this rule applies must ensure that—

(a) placards are displayed on board to notify all persons of the discharge requirements set out in Part 170 that are applicable to the ship; and

(b) the placards required under rule 170.5(a) are in English.
170.6 Garbage Management Plans

(1) The owner and the master of any ship to which this rule applies that is a ship—
   (a) of 400 tons gross tonnage or more; or
   (b) carrying 15 or more persons;

must ensure that the ship has a garbage management plan in accordance with rule 170.6.

(2) The garbage management plan required under rule 170.6(1) must—
   (a) provide written procedures for:
       (i) collecting garbage; and
       (ii) storing garbage; and
       (iii) processing garbage; and
       (iv) disposing of garbage; and
       (v) the use of garbage related equipment on board; and
   (b) designate the person in charge of carrying out the plan; and
   (c) be written in English; and
   (d) be in accordance with the Guidelines for the Development of Garbage Management Plans adopted by the Marine Environment Protection Committee of the International Maritime Organisation by resolution MEPC.70(38), as amended by that organisation from time to time.

(3) The owner and the master of any ship to which this rule applies must ensure that—
   (a) the garbage management plan is carried on board the ship; and
   (b) all persons on board comply with the garbage management plan at all times.

(4) All persons on board any ship to which this rule applies must comply with the garbage management plan at all times.

(5) The owner and the master of any ship to which this rule applies must hold an up-to-date copy of the ship’s garbage management plan.

170.7 Garbage Record Books

(1) The owner and the master of any ship to which this rule applies that is a ship—
   (a) of 400 tons gross tonnage or more; or
   (b) carrying 15 or more persons on any voyage to a port or offshore terminal under the jurisdiction of another state party to Annex 5 of MARPOL;
must ensure that there is a Garbage Record Book for the ship which is:

(i) in the form shown in the Appendix; and
(ii) in English; and
(iii) carried on board the ship at all times; and
(iv) available for inspection by the Director and by authorised persons acting on behalf of a state party to Annex 5 of MARPOL at all reasonable times.

(2) The owner and the master of any ship to which this rule applies must ensure that for each—

(a) garbage discharge operation; and
(b) completed incineration of garbage generated during the normal operation of the ship at sea—

an entry is made in the ship's Garbage Record Book including:

(i) the date and time of the operation, or incineration; and
(ii) the position of the ship at the time of the operation or incineration; and
(iii) a description of the garbage discharged or incinerated; and
(iv) the estimated amount of garbage incinerated or discharged; and
(v) the signature of the officer in charge of the discharge or incineration.

(3) The owner and the master of any ship to which this rule applies must ensure that in the event of a discharge, escape, or accidental loss referred to in rule 170.3(3), an entry is made in the Garbage Record Book of the circumstances of, and the reasons for, the discharge, escape, or loss.

(4) Every completed page of the Garbage Record Book for a ship to which this rule applies must be signed by the master of the ship.

(5) The Garbage Record Book required by rule 170.7(1) must be preserved by the owner of the ship for 24 months after the last entry has been made.

**Garbage Record Books—Foreign Ships**

170.8 **Requirement to Carry Garbage Record Book**

(1) Subject to rule 170.8(3), the owner and the master of any foreign ship within New Zealand jurisdiction that is registered in a state party to Annex 5 of MARPOL, and either—

(a) 400 tons gross tonnage or more; or
(b) carrying 15 or more persons;
must ensure that there is a Garbage Record Book for the ship which is:

(i) approved by the administration of the state the ship is registered in; and
(ii) carried on board the ship at all times; and
(iii) available for inspection by the Director at all reasonable times.

(2) Subject to rule 170.8(3), the owner and the master of any foreign ship within New Zealand jurisdiction that is registered in a state which is not party to Annex 5 of MARPOL, and either—

(a) 400 tons gross tonnage or more; or
(b) carrying 15 or more persons;

must ensure that there is a garbage record book for the ship which:

(i) contains all the information required by the Appendix to Annex V of MARPOL; and
(ii) is carried on board the ship at all times; and
(iii) is available for inspection by the Director at all reasonable times.

