

NEW ZEALAND NATIONAL REPORT PURSUANT TO THE NOUMEA CONVENTION

For the Period covering the last two years: July 2021 to June 2023

What are the main issues and priorities concerning marine pollution for your country?

1. New Zealand has one of the largest exclusive economic zones (EEZ) in the world with a diverse range of coastal and marine environments, habitats, and species. As an island nation, our unique marine environment also holds an important place in our national identity. New Zealand's marine environment is central to our economy, wellbeing, recreation, and provides an important food source. However, this environment is under pressure from marine pollution that arises from activities on land and at sea, and from the effects of climate change.
2. New Zealand has a number of priorities concerning marine pollution that impact on the health of the marine environment, including:
 - ensuring a clean and safe marine environment
 - reducing and managing sources of pollution from land and sea based activities
 - implementing mitigation and adaptation planning measures to reduce and prepare for the effects of climate change.
3. Preventing and responding to oil pollution from commercial and recreational vessels and offshore installations is key to ensuring a clean and safe marine environment. New Zealand monitors and enforces compliance of ships and manages environmental effects from offshore oil, gas, and mining activities through marine protection legislation. New Zealand also has initiatives to:
 - minimise waste and reduce the risk of accidental spills of harmful substances
 - prevent pollution by garbage, noxious liquid substances in bulk, harmful substances carried by sea in packaged form, transport of harmful aquatic animals, plants and pathogens in ballast water, and ocean dumping of waste.

Protections relating to oil pollution have been implemented in domestic legislation, in accordance with New Zealand's obligations under international instruments, as required under the International Maritime Organization (IMO) Conventions¹ to which New Zealand has acceded.

4. In the past two years, New Zealand has created new marine protection rules to implement MARPOL Annex VI, which seeks to address the impact of air pollution from shipping activities on human health and environments in and around port communities, and the impacts of emissions from shipping activities on climate change and ozone layer depletion.² The new rules came into force progressively from 26 August 2022. We have also issued non-statutory guidance for ships using technologies such as exhaust gas cleaning systems to reduce emissions to the air; the guidance is intended to reduce

¹ Including the Convention for the Safety of Life at Sea (SOLAS), the Convention for the Prevention of Pollution from Ships (MARPOL) and protocols (except for Annex IV), the Convention on Oil Pollution Preparedness, Response and Cooperation (OPRC), the Convention for the Control and Management of Ships Ballast Waters and Sediments (BWM Convention) and the London Convention and Protocol on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter (the London Convention).

² [MARPOL Annex VI Treaty | Ministry of Transport](#)

contaminants from washwater discharged by these cleaning systems into the marine environment.³

5. In 2022, the Ministry for the Environment and Statistics New Zealand released the third report on New Zealand's marine environment.⁴ The report found that the marine environment continues to be adversely affected by a range of individual and cumulative pressures, despite protection and restoration efforts.
6. Many of New Zealand's issues concerning marine pollution are the result of land-based activities, which impact most directly on coastal areas; for example, coastal erosion, excess nutrient and sediment loading, pollution from plastics and litter, and discharges from water systems that contain sewage and chemicals. These can have cumulative effects and result in degradation of coastal ecosystems and areas beyond the territorial sea.
7. Marine debris, most commonly associated with plastic pollution, is a key concern for ensuring a clean and safe marine environment. The government has embarked on a series of activities and investments to reduce and manage plastics domestically. As part of a wider ambition to transition to a low-waste economy, New Zealand is shifting away from hard-to-recycle and single-use plastics. The government is developing more comprehensive waste legislation and is implementing a National Plastics Action Plan; to reduce plastic waste, use plastics in a more circular way, and lessen adverse impacts on the environment. In 2022, a plastics phase-out began, with a ban on some single-use and hard-to-recycle plastics. All PVC and polystyrene food and drink packaging will be banned from mid-2025. New Zealand supports the work of local communities and stakeholder alliances to measure, collect, and reduce litter waste to protect coastal areas, as well as restoration initiatives for the marine environment. Data collected from citizen science-based initiatives is used to inform and support policy development. At a global level, New Zealand is participating in negotiations to develop an instrument to end plastic pollution and has joined the High Ambition Coalition to End Plastic Pollution. We are members of a range of international groups such as the Global Alliance on Circular Economy and Resource Efficiency, the Ellen McArthur Foundation global Commitment on Plastics, and the Global Ghost Gear Initiative. At a regional level, New Zealand has endorsed the Pacific Regional Declaration on the Prevention of marine Litter and Plastics Pollution.
8. In New Zealand, many former landfills have been established near rivers and coastlines, and these sites are particularly vulnerable to storms or flooding. The government's Contaminated Sites Remediation Fund is supporting projects that clean up historical landfill sites to mitigate plastic and other waste leakage into the environment.
9. New Zealand has been developing long-term strategies to address and manage the effects of climate change, including for its marine environment. New Zealand's Climate Change Response Act 2002 now requires that National Adaptation Plans be developed to outline the steps the government will take over six-yearly periods to respond to climate change risk assessments. The first plan was launched in August 2022. The planning framework aims to set direction on adaptation and natural hazard risk management and will include measures to address sea-level rise and erosion. These include reforms of the Resource Management Act (expected to be adopted in 2023), which involve planning and consenting measures to help protect New Zealand's marine environment.

