

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

<i>Part / Section No. & Title</i>	<i>Offence</i> <i>(pls refer to the full Bills for details of application, exceptions and exemptions)</i>	<i>Defendant</i> <i>(penalties apply to each Defendant)</i>	<i>Penalty</i> <i>(maximum)</i>
Part I – Preliminary			
5. International Conventions	5(2)(d) Prescribed breach of any aspect of a Convention to which this Act applies.	Any person	K1 Million or 5 yrs prison
Part II – Oil			
7. Discharge of oil	7(2) Discharge of oil, oily mixtures or oil residues from any vessel.	<ul style="list-style-type: none"> ▪ Owner. ▪ Master. ▪ Any crew member who's action contributed (unless ordered by Master). ▪ Owner & Master of any other vessel that caused/contributed. 	K1 Million or 5 yrs prison
8. Construction of vessels and oil pollution prevention equipment.	8(3) Failure to comply with vessel construction and equipment requirements of MARPOL Annex 1, as applicable.	<ul style="list-style-type: none"> ▪ Owner. ▪ Master. 	K1 Million or 5 yrs prison
9. Notices	9(4) Failure to display Notices publicizing offences and penalties under Section 7 on vessels ≥ 12M.	<ul style="list-style-type: none"> ▪ Owner. ▪ Master. 	K1,000
10. Oil Record Books (ORB)	10(13) Failure to keep and maintain ORB on: <ul style="list-style-type: none"> ▪ Oil tankers ≥150GRT. ▪ Any vessel ≥400GRT. ▪ Any Offshore Installation used to handle oil. 	<ul style="list-style-type: none"> ▪ Owner. ▪ Master/Person in charge 	K10,000
	10(14) False entry in ORB	Owner Master/person in charge	K25,000
11. Surveys & Inspections	11(4) Failure to comply with instructions of the Authority on findings of Survey or Inspection of the vessel. 11(5) Change to vessel structure, equipment, fittings etc after Survey completed. 11(6) Failure to report to the Authority any accident or defect which affects the vessel's Survey.	<ul style="list-style-type: none"> ▪ Owner. ▪ Master 	K40,000

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13. Carriage of valid Certificate	Failure to carry valid International Oil Pollution Prevention (IOPP) Certificate on: <ul style="list-style-type: none"> ▪ Oil tankers ≥150GRT. ▪ Any vessel ≥400GRT 	<ul style="list-style-type: none"> ▪ Owner. ▪ Master 	K40,000
15. Shipboard oil pollution emergency plan (SOPEP)	15(5) Failure to carry valid SOPEP on: <ul style="list-style-type: none"> ▪ PNG vessels carrying ≥400L of oil. ▪ Foreign oil tankers ≥150GRT. ▪ Foreign vessel ≥400GRT 	<ul style="list-style-type: none"> ▪ Owner. ▪ Master 	K10,000
Part III – Noxious Liquid Substances (NLS)			
17. Discharge of NLS	7(2) Discharge of NLS from any vessel.	<ul style="list-style-type: none"> ▪ Owner. ▪ Master. ▪ Any crew member who's action contributed (unless ordered by Master). ▪ Owner & Master of any other vessel that caused/contributed. 	K1 Million or 5 yrs prison
18. Construction of vessels and pollution prevention equipment.	18(2) Failure to comply with vessel construction and equipment requirements of MARPOL Annex II, as applicable.	<ul style="list-style-type: none"> ▪ Owner. ▪ Master. 	K1 Million or 5 yrs prison
19. Cargo Record Books (CRB)	19(11) Failure to keep and maintain ORB on any vessel carrying NLS.	<ul style="list-style-type: none"> ▪ Owner. ▪ Master 	K10,000
	19(12) False entry in CRB	<ul style="list-style-type: none"> ▪ Owner ▪ Master 	K25,000
20. Surveys & Inspections	20(4) Failure to comply with instructions of the Authority on findings of Survey or Inspection of the vessel.	<ul style="list-style-type: none"> ▪ Owner. ▪ Master 	K40,000
	20(5) Change to vessel structure, equipment, fittings etc after Survey completed.		
	20(6) Failure to report to the Authority any accident or defect which affects the vessel's Survey.		
22. Carriage of valid Certificate	Failure to carry valid International Pollution Prevention (IPP) Certificate on any vessel carrying NLS.	<ul style="list-style-type: none"> ▪ Owner. ▪ Master. 	K40,000