(3) For any ship referred to in rule 170.8 built before 1 July 1997 compliance with rule 170.8 is not required until 1 July 1998.

**Plastics**

170.9 **Plastics**

Notwithstanding any rule in Part 170 (except rule 170.3(3)), plastics may not be discharged from a ship or offshore installation to which Part 170 applies.

**Discharge of Garbage from Ships into the Sea Outside Special Areas**

170.10 **Permitted Discharges of Garbage from Ships**

(1) Subject to rule 170.10(2), garbage may be discharged from—

(a) any New Zealand ship into the sea outside the coastal marine area, but not into any special area; and

(b) any warship and any other ship of the New Zealand Defence Force into the sea outside the coastal marine area, but not into any special area; and

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Section 15B of the Resource Management Act 1991 regulates the discharge of harmful substances from ships into the coastal marine area of New Zealand. The coastal marine area is the sea area out to 12 nautical miles, and is bounded by the exclusive economic zone of New Zealand.
(c) any foreign ship into the sea within the exclusive economic zone of New Zealand, but not into any special area; and

(d) any foreign ship involved with the exploration or exploitation of the sea or the seabed, into the sea beyond the outer limits of the exclusive economic zone of New Zealand economic zone and over the continental shelf of New Zealand, but not into any special area;

in accordance with rule 170.11.

(2) Rule 170.10 does not apply to any ship referred to in rule 170.12.

170.11 Requirements for Discharge of Garbage from Ships

(1) The discharge of—

(a) dunnage; and

(b) lining and packing materials;

which will float is permitted provided that the discharge is as far as practicable from land and more than 25 miles from the nearest land.

(2) The discharge of—

(a) food wastes; and

(b) all other garbage including paper products, rags, glass, metal, bottles, crockery and similar refuse;

is permitted provided that the discharge is as far as practicable from land and more than 12 miles from the nearest land.

(3) The discharge of—

(a) food wastes; and

(b) all other garbage including paper products, rags, glass, metal, bottles, crockery and similar refuse;

is permitted provided that—

(i) it has passed through a comminuter or grinder; and

(ii) it is capable of passing through a screen with openings no greater than 25 millimetres; and

(iii) the discharge is as far as practicable from land and more than 3 miles from the nearest land.

3 25 mm square or 25 mm diameter.
(4) Where garbage is mixed with other harmful substances having different discharge requirements under Part 120 or Part 140, the most stringent requirements of the marine protection rules apply to the discharge.

Discharge of Garbage from Ships that are within 500 Metres of an Offshore Installation within the Exclusive Economic Zone of New Zealand or Over the Continental Shelf of New Zealand

170.12 Permitted Discharge of Garbage Within 500 Metres of Offshore Installation

Garbage may be discharged from any ship, including any warship and any other ship of the New Zealand Defence Force, that is—

(a) within 500 metres of any offshore installation; and

(b) within the exclusive economic zone of New Zealand or over the continental shelf of New Zealand;

in accordance with rule 170.13.

170.13 Requirements for Discharge Within 500 Metres of Offshore Installation

The discharge of food wastes is permitted provided that—

(a) the food waste has been passed through a comminuter or grinder; and

(b) the comminuted or ground food wastes are capable of passing through a screen with openings no greater than 25 millimetres.

Discharge of Garbage from Ships into the Sea Within Special Areas

170.14 Application of Rule 170.15

Rule 170.15 applies to—

(a) any New Zealand ship; and

(b) any warship and any other ship of the New Zealand Defence Force.

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4 Part 120—Discharge of Oil.
5 Part 140—Discharge of Noxious Liquid Substances.
170.15 Requirements for Discharge of Garbage From Ships

(1) Subject to rule 170.15(4), food wastes may be discharged into the sea within any special area, except the Wider Caribbean Region and the Antarctic Area, from any ship to which this rule applies provided that the discharge is as far as practicable from land and more than 12 miles from the nearest land.