³ [Guidance on the use of exhaust gas cleaning systems \(scrubbers\) for ports, regional authorities and ships in New Zealand waters | Ministry for the Environment](#)

⁴ [Our marine environment 2022 | Ministry for the Environment](#)

10. New Zealand has been experiencing increasingly frequent and intense weather events as a result of climate change. Extremely heavy rainfalls and flooding have had severe impacts in the past two-year period. The government is taking steps to reform how New Zealand manages its water infrastructure and stormwater to reduce these impacts and build resilience. It has also conducted an inquiry into land use (with a focus on forestry slash) to assess how the impacts of storm damage in New Zealand's coastal areas may have been intensified by forestry practices that involve waste from timber clearance being left in situ and planting and clear-felling on erosion-prone or steep areas.
11. New Zealand is currently conducting an inquiry into seabed mining in areas under its national jurisdiction⁵.
12. The New Zealand Government's Aquaculture Strategy includes an objective to partner with the aquaculture industry on a plan to reduce waste. In 2021, funding was provided to improve mussel float attachment methods to reduce plastic waste.

What measures generally have you initiated to implement this Convention and Protocols?

13. New Zealand's marine environment protection legislation is primarily provided through three legislative frameworks: the Resource Management Act 1991, the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 (EEZ Act), and the Maritime Transport Act 1994.
14. New Zealand's obligations under the Noumea Convention (the Convention) and its Protocols within the territorial sea are implemented through the Resource Management Act and the Resource Management (Marine Pollution) Regulations 1998. The Marine Protection Regulations provide standards to protect the coastal marine area from discharges and the dumping of waste both from land-based sources and vessels. The Ministry for the Environment administers the Resource Management Act and the Marine Pollution Regulations.
15. New Zealand's obligations beyond the territorial sea under the Convention and its Protocols are implemented through the EEZ Act, the Maritime Transport Act, and the Marine Protection Rules.
16. The EEZ Act regulates the effects of certain activities in New Zealand's EEZ and continental shelf, including oil and gas exploration and production, seabed mining, laying submarine cables, and marine scientific research.
17. The Maritime Transport Act establishes the legal framework for maritime safety and protection of the marine environment in line with New Zealand's obligations under various maritime conventions (including IMO instruments) to which New Zealand is signatory. The Ministry of Transport administers the Act.
18. The Marine Protection Rules provide more detailed and technical regulation to protect the marine environment from pollution and harmful substances discharged by ships and offshore installations and the dumping of waste on the high seas, in accordance with, and as required under the Maritime Transport Act. The Ministry of Transport and Maritime New Zealand are responsible for the Marine Protection Rules.

⁵ [Inquiry into seabed mining in New Zealand - New Zealand Parliament \(www.parliament.nz\)](http://www.parliament.nz)

Give details of new or amended legislation that covers marine pollution beyond internal waters including any definition of 'pollution' and the institutions responsible.

MARPOL Annex VI

19. In 2021, the Maritime Transport Act was amended to enable New Zealand to accede to Annex VI of the International Convention for the Prevention of Pollution from Ships 1973 (MARPOL), aimed at regulating emissions to the air from ships. Part 199 of New Zealand's Marine Protection Rules⁶ will give effect to the Annex VI provisions, which come into force progressively from 26 August 2022.