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24. Shipboard marine pollution emergency plan (SMPEP)	24(7) Failure to carry valid SMPEP on any vessel carrying NLS.	<ul style="list-style-type: none"> ▪ Owner. ▪ Master. 	K10,000
Part IV – Harmful substances in packaged form			
27. Discharge of harmful substances	27(2) Discharge of harmful substances from any vessel.	<ul style="list-style-type: none"> ▪ Owner. ▪ Master. ▪ Any crew member who's action contributed (unless ordered by Master). ▪ Owner & Master of any other vessel that caused/contributed. 	K1 Million or 5 yrs prison
28. Packing, marking, labeling and stowage	28(6) Failure to pack, mark, label and stow harmful substances in accordance with this Section.	<ul style="list-style-type: none"> ▪ Owner. ▪ Master. 	K250,000 or 2 yrs prison
29. Harmful Substances Manifest (HSM)	29(5) Failure to carry an HSM and failure to submit HSM to Authority 48 hours prior to departure.	<ul style="list-style-type: none"> ▪ Owner. ▪ Master. 	K40,000
Part V - Sewage			
32. Discharge of sewage	32(1) Discharge of sewage from any vessel, except when: <ul style="list-style-type: none"> ▪ The sewage is treated according to MARPOL Annex IV Reg 9.1.1 and produces no floating solids or visual discolouration to the sea. ▪ The vessel is beyond 3NM from nearest land and the sewage is comminuted and disinfected according to MARPOL Annex IV Reg 9.1.2 ▪ The vessel is beyond 12NM from nearest land and any sewage stored in holding tanks is not discharged instantaneously, but while vessel is enroute at a speed of ≥ 4Knots. 	<ul style="list-style-type: none"> ▪ Owner. ▪ Master. ▪ Any crew member who's action contributed (unless ordered by Master). 	K20,000
33. Vessels in ports and marinas.	33(1) Discharge of sewage from any vessel while in ports or marinas.	<ul style="list-style-type: none"> ▪ Owner. ▪ Master. ▪ Any crew member who's action contributed (unless ordered by Master). ▪ 	K20,000
Part VI - Garbage			

Part / Section No. & Title	Offence <i>(pls refer to the full Bills for details of application, exceptions and exemptions)</i>	Defendant <i>(penalties apply to each Defendant)</i>	Penalty <i>(maximum)</i>
35. Discharge of garbage	35(1) Discharge of plastics from any vessel. 35(2) Discharge of fishing gear from any vessel. 35(3) Discharge of dunnage or cargo lining and packing materials from any vessel. 35(4) Discharge of any other forms of garbage if vessel within 12NM of nearest land.	<ul style="list-style-type: none"> ▪ Owner. ▪ Master. ▪ Any crew member who's action contributed (unless ordered by Master). 	K1 Million or 5 yrs prison
36. Notices	9(4) Failure to display Notices publicizing offences and penalties under Section 35 on vessels \geq 12M.	<ul style="list-style-type: none"> ▪ Owner. ▪ Master. 	K1,000
37. Garbage management plans	Failure to carry and follow GMP on: <ul style="list-style-type: none"> ▪ any vessel \geq400GRT, ▪ any vessel certified to carry \geq15 persons, ▪ any Offshore Installation which accommodates \geq5 persons $>$24hrs. 	<ul style="list-style-type: none"> ▪ Owner. ▪ Master/Person in charge 	K20,000
38. Garbage Record Books (GRB)	38(8) Failure to keep and maintain GRB on: <ul style="list-style-type: none"> ▪ any vessel \geq400GRT, and ▪ any vessel certified to carry \geq15 persons, engaged in international voyages, and ▪ any Offshore Installation which accommodates \geq5 persons $>$24hrs. 	<ul style="list-style-type: none"> ▪ Owner. ▪ Master/Person in charge 	K10,000
	38(9) False entry in GRB:	<ul style="list-style-type: none"> ▪ Owner. ▪ Master/Person in charge 	K25,000
Part VII - Anti Fouling Systems (AFS)			
41. Controls on AFS	41(1) use of AFS containing organotin compounds on any vessel or man-made structure in PNG waters. 41(2) use of AFS which are controlled by amendment to Annex 1 of AFS Convention on any vessel or man-made structure in PNG waters.	<ul style="list-style-type: none"> ▪ Owner. ▪ Master/Person in charge 	K1 Million or 5 yrs prison
42. Surveys and certification (for AFS)	42(3) Failure to carry valid AFS Certificate by any vessel \geq 400GRT. 42(4) Failure to carry valid AFS Declaration by any vessel \geq 24metres.	<ul style="list-style-type: none"> ▪ Owner. ▪ Master 	K40,000
Part VIII – Offshore installations			