(2) Food wastes may be discharged into the sea within the Wider Caribbean Region from any ship to which this rule applies provided that—

(a) the food wastes have been passed through a comminuter or grinder; and

(b) the discharge is made as far as practicable from land and at least 3 miles from the nearest land; and

(c) the comminuted or ground food wastes are capable of passing through a screen with openings no greater than 25 millimetres.

(3) Food wastes may be discharged into the sea within the Antarctic Area from any ship to which this rule applies provided that—

(a) the food wastes have been passed through a comminuter or grinder; and

(b) the discharge is made as far as practicable from land and ice shelves and at least 12 miles from the nearest land or ice shelf; and

(c) the comminuted or ground food wastes are capable of passing through a screen with openings no greater than 25 millimetres.

(4) Where garbage is mixed with other harmful substances having different discharge requirements under Part 120 or Part 140, the most stringent requirements of the marine protection rules apply to the discharge.

(5) The owner and the master of any ship to which this rule applies which is operating in the Antarctic special area must ensure, prior to entering the Antarctic special area, that—

(a) the ship has sufficient capacity for the retention of all garbage on board while the ship is in the Antarctic special area; and

(b) arrangements have been made to discharge garbage at a reception facility after leaving the Antarctic special area.
Discharge of Garbage from Offshore Installations within the Exclusive Economic Zone of New Zealand or Over the Continental Shelf of New Zealand

170.16 Permitted Discharge of Garbage from Offshore Installations Within the Exclusive Economic Zone of New Zealand or Over the Continental Shelf of New Zealand

Garbage may be discharged from any offshore installation that is—

(a) within the exclusive economic zone of New Zealand; or

(b) over the continental shelf of New Zealand;

in accordance with rule 170.17.

170.17 Requirements for Discharge of Garbage from Offshore Installations Within the Exclusive Economic Zone of New Zealand or Over the Continental Shelf of New Zealand

The discharge of food wastes is permitted provided that—

(a) the food waste has been passed through a comminuter or grinder; and

(b) the comminuted or ground food wastes are capable of passing through a screen with openings no greater than 25 millimetres.
Appendix—Form of Garbage Record Book

GARBAGE RECORD BOOK

Name of Ship: __________________________________________

Distinctive number or letters: ____________________________

IMO No: ______________________________________________

Period: _______________ From: ___________ To: __________

1. Introduction

In accordance with regulation 9 of Annex V of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 (MARPOL 73/78), a record is to be kept of each discharge operation or completed incineration. This includes discharges at sea, to reception facilities, or to other ships.

2. Garbage and garbage management

Garbage includes all kinds of food, domestic and operational waste excluding fresh fish and parts thereof, generated during the normal operation of the vessel and liable to be disposed of continuously or periodically except those substances which are defined or listed in other annexes to MARPOL 73/78 (such as oil, sewage or noxious liquid substances).

The guidelines for the Implementation of Annex V of MARPOL 73/78 should also be referred to for relevant information.

3. Description of the garbage

The garbage is to be grouped into categories for the purposes of this record book as follows:

1. Plastics
2. Floating dunnage, lining, or packing material
3. Ground-down paper products, rags, glass, metal, bottles, crockery, etc.
4. Paper products, rags, glass, metal, bottles, crockery, etc.
5. Food waste
6. Incinerator ash
7. Fishing nets
4. Entries in the Garbage Record Book

4.1 Entries in the Garbage Record Book shall be made on each of the following occasions:

(a) When garbage is discharged into the sea:
    (i) Date and time of discharge
    (ii) Position of the ship (latitude and longitude)
    (iii) Category of garbage discharged
    (iv) Estimated amount discharged for each category in m³
    (v) Signature of the officer in charge of the operation

(b) When garbage is discharged to reception facilities ashore or to other ships
    (i) Date and time of discharge
    (ii) Port or facility, or name of ship
    (iii) Category of garbage discharged
    (iv) Estimated amount discharged for each category in m³
    (v) Signature of officer in charge of the operation

(c) When garbage is incinerated
    (i) Date and time of start and stop of incineration
    (ii) Position of the ship (latitude and longitude)
    (iii) Estimated amount incinerated in m³
    (iv) Signature of the officer in charge of the operation

