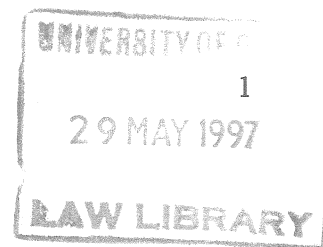


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## HOUSE OF REPRESENTATIVES

# Supplementary Order Paper

Thursday, 22 May 1997

RESOURCE MANAGEMENT AMENDMENT BILL (NO. 3)

### *Proposed Amendments*

Hon SIMON UPTON, in Committee, to move the following amendments:

*New clause 4B:* To insert the following new clause:

**4B. Discharge of harmful substances from ships or offshore installations**—The principal Act is amended by repealing section 15B, and substituting the following section:

“15B. (1) No person may, in the coastal marine area, discharge a harmful substance or contaminant, from a ship or offshore installation into water, onto or into land, or into air, unless—

“(a) The discharge is permitted by regulations made under this Act, a rule in a regional coastal plan, or a resource consent; or

“(b) After reasonable mixing, the harmful substance or contaminant discharged (either by itself or in combination with any other discharge) is not likely to give rise to all or any of the following effects in the receiving waters:

“(i) The production of any conspicuous oil or grease films, scums, or foams, or floatable or suspended materials:

“(ii) A conspicuous change of colour or visual clarity:

“(iii) An emission of objectionable odour:

“(iv) Significant adverse effects on aquatic life.

“(2) No person may, in the coastal marine area, discharge water into water from any ship or offshore installation,—

“(a) Unless the discharge is permitted by regulations made under this Act, a rule in a regional coastal plan, or a resource consent; or

“(b) After reasonable mixing, the water discharged is not likely to give rise to any significant adverse effects on aquatic life.

“(3) Where regulations are made under this Act permitting or controlling a discharge to which subsections (1) or (2) apply, no rule can be included in a regional coastal plan, or proposed

regional coastal plan, or a resource consent granted relating to that discharge unless the regulations provide otherwise; and regulations may be made prohibiting the making of rules or the granting of resource consents for discharges.

“(4) Subsections (1)(b) and (2)(b) do not apply where a regulation made under this Act, a rule, or resource consent applies to the discharge.

“(5) A discharge authorised by subsection (1) or subsection (2), regulations made under this Act, a rule, or a resource consent may, despite section 7 of the Biosecurity Act 1993, be prohibited or controlled by that Act.”

*New clause 58A:* To insert, after clause 58, the following new clause:

**58A. Regulations**—(1) Section 360 of the principal Act is amended by repealing paragraph (hd) (as inserted by section 26 of the Resource Management Amendment Act 1994) of subsection (1).

(2) Section 360 (1) of the principal Act is amended by inserting, after paragraph (he) (as inserted by section 26 of the Resource Management Amendment Act 1994), the following paragraphs:

“(hf) Prohibiting or permitting a discharge to which section 15B applies, or controlling a discharge to which that section applies, by prescribing conditions, limitations, or by other means, including describing the discharge by referring to the circumstances, quantities, components, or sources of the discharge:

“(hg) Prohibiting or permitting with or without conditions the making of a rule or the granting of a resource consent for a discharge to which section 15B applies, including describing the discharge by referring to the circumstances, quantities, components, or sources of the discharge.”

(3) Section 360 of the principal Act is amended by adding the following subsections:

“(2c) The Minister may, by notice in the *Gazette*, amend any schedule of regulations made under section 360 (1) (hb), (hc), or (hd) by omitting or inserting the names or a description of waste or other matter or harmful substance to make that schedule comply with the provisions of an international Convention relating to the pollution of the marine environment.

“(2d) Regulations made under subsection (1) (hf) and (hg) may apply—

“(a) Generally within New Zealand or to those areas of New Zealand specified in the regulations:

“(b) Generally to rules or resource consents or to rules or resource consents made by regional councils specified in the regulations.”

## EXPLANATORY NOTE

The purposes of this Supplementary Order Paper are—

1. To enable New Zealand's international obligations under MARPOL (International Convention for the Prevention of Pollution from Ships) to be implemented; and
2. To enable regional councils to control those discharges that are not affected by New Zealand's international obligations under MARPOL; and
3. To enable the lists of wastes or other matter under the London Convention (Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter) and the lists of harmful substances under the MARPOL Convention to be maintained in accordance with those Conventions.

*Clause 4B* substitutes a new *section 15B* in the principal Act and *clause 58A* repeals paragraph (hd) in section 360 (1) of the principal Act, and inserts new *paragraphs (hf) and (hg)*. These new provisions allow regulations to be made applying to certain discharges and allow regulations to be made permitting, restricting, or prohibiting the making of rules or the granting of resource consents in relation to certain discharges. Regulations applying to certain discharges may either prohibit those discharges or permit those discharges with or without conditions. Where regulations do not apply to the discharges provided for in *section 15B*, or where regulations allow rules to be made or resource consents granted in certain circumstances, regional councils may control those discharges by including rules applying to those discharges in plans, or granting resource consents for those discharges. Discharges with minor environmental effects are permitted unless regulations, rules, or a resource consent apply to those discharges.

*Clause 58A* inserts new *section 360 (2A) and (2B)* into the principal Act. *Subsection (2c)* will enable New Zealand's international obligations to be implemented in full by allowing schedules in regulations containing lists of wastes or other matter (the London Convention) or harmful substances (MARPOL) to be amended by the Minister by notice in the *Gazette*. The amendments must be for the purpose of making the schedules comply with the provisions of any international convention relating to the pollution of the marine environment.

*Subsection (2D)* also allows regulations to be made that apply only to certain parts of New Zealand or that apply only to certain regional councils.