20. The Part 199 rules apply to New Zealand flagged vessels anywhere in the world and to all other ships in seas under our jurisdiction, except for warships and those of the New Zealand Defence Force.⁷ The rules are intended to address the impacts of air pollution from shipping activities on human health and environments in and around port communities, and the impacts of emissions of these activities on climate change and ozone layer depletion. Responsibility for the rules sits with Maritime New Zealand.

Crown Minerals Act – decommissioning amendments

21. New Zealand adopted the Crown Minerals (Decommissioning and Other Matters) Amendment Act 2021, aimed at strengthening the petroleum sector's responsibility for decommissioning petroleum infrastructure and wells. The legislation introduced new requirements for decommissioning activities, financial security provisions, and enforcement tools to improve compliance and respond to non-compliance.

22. Crown Minerals (Petroleum) Amendment Regulations are currently being developed to support changes introduced by the Amendment Act. The Ministry of Business, Innovation, and Employment administers the Act.

What is the estimated volume/type of marine pollution per year in the Convention area from the following sources; the number of permits/licenses issued; and any other measures taken to prevent, reduce and control such pollution:

a. Vessels (article 6)

Parts 120 and 140 of the Marine Protection Rules specify the permitted operational discharges of harmful substances and provides for reporting of non-operational discharged.

b. Land based sources (article 7)

During 2021/2022, local government authorities granted 39,773 resource consent applications under the Resource Management Act. Of those consents, 556 were coastal permits. Coastal permits relate to a variety of development activities which may have impacts on the coastal environment.

c. Mining and coastal erosion, ie, dredging, land reclamation (article 14)

Under the provisions of the London Convention, a total of 2,197,197 m³ of waste material was dumped in New Zealand's territorial sea and EEZ under permit in the 2021 period. This waste consisted mostly of dredged material for maintenance. No radioactive waste was dumped.

⁶ [Marine Protection Rules Part 199 - Maritime NZ](#)

⁷ The rules do not apply to ships that voyage only in inland waters such as lakes and rivers.

Reporting for the 2022-2023 period is not yet available.

No consents for seabed mining in the EEZ or on the continental shelf were granted during the past two-year period.

d. *Sea-bed and sub-soil activities (article 8)*

Sections 20B and 20C of the EEZ Act and associated regulations regulate the discharge of harmful substances from structures and submarine pipelines, and mining discharges from vessels supporting these activities. Marine discharge consents are required for discharges of harmful substances that are released into the marine environment, such as drilling fluids/muds.

The Environmental Protection Authority monitors compliance with the requirements of the EEZ Act and any marine consents.

Appendix 1 provides an overview of marine discharge consents issued during the reporting period, including the maximum volume that is consented to be discharged (though actual volumes may be less than consented volumes).

Mining exploration and extraction permits and licences issued in New Zealand are published by New Zealand Petroleum & Minerals at www.nzpam.govt.nz.

e. *Discharges into atmosphere (article 9)*

During 2021/2022, local government authorities granted 1,147 consents for discharges into atmosphere.

Section 20I of the EEZ Act prohibits the incineration of waste or other matter in the EEZ, other than waste or other matter generated during the normal operation of a New Zealand ship or structure.

The Environmental Protection Authority has not granted any consents for the incineration of waste in the past two-year period.

f. *Dumping and disposal from vessels, aircraft, man-made structures of waste including radioactive waste or matter (article 10)*

Dumping under this article is comprised of dredged material referred to in **c.** above, which is taken by barge or ship to the approved dumping sites, and other dumping permitted under the London Convention, including from vessels, platforms and other man-made structures.

Sections 20D- 20H of the EEZ Act and associated regulations regulate the dumping of waste.

Under the provisions of the London Convention and EEZ Act, a total of 23,154 tonnes (65,564 m³) of waste material was dumped in New Zealand's EEZ under permit between January 2021 and December 2022. This waste primarily consisted of dredge material.