(d) Accidental or other exceptional discharges of garbage
    (i) Time of occurrence
    (ii) Port of position of the ship at time of occurrence
    (iii) Estimated amount and category of garbage
    (iv) Circumstances of discharge, escape or loss, the reason therefor and general remarks

4.2 Receipts

The master should obtain from the operator of port reception facilities, or from the master of the ship receiving the garbage, a receipt or certificate specifying the estimated amount of garbage transferred. The receipts or certificates must be kept on board the ship with the Garbage Record Book for two years.
4.3 Amount of Garbage

The amount of garbage on board should be estimated in m³, if possible separately according to category. The Garbage Record Book contains many references to estimated amount of garbage. It is recognised that the accuracy of estimating amounts of garbage is left to interpretation. Volume estimates will differ before and after processing. Some processing procedures may not allow for a usable estimate of volume, e.g., the continuous processing of food waste. Such factors should be taken into consideration when making and interpreting entries made in a record.
**Marine Protection Rules**

**Record of Garbage Discharges**

Ship's name: ______________________ Distinctive No., or letters: ______________________ IMO NO.: ______________________

Garbage categories:

1: Plastic.
2: Floating dunnage, lining, or packing materials.
3: Ground paper products, rags, glass, metal, bottles, crockery, etc.
4: Paper products, rags, glass, metal, bottles, crockery, etc.
5: Food waste.
6: Incinerator ash.

Note: The discharge of any garbage other than food waste is prohibited in special areas. Only garbage discharged into the sea must be categorized. Garbage other than category 1 discharged to reception facilities need only be listed as a total estimated amount.

<table>
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<tr>
<th>Date/time</th>
<th>Position of the ship</th>
<th>Estimated amount discharged into sea (m³)</th>
<th>Estimated amount discharged to reception facilities or to other ship (m³)</th>
<th>Certified amount incinerated (m³)</th>
<th>Certification/signature</th>
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Master's signature: ______________________ Date: ______________________

15 June 1998
Consultation Details

(This text does not form part of the rules contained in Part 170. It provides details of the consultation undertaken in making the rules)

Summary of Consultation

Nine submissions were received on Part 170—Prevention of Pollution by Garbage from Ships. These were from the New Zealand Navy, the Marlborough District Council, the Auckland Regional Council, the New Zealand Shipping Federation, Sanford Limited, Marine and Industrial Safety Inspection Services Limited, Yachting New Zealand, Union Shipping New Zealand Limited, and one private individual.

The numbers in square brackets are the revised numbers in the final rule.

170.2 Definitions

M & I Limited asked that definitions for territorial sea, the Exclusive Economic Zone, the continental shelf, and dunnage, be included.

We agree, these have been added.

The New Zealand Shipping Federation asked if the FPSO off the Taranaki coast was an “offshore installation”. They also queried the origin of the definition of “owner” which they felt was inconsistent with the Maritime Transport Act.

The FPSO is considered to be an offshore installation. The definition of owner comes from section 222 of the Maritime Transport Act which interprets parts XIX to XXVIII of the Act.

Mr Smallridge of Timaru commented that the word “garbage” should be defined so that radioactive garbage cannot be discharged.

The MARPOL definition of garbage is used in Part 170. It is only waste generated from the normal operation of the ship. Radioactive material is not considered to be a Marine Pollutant and is treated like other garbage. Dumping of radioactive products from ashore is banned by the London Dumping Convention and provisions of the Maritime Transport Act 1994.

170.3 Application of Part 170

(3) Sanford Limited felt that this needed to be widened to include the accidental loss of fishing gear or fishing equipment. “We believe that it is necessary to widen this definition to encompass the range of fishing equipment that is used by the New Zealand Fishing Industry.”
We do not agree. MARPOL allows for the accidental loss of fishing nets to allow for nets that become snagged and cannot be retrieved. It is not intended to cover the loss of gear in routine fishing operations.

