

PNG Marine Pollution (Preparedness & Response) Bill
Summary of Offences & Penalties
(DRAFT ONLY – subject to consultation - April 2008)

Part / Section No. & Title	Offence <i>(pls refer to the full Bill for details of application, exceptions and exemptions)</i>	Defendant <i>(penalties apply to each Defendant)</i>	Penalty <i>(maximum)</i>
Part I – Preliminary			
5. International Conventions	5(2)(c) Prescribed breach of any aspect of a Convention to which this Act applies.	Any person who commits the offence	K1 Million or 5 yrs prison
Part II – Marine pollution preparedness			
6. Marine pollution risk assessments	6(7) Failure to undertake marine pollution risk assessment for port facility, oil or chemical handling facility or offshore installation, at least very 5 yrs or when risk changes (whichever comes first). Failure to undertake marine pollution risk assessment as part of planning / EIA process for proposed new port facility, oil or chemical handling facility or offshore installation.	Owner and operator of the port facility, oil or chemical handling facility or offshore installation. Proponent or developer of the new port facility, oil or chemical handling facility or offshore installation.	K500,000
8. Site-specific contingency plans	Failure of any port facility, oil or chemical handling facility or offshore installation to develop, implement, maintain and exercise at least annually a site-specific marine pollution contingency plan.	Owner and operator of the port facility, oil or chemical handling facility or offshore installation.	K500,000
9. Marine pollution response equipment	Failure of any port facility, oil or chemical handling facility, offshore installation or in cases specified by the Authority, certain vessels, to procure, operate and maintain in a state of constant readiness, marine pollution response equipment compatible with the national inventory.	Owner and operator of the port facility, oil or chemical handling facility, offshore installation or vessel.	K500,000
10. Training and exercises	Failure of any port facility, oil or chemical handling facility or offshore installation to develop and implement an annual training and exercise programme, consistent with the national programme.	Owner and operator of the port facility, oil or chemical handling facility or offshore installation.	K100,000
Part III – Marine pollution response			
14. Duty to report discharges	Failure of owner, master, person-in-charge, operator or occupier to report a discharge from a vessel, offshore installation, oil or chemical handling facility or a place on land. Making a false report.	Owner, master, person-in-charge, operator or occupier of vessel, offshore installation, oil or chemical handling facility or a place on land Person who makes false report.	K25,000

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Part IV – Marine casualties and powers of intervention			
20. Duty to report casualties	Failure of a owner or master of a vessel to report a marine casualty Making a false report.	Owner and master of the vessel Person who makes false report.	K250,000 or 2 yrs prison
26. Offences	Failure to comply with instructions of the Authority under Section 21 (Powers of Intervention) Willful obstruction of instructions of the Authority under Section 21 (Powers of Intervention)	Person who commits offence	K40,000
Part V - Misc., admin. & enforcement			
28. Appointment of inspectors	28(6) Failure of an inspector to return his identity card to the Authority upon ceasing to be an inspector.	Person who ceases to be an inspector and does not return card.	K1,000
29. Boarding of vessels etc by inspectors	29(6) Failure to comply with a requirement of an inspector.	Person who does not comply.	K20,000
34. Offences and penalties	Any offence against the Act or Regs prescribed under the Act for which a penalty is not specified.	Person who commits the offence.	K1 Million or 5 yrs prison for Corporation K250,000 or 2 yrs prison for individual Plus K1,000/day for each day offence continues