Jan 2021- Dec 2022

Dredge spoil

- Dumping consent EEZ900012: 22,909 tonnes (33,820 m³)
 - Dumping consent EEZ900011: 245 tonnes (31,050 m³)
- Total = 23,154 tonnes (64,870 m³)

Other dumping

- Deposit of space vehicle debris as a permitted activity – 19 pieces of material (weight unknown)
- Burial at sea – one

g. *The storage of toxic and hazardous wastes, including radioactive wastes or matter (article 11)*

For radioactive waste, see response to Article 10 (paras 23 – 26) below.

h. *Testing of nuclear devices (article 12)*

The New Zealand Nuclear Free Zone, Disarmament, and Arms Control Act 1987 prohibits the acquisition, stationing, and testing of nuclear explosive devices in New Zealand. Its provisions apply to land, territory, inland waters within the territorial limits, internal waters, the territorial sea, and the airspace above these areas.

Have you prohibited the storage and disposal of radioactive waste in the Convention area and the continental shelf beyond the Convention area? If so, what is the legislative provision and what is the penalty? (Article 10)

23. New Zealand manages the storage, disposal, and dumping of radioactive materials through the Radiation Safety Act 2016, the EEZ Act, and the Maritime Transport Act.

24. The Radiation Safety Act applies within the territorial sea. It provides fundamental requirements for activities that involve radiation sources. Section 12 requires that every person who transports, stores, or disposes of a radiation source must do so safely and security.

Section 13 – Activities that require authorisation under this Act

No person may, unless this Act or regulations provide otherwise,-

- a) manufacture, possess, manage, or control a radiation source without a source licence:
- b) use a radiation source without a use licence:
- c) import or export radioactive material without a consent.

Section 62 – Offence to contravene fundamental requirements

(1) A person who contravenes any of the fundamental requirements commits an offence and is liable on conviction,-

- a) in the case of an individual, to a fine not exceeding \$100,000; or
- b) in the case of a person or an organisation other than an individual, to a fine not exceeding \$500,000.

(2) If a person is convicted of an offence under this section, the court may, instead of or in addition to imposing a fine, order the person to mitigate or remedy, or pay the costs of mitigating or remedying, any adverse effects on people or the environment that –

- a) were caused by or on behalf of the person; or
- b) relate to any land of which the person is the owner or the occupier.

(3) In a prosecution for an offence against this section, it is not necessary to prove that the defendant intended to commit the offence.

(4) Section 73 contains a defence to a prosecution for an offence against this section.

25. Beyond the territorial sea, the EEZ Act has the following provisions relating to the dumping of radioactive waste, including offences and penalties:

Section 20E – Prohibition on dumping radioactive waste or other radioactive matter

No person may dump radioactive waste or other radioactive matter—

- a) into the sea within the exclusive economic zone or above the continental shelf beyond the outer limits of the exclusive economic zone; or
- b) into or onto the continental shelf.

Section 134B Offences in relation to dumping of radioactive waste or other radioactive matter

The following persons each commit an offence if radioactive waste or other radioactive matter is dumped in breach of section 20E:

- a) the master and the owner of a ship, if the dumping is from the ship;
- b) the person in possession of, and the owner of, an aircraft, if the dumping is from the aircraft;
- c) the owner of an offshore installation, if the dumping is from the offshore installation.

Section 134H Penalties

- (1) A person who commits an offence against this Act (other than against section 134G) is liable on conviction,—
 - a) in the case of a natural person, to a fine not exceeding \$300,000;
 - b) in the case of a person other than a natural person, to a fine not exceeding \$10 million.
- (2) The person is also liable on conviction, if the offence is a continuing one, to a fine not exceeding \$10,000 for every day or part of a day during which the offence continues.
- (3) The continued existence of anything, or the intermittent repetition of any actions, contrary to any provision of this Act is a continuing offence.