170.4 Application

The Marlborough District Council queried the rules application to pleasure craft. “If it is not the intention to include pleasure craft in these specific Maritime Rules, this should be made quite clear. On the other hand, there is no doubt that the Authority and Regional Councils would actually encourage pleasure craft owners to adopt proper garbage disposal procedures.”

Part 170 does apply fully to pleasure craft owners. A footnote is added to the New Zealand ship definition to clarify this.

170.6 Garbage management plans

(4) The Marlborough District Council suggested that this rule should put an obligation to hold an up-to-date plan on the master as well as the owner.

We agree, this has been added.

170.7 Garbage Record Books

Sanford Limited commented that “though recognising the need for the garbage record book, we consider that the garbage category No. 5 (Food Waste) should not have to be entered into the record of garbage discharges.” They felt that “it would be too onerous to record all minor disposals of food waste”.

Rule 170.7 implements the minimum requirement set by MARPOL. Each “discharge operation” involving food wastes is required to be recorded in the Garbage Record Book.

170.9 [170.10] Permitted discharges of garbage from ships—outside special areas

(1)(a) M & I Limited felt that this rule conflicted with rule 170.10(4)(b)(iii) [170.11(3)(b)(iii)]. They believed that one rule allowed a discharge within three miles of the New Zealand Coast, and the other only allowed discharge outside 12 miles of the New Zealand coast.

The Auckland Regional Council asked for verification that this rule applied outside the coastal marine area only.

Rule 170.9(1)(a) [170.10(1)(a)] allows discharges from New Zealand ships into the sea outside the New Zealand coastal marine area only. Rule 170.10(4)(b)(iii) [170.11(3)(b)(iii)] allows discharges from New Zealand ships into the sea outside 3 miles from land in other countries.
170.10 [170.11] Discharge of garbage from ships—outside special areas

The Royal New Zealand Navy felt that “the special precautions for plastic should be made more clear.”

We agree, this has been clarified by inserting a new rule 170.10.

(4)(b)(ii) [(3)(b)(ii)] M & I limited asked that the phrase “...openings no greater than 25 mm” be clarified.

A footnote has been added.

Yachting New Zealand were concerned about the restriction on disposal of food garbage within three miles of the coast. “The average small boat with a family aboard on a two week cruise generates small amounts of biodegradable food waste on a daily basis. To store such scraps aboard is impractical, and in many cases could be deemed a health hazard.

“Many small boats rarely proceed outside the three mile limit, let alone twelve miles from shore. To dispose of such waste assumes there a convenient rubbish containers available. This is patently not the case except in towns and cities which are the very places that cruising boats sail away from as far as possible.”

Yachting New Zealand’s concerns relate to ships within the coastal marine area. Part 170 does not apply to small boats within the coastal marine area. MSA suggested that Yachting New Zealand address these comments to the Ministry for the Environment.

170.13 [170.12] Permitted discharge of garbage within 500 metres of offshore installation

The Royal New Zealand Navy noted that this rule could refer to “any ship” rather than “any ship, including any warship and any other ship of the New Zealand Defence Force”. This comment applied to rules 170.5 and 170.6 also.

We do not agree. The longer phrase is used to make it clear that Navy ships are included in the requirements.

170.15 [170.16] Duty to report a discharge or escape of garbage and

170.16 [170.17] Duty to report a probable discharge or escape of garbage

The Royal New Zealand Navy felt rules 170.16 [170.17] and 170.17 [170.18] should have titles that clearly identify the rule as applying to discharges in breach of legal requirements.

The Auckland Regional Council queried if “rules 170.15 [170.16] and 170.16 [170.17] could include the information given in section 227 and 228 of the MTA which explain how reporting of events in the CMA is to the Regional Council and for outside the CMA to the Director MSA.”
The Royal New Zealand Navy queried whether the reference to the Maritime Transport Act should be to section 227 instead of 228.

*In light of comments made by representatives of the fishing industry at the Seafood Industry Conference in May 1998, the MSA has reviewed the requirements to report any discharge or escape of garbage in rules 170.16 to 170.18 and 170.21 to 170.23. As these are not core requirements from Annex V of MARPOL MSA has decided to remove them from Part 170.*