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44. Discharge of pollutants	44(3) Discharge of oil, NLS, harmful substances, garbage and any other pollutant except sewage from any offshore installation.	<ul style="list-style-type: none"> ▪ Owner. ▪ Operator. ▪ Person in charge. ▪ Any crew member who's action contributed (unless ordered by Master). ▪ Owner & Master of any other vessel that caused/contributed. 	K1 Million or 5 yrs prison
	44(4) Discharge of sewage from any offshore installation, except when the sewage is treated according to MARPOL Annex IV Reg 9.1.1 and produces no floating solids or visual discolouration to the sea.	<ul style="list-style-type: none"> ▪ Owner. ▪ Operator. ▪ Person in charge. 	K20,000
45. Discharge prevention and containment plans (DPCP)	45(3) Failure of an offshore installation to have, implement and maintain a DPCP as approved by the Authority.	<ul style="list-style-type: none"> ▪ Owner. ▪ Operator. ▪ Person in charge. 	K40,000
46. Notices, Record Books and Management Plans	As per Subsections 44(1) and 44(3), Section 10, Section 37 and Section 38.	<ul style="list-style-type: none"> ▪ Owner. ▪ Operator. ▪ Person in charge. 	As per Subsections 44(1) and 44(3), Section 10, Section 37 and Section 38.
47. Anti-fouling systems (for offshore installations)	As per part VII	<ul style="list-style-type: none"> ▪ Owner. ▪ Operator. ▪ Person in charge. 	As per part VII
Part IX – Waste reception facilities			
50. Port facilities to provide waste reception facilities	54. Failure to assess demand for waste reception facilities, at least triennially. 54. Failure to provide reception facilities adequate to met the assessed demand.	<ul style="list-style-type: none"> ▪ Owner. ▪ Operator. of the port facility	K500,000
52. Responsible waste management	54. Failure to re-use, recycle and/or dispose of received ships' waste in an environmentally responsible manner and in accordance with <i>Environment Act</i> and Govt waste management policies and plans.	<ul style="list-style-type: none"> ▪ Owner. ▪ Operator. of the port facility	K500,000
53. Quarantine wastes	54. Failure to manage waste received from other countries in accordance with <i>Quarantine Act</i> .	<ul style="list-style-type: none"> ▪ Owner. ▪ Operator. of the port facility.	K500,000
Part X – Misc., admin. & enforcement			

Part / Section No. & Title	Offence <i>(pls refer to the full Bills for details of application, exceptions and exemptions)</i>	Defendant <i>(penalties apply to each Defendant)</i>	Penalty <i>(maximum)</i>
56. Duty to report discharges	56(2) Failure of owner, master or person-in-charge to report a discharge from a vessel or offshore installation, and making a false report.	Owner, master or person-in-charge of vessel or offshore installation. Person who makes false report.	K25,000
57. Appointment of inspectors	57(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
58. Boarding of vessels etc by inspectors	58(6) Failure to comply with a requirement of an inspector.	Person who does not comply.	K20,000
63. 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