26. Part 21 of the Maritime Transport Act applies to New Zealand’s internal waters, EEZ and to New Zealand ships and aircraft beyond New Zealand’s continental waters. Relevant to prohibitions on the dumping of radioactive waste in these areas include:

Section 258 - Dumping of radioactive waste or other radioactive matter

- (1) Radioactive waste or other radioactive matter shall not be:
 - a) taken on board any ship or aircraft in New Zealand or in the internal waters of New Zealand or marine waters for the purpose of dumping that radioactive waste or other radioactive matter; or
 - b) taken on board any ship or aircraft at any controlled offshore installation for the purpose of dumping that radioactive waste or other radioactive matter; or
 - c) dumped from any ship or aircraft into the sea above the continental shelf beyond the outer limits of the exclusive economic zone; or
 - d) dumped from any New Zealand ship or any New Zealand aircraft into the sea or onto or into the seabed beyond New Zealand continental waters.
- (2) No person may incinerate radioactive waste or other radioactive matter at sea-
 - a) in the internal waters of New Zealand; or
 - b) beyond New Zealand continental waters on a New Zealand ship, a New Zealand structure, or a New Zealand aircraft.

Section 263 – Offences in respect of radioactive waste and other radioactive matter

- (1) The master and the owner of a ship each commits an offence if radioactive waste or other radioactive matter is –
 - a) taken on board the ship in breach of paragraph (a) or paragraph (b) of section 258(1); or
 - b) dumped from the ship in breach of section 258(1)(c); or
 - c) dumped from the ship (being a New Zealand ship) in breach of section 258(1)(e).

- (2) The person in possession of, and the owner of, an aircraft each commits an offence if radioactive waste or other radioactive matter is –
 - a) taken on board the aircraft in breach of paragraph (a) or paragraph (b) of section 258(1); or
 - b) dumped from the aircraft in breach of section 258(1)(c); or
 - c) dumped from the aircraft (being a New Zealand aircraft) in breach of section 258(1)(e).

- (3) The owner of a controlled offshore installation commits an offence if radioactive waste or other radioactive matter is taken onboard any ship or aircraft at the offshore installation in breach of section 258(1)(b).

Section 266 - Penalties

Subject to section 267, every person who commits an offence against section 263 or section 264 is liable –

- a) to a fine not exceeding \$200,000; and
- b) if the offence is a continuing one, to a further fine not exceeding \$10,000 for every day or part of a day during which the offence is continued; and
- c) for such amount as the court may assess in respect of the costs of all or any of the following, namely, removing or dispersing, or disposing of, any waste or other matter to which the offence relates; and
- d) to an additional penalty under section 409.

Section 267 - Sentence of imprisonment

- 1) Subject to subsection (2) of this section, the court may sentence a person who commits an offence against section 263 to imprisonment for a term not exceeding 2 years instead of imposing a fine under section 266.

- 2) The court shall not sentence to imprisonment any person who commits an offence against section 263 unless the court is satisfied,
 - a) where the person is the master or owner of a foreign ship –
 - i. that the offence was committed within the territorial sea; and
 - ii. that the person intended to commit the offence, or the offence occurred as a consequence of any reckless act or omission by the person with the knowledge that that act or omission would or would be likely to cause serious damage to the marine environment within the territorial sea; and
 - iii. that the commission of the offence has caused or is likely to cause serious damage to the marine environment within the territorial sea:

- b) in any other case, that the commission of the offence has caused or is likely to cause serious damage to the marine environment.

What technical guidelines and legislation do you have concerning EIA of development activities likely to impact on the marine environment (article 16)? How many assessments occurred, what were the measures adopted to prevent pollution and what was the extent of public involvement

27. The Resource Management Act requires resource consents for many activities that use or develop natural or physical resources or that affect the environment. It applies to activities undertaken on land, the coastal marine area, and the territorial sea. All applications for resource consents must be accompanied by an assessment of environmental effects, which includes a description of mitigation measures to help prevent or reduce any actual or potential effects of the proposed activity.
28. During the reporting period, 39,773 resource consents were granted by councils under section 99 of the Resource Management Act. Of those consents, 556 were coastal permits. Coastal permits relate to a variety of development activities that may have impacts on the coastal environment. Coastal permits relate to a variety of development activities that may have impacts on the coastal environment. Beyond this, the Government does not hold information on how many of these consents had an impact on, or were likely to have an impact on, the marine environment.
29. The EEZ Act regulates the effects of certain activities in the EEZ and continental shelf including petroleum exploration and production, seabed mining, laying submarine cables and marine scientific research. Activities can only be undertaken if they are classified as permitted or authorised by a marine consent. If a marine consent is required, those wishing to undertake an activity must obtain a consent from the Environmental Protection Authority. Applications for consent must include an impact assessment describing the activity and the current state of the area where the activity is proposed, identifying the effects of the activity on the environment and existing interests, and specifying measures to avoid, remedy, or mitigate the adverse effects identified.
30. During the reporting period, the Environmental Protection Authority considered and granted:
- one notified marine discharge consent application for drilling development well. Notified activities under the EEZ Act provide for full public involvement by way of a submission process.
 - five non-notified discharge consent applications. Non-notified activities under the EEZ Act are not publicly notified but are activities that have a low probability of significant adverse effects on the environment or existing interests.

Outline the cooperation/coordination with the other Contracting Parties in implementing the Convention and Protocols (such as agreements for protection, development or management of the marine environment, information sharing, research, monitoring and technical assistance, protection against the threat and effects of 'pollution incidents' (articles 4, 17, and 18)

31. New Zealand is party to the following non-exhaustive list of instruments to protect, develop, and manage the marine environment to protect against 'pollution incidents':

- Safety of Life at Sea Convention (SOLAS) 1974 and 1978 and 1988 Protocols
 - International Convention for the Prevention of Pollution from Ships, as modified by the Protocol of 1978 (MARPOL 73/78) & 1997 Protocol (Annex VI)
 - London Convention and Protocol on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter and 1996 Protocol
 - Convention on Oil Pollution Preparedness, Response and Cooperation (OPRC) 1990
 - Convention on International Regulations for Preventing Collisions at Sea (COLREGS) 1972
 - Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties 1969 and 1973 Protocol
 - Convention to Ban the Importation into Forum Island Countries of Hazardous and Radioactive Wastes and to Control the Transboundary Movement and Management of Hazardous Wastes within the South Pacific Region (Waigani Convention)
 - Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal 1989
 - International Atomic Energy Agency Convention on Assistance in the Case of a Nuclear Accident or Radiological Emergency, 1986
 - International Atomic Energy Agency Convention on Early Notification of a Nuclear Accident, 1986
 - International Convention for the Control and Management of Ships' Ballast Water and Sediments 2004
 - Compensation and liability conventions (Civil Liability Convention & Fund 1992 and 2003; Limitation of Liability for Maritime Claims 1996, Bunker Oil Pollution Damage Convention 2001).
32. Maritime New Zealand has provided regional assistance under the Secretariat for the Pacific Regional Environment Programme's (SPREP) Pacific Ocean Pollution Prevention Programme (PACPOL) and Pacific Islands Regional Marine Spill Contingency Plan (PACPLAN) initiatives in the following areas: assistance with training, policy development and technical advice under the PACPLAN and PACPOL initiatives, including assisting SPREP with the review and update of PACPLAN. Maritime New Zealand has also provided support to the IMO in providing training on the BWM Convention in Samoa, under the technical assistance programme.
33. Maritime New Zealand has also been cooperating in the IMO/SPREP Regional Strategy for Shipping Related Invasive Marine Pests in the Pacific (SRIMP-PAC), pending adoption, as well as with Samoa's Maritime Division on the United Nations Development Program/Global Environment Facility/IMO GloBallast Partnerships Project in relation to ballast water management. The Maritime New Zealand Marine Pollution response team is engaged with Pollution Response training under the Pacific Maritime Safety Programme.
34. Maritime New Zealand, in conjunction with the Australian Maritime Safety Authority, has been providing ongoing assistance to the SPREP PACPOL secretariat on draft legislation to give effect to the international and regional agreements on pollution preparedness and response conventions and associated liability conventions.

How many 'pollution incidents' have there been and what were the laws, regulations, institutions and operational procedures used in each? (Protocol on Pollution Emergencies)

35. A total of 151 oil spills were reported in 2021 and 2022. The sources of these spills included any origin that ends up in the marine environment.
36. All but 11 of these 151 spills were less than 50 litres in volume. The larger spills included:
 - 3 spills each within the range of 50-99 litres
 - 4 spills each within the range of 100-499 litres
 - 4 spills that were significantly larger at approximately 1,325, 2000, 3500 and 5000 litres.
37. Details of other pollution incidents affecting the marine area are held by local authorities and records are not held by the national government.
38. Section 226 of the Maritime Transport Act provides that harmful substances may only be discharged into the sea in accordance with the Marine Protection Rules or discharged to shore through Port Reception Facilities (Marine Protection Rule 100).
39. The 120 series of the Marine Protection Rules, consolidated in 2019, applies to the discharge of oil. The standards in Part 120 are drawn from Annex 1 of MAPOL, which is concerned with reducing the quantity of environmentally harmful oil and oily mixtures entering the sea from ships. The discharge regime established by Part 120 prohibits the discharge of oil cargo residues within 50 nm of land and in defined special areas. It imposes controls on the flow, concentration, and quantity of discharges in other areas. The discharge provisions work in conjunction with the requirements for shipboard pollution prevention equipment.
40. The Maritime Transport Act imposes a concurrent duty on the owner and master of ship to notify the coastal state of any discharge or escape other than operational discharge. Part 23 of this legislation provides for plans and responses to protect the marine environment from marine oil spills. To give effect to Part 23, 130 series of the Marine Protection Rules outline requirements for the planning and response to marine oil spills.
41. The 140 series of the Marine Protection Rules apply to ships carrying noxious liquid substances in bulk as cargo, setting out permitted operational discharges including limits on total quantity and concentration of discharges, specified minimum water depths and distances from land. More stringent discharge conditions apply to substances categorised as most harmful to the marine environment. The 140 series gives effect to standards found in regulations 6 and 13 of Annex II of MARPOL and to Protocol I of that instrument.
42. Part 150 of the Marine Protection Rules set out requirements for the prevention of pollution by harmful substances carried by sea in packaged form and are drawn from Annex III of MARPOL. The rules are to be read in conjunction with the Maritime Rules in Part 24A relating to the carriage of dangerous goods cargoes. Part 150 applies to New Zealand ships anywhere, except ships of the New Zealand Defence Force and foreign ships operating within areas of the sea under the New Zealand jurisdiction.

43. Part 180 of the Marine Protection Rules, which relates to the dumping of waste and other matter, incorporates a number of the standards and processes required in New Zealand legislation to become party to the 1996 Protocol to the London Convention, and to comply with the provisions of the 1996 Protocol once these take effect in New Zealand. The Part 180 rules operate within the framework established by Part XXI of the Maritime Transport Act. Part 180 provides for permitting regime to control ocean dumping and minimise its environmental effects.
44. Part 300 of the Marine Protection Rules aims at preventing, minimising, and eliminating the risk to the environment, human health, property, and resources arising from the transfer of harmful aquatic organisms and pathogens through the control and management of ballast water. The rules give effect to the Convention for the Control and Management of Ship's Ballast Water and Sediments 2004.
45. Standards for dumping waste or other matter within the 12 nm coastal marine area for all ships is provided for in Part 2(4) of the Marine Pollution Regulations under the Resource Management Act, which make it an offence to dump waste or other matter in contravention of the regulations. Part 3 of these regulations describes the control of discharges (i.e. oil, noxious liquid substances, sewage, garbage, and ballast water) from ships and offshore installations and in the coastal marine area.

The Environmental Protection Authority pollution incidents

46. The Environmental Protection Authority was notified of 23 pollution incidents involving harmful substances between July 2021 and June 2023, which were either investigated or are currently under investigation. Of the 23 pollution incidents:
- 14 were concluded with an advice letter and included education
 - 9 are currently under investigation and have not been concluded.

Resolved incidents

Type	Quantity (Litres)
Synthetic-based mud	0.01
Diesel	2
Suspected hydrocarbons	0.01
Base oil	1
Synthetic-based mud	1
Hydrocarbons	0.000000004591 0.0002136
Diesel	0.04
Hydrocarbon lubricant	0.1
Synthetic-based mud	0.75
Hydrocarbon lubricant	0.1
Base oil	0.005
Hydrocarbon lubricant	0.1
Hydrocarbon lubricant	0.1
Hydraulic oil	0.1
Total	5.32

Incidents currently under investigation

Type	Initial quantity (Litres)
Hydrocarbons	0.029
Hydrocarbons	0.0012
Biocide	8
Safe-Lube	96
Hydraulic oil	0.36
Water contaminated with harmful substances	0.01
Synthetic-based mud	15
Synthetic-based mud	1.50
Hydraulic oil	0.02
SAFCOR	0.013
SafeScav NA	0.0012
NuoSept 78	0.0012
Total	120.94

What are the reporting requirements regarding 'pollution incidents' (articles 5) of:*Government officials*

47. In New Zealand it is the polluter's responsibility to report to the appropriate agency, so government officials do not have reporting requirements as such. Local authorities have delegated responsibility for marine oil spill preparedness and response.

48. For spills within a local authorities' area of jurisdiction, polluters report spills to the local authority. These local authorities then provide data to Maritime New Zealand on the number of oil spill incidents that occur in their region. The local authorities also report unsourced spills, where a spill report has reached the local authority via another means, eg, by a member of the public. The local authorities complete a standardised spill report, which includes volume, location, oil type, response actions, etc.

Masters of vessels flying your flag

49. The Marine Protection Rules specify the reporting requirements of Masters of New Zealand ships involved in a pollution incident in contravention of the rules. Section 227 'Duty to report discharge or escape of harmful substances' and Section 228 'Notice of pollution incidents'.

50. The 120 and 140 series, and Parts 150, 170, 199, and 300 of the Marine Protection Rules and Part 180 for the London Convention also contain relevant provisions on the requirement to report to the appropriate coastal authorities: non-operational discharges and permitted operational discharges of oil, oily discharges, garbage, noxious liquid substances, and other harmful substances from ships into the sea.

51. Section 227 and 228 of the Maritime Transport Act covers the duty to report discharge or escape of harmful substances. These sections outline who is responsible for reporting the discharge or escape and the proper authority to give notice to.

Masters of all vessels and pilots of all aircraft in the vicinity of your coasts

52. Foreign ships operating within areas of the sea under New Zealand jurisdiction are subject to the reporting requirements of Parts 120, 140, 150, 170 and 300 of the Marine Protection Rules as outlined above.

Appendix 1 - Marine discharge consents granted by the Environmental Protection Authority between July 2021 and June 2023

EEZ100021-2 - To be exercised when drilling commences in September 2023

To discharge of trace amounts of harmful substances from deck drains of a mobile offshore drilling unit (MODU) that will be used for the drilling of development wells at the Kupe Wellhead Platform

EEZ100021-3 - To be exercised when drilling commences in September 2023

To discharge of harmful substances associated with drill cuttings during planned drilling operations at the Kupe Wellhead Platform. Substances consented for discharge include:

- SAFE-SCAV (drilling/well completion fluid), max volume 1700kg
- SAFE-COR (well completion fluid), max volume 3730kg
- NF-6 (cement additive), max volume 270L
- Trace amounts of hydrocarbons

EEZ100020-2 – Currently being exercised

To discharge of harmful substances associated with decommissioning the Tui field. Substances consented for discharge include:

- BE-9 (biocide), max volume 176L
- Erifon HD 603 HP No Dye (blow-out preventer fluid), max volume 720L
- NF-6 (cement additive), max volume 250L
- Residual hydrocarbons, max volume 171L

EEZ300013 – No longer exercised

To discharge of harmful substances associated with drill cuttings during planned drilling operations at the Maui Platform Bravo. Substances consented for discharge include:

- Lime (pH controller), max volume 5.65 m3
- Shell GTL Saraline 185V (drilling fluid additive), max volume 370.14m3
- Trace amounts of hydrocarbons

EEZ300014 – No longer exercised

To increase in the volume of harmful substances discharged authorised under discharge consent EEZ300012 - associated with drill cuttings during planned drilling operations at the Maui Platform Alpha, and discharge of harmful substances during mining operations. substances consented for discharge under EEZ300012 include:

- AS-5 (drilling fluid additive), Max volume 0.1869m3
- Cleanbore B (drilling fluid additive), max volume 0.7413m3
- Lime (pH control), max volume 2.6m3
- Lime (cement additive), max volume 27.3m3
- Nuosept 78 (biocide), max volume 2.2kg
- Shell GTL Saraline 185V (drilling fluid additive), max volume 220.1m3
- Trace amounts of hydrocarbons

EEZ300015 - No longer exercised

To discharge of harmful substances associated with drill cuttings during planned drilling operations at the Maui Platform Alpha. Substances consented for discharge include:

- Saraline 185V, max volume 230m3
- Trace amounts of hydrocarbons