

# Report of the Tenth Conference of the Parties to the Noumea Convention

2 September 2010  
Madang, Papua New Guinea



**Secretariat of the Pacific Regional Environment Programme (SPREP)**

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# Report of the Tenth Conference of the Parties to the Noumea Convention

2 September 2010  
Madang, Papua New Guinea



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## Opening and Introduction

1. The Noumea Convention was negotiated under the framework of UNEP's Regional Seas Programme and adopted in 1986. The Convention and its two related Protocols (Protocol for the Prevention of Pollution of the South Pacific Region by Dumping; Protocol concerning Co-operation in Combating Pollution Emergencies in the South Pacific Region) entered into force on 22 August 1990.

2. The Convention provides a comprehensive umbrella agreement for the protection, management and development of the marine and coastal environment of the Pacific islands region, and addresses pollution from all sources and the need for environmental impact assessments.

3. Contracting Parties to the Noumea Convention met for their 10<sup>th</sup> Ordinary Meeting on 2 September 2010 in Madang, Papua New Guinea. The 12 Parties to the Convention are Australia, Cook Islands, Federated States of Micronesia (FSM), Fiji, France, Republic of the Marshall Islands (RMI), Nauru, New Zealand, Papua New Guinea (PNG), Samoa, Solomon Islands and United States of America (USA). All Parties except RMI, Nauru and New Zealand were represented.

A list of participants is contained in Annex I.

4. The Meeting commenced with a prayer by Mr Vaitoti Tupa, of the Cook Islands and the current Chair of the Convention.

5. Parties agreed that the meeting would be open to members of the media and other observers but that discussions on matters of substance would be limited to Party representatives.

6. The Director of SPREP, Mr David Sheppard, welcomed representatives to the Meeting, noting that they had last met in Pohnpei, FSM in September 2008 and that the key issue to follow up from that meeting was the issue of amendments to the Noumea Convention. In particular, he stressed the importance of speeding up the ratification process via a proposed "tacit approval" procedure.

7. He outlined the funding situation of the Convention and thanked the Government of the United States for providing funds for implementing activities under the Convention and acknowledged the further financial commitment of the USA over the next biennium.

8. The Director highlighted the need for more effective planning and management of the coastal zone, which is critical for Pacific island people. He added that work with the two Protocols under the Convention (relating to Sea Dumping and Oil Pollution) had been strengthened through partnership with the International Maritime Organization (IMO).

The Director's address is contained in Annex II.

## Agenda Item 2: Organisation of the Meeting

9. In accordance with the Rules of Procedure of the Noumea Convention, a Chair and Vice-Chair were elected from the representatives by a simple majority vote.

10. Mr Andrew Yatilman from FSM was elected Chairperson and Mr Vagi Rei of PNG was elected Vice-Chairperson.

11. The outgoing Chair thanked the representatives and the Secretariat, noting that good work had been commenced at the last meeting and invited Mr Yatilman to take the Chair.

### **Agenda Item 3: Adoption of Agenda**

12. The proposed agenda was adopted and is contained in Annex III.

### **Agenda Item 4: Report of the Secretariat**

13. In accordance with Rule 12(vi) of the Rules of Procedure of the Noumea Convention, the Secretariat presented its report on work performed in relation to the Noumea Convention and Protocols during the period July 2008 to June 2010. The Report is contained in Working Paper 4.1.

14. The Secretariat clarified that the reference to a waste reception facility refers to the MARPOL Convention which talks about the establishment of a regional waste reception facility accredited by MARPOL. For Small Island States, the region is requesting that treatment facilities located in PNG, Fiji, Guam, New Caledonia and French Polynesia be accredited as regional centres for the purpose of the Convention. Amendments to the MARPOL Convention have been made to institutionalize this regional arrangement. Discussions on this are ongoing and a consolidated amendment is being developed.

### **Agenda Item 5: Country Reports on the implementation of obligations under the Convention**

15. The Secretariat urged Parties to provide their reports to fulfill their obligations under the Convention.

16. The representative of Australia tabled their report in accordance with the obligations and highlighted the key priorities for Australia under the Noumea Convention, which were in addressing the threats to marine biodiversity from marine pollution and land-based impacts, addressing the major challenges highlighted by the National

Programme of Action for the Protection of the Marine Environment from Land-based Activities and protecting the Great Barrier Reef in Queensland from land-based pollution. To address these priorities, Australia has implemented a number of programmes, which include the continuation of the Coastal Catchments Initiative, which aims to reduce pollution discharges from key coastal and urban water quality hotspots and the launching of a Reef Rescue Plan in July 2008, which is aimed at addressing diffuse pollution from broad-scale land use.

17. The representative of the Cook Islands advised that Cook Islands had submitted its report earlier in the day. He raised the issue of management of asbestos in the region, noting that he has consistently raised this issue for the past 15 years. Cook Islands is seeking assistance to remove remaining stocks of asbestos from their islands.

18. The representative of Fiji advised that the Fiji Government is in the process of passing its Marine Pollution Bill. There is also an ongoing compliance campaign and enforcement of the Environmental Management Act. Fiji will also be reviewing its Environmental Management Act 2005. Marine Protected Areas and Integrated Coastal Management programmes are ongoing activities. Community participation is seen as integral to Fiji's pollution prevention activities. A written report will be submitted to the Secretariat.

19. The representative of France advised that a written report would be submitted shortly and highlighted his country's activities relating to protection of the marine environment in France including the European Water Framework Directive, the European Marine Strategy Framework Directive, the French Grenelle de l'Environment and the French Grenelle de la

mer. He offered to share a “Blue Paper” (Grenelle de la mer report) on this with the Secretariat. The representative also noted that France is currently co-chair with Samoa of the International Coral Reef Initiative (ICRI).

20. The representative of Papua New Guinea advised that raw and treated sewage from coastal areas, marine litter and physical disruptions of near shore activities through dredging were key concerns for his country. A number of marine-related acts are currently under review and a review is also underway for a draft Marine Pollution Bill.

21. The representative of Samoa noted from the information paper that submissions as per Article 19 had not been met by all Parties and raised the question as to why this had been the case. Perhaps countries need assistance in making those submissions. He suggested that in the future the Secretariat might send reminder notifications earlier than the current 3 month timeline. He outlined several activities conducted by Samoa under the Convention. The Samoa National Waste Management Act had come into force on 1 July 2010. The Shipping Act has also been promulgated. National workshops had also been conducted with the support of partners and donors to build capacity for Samoa to meet its obligations. In the area of Environmental Impact Assessments (EIA), Samoa had been challenged in terms of having access to a pool of national experts who could provide services in a short period. Samoa now has five established local companies who can provide this service. A Pacific workshop will be held in November 2010 in partnership with France as part of ICRI.

22. The representative of the Solomon Islands highlighted the risks of oil loss from sunken World War II vessels; pollution risks

from mining and the impacts of coastal erosion, dredging and gravel extraction on the coastal environment. Protected areas legislation has been endorsed in 2010 and Solomon Islands is also involved in the Coral Triangle Initiative, which works towards protection of marine resources. Dolphin and dugong surveys are currently being conducted. New EIA guidelines have been developed. EIA activities are currently mainly associated with logging.

23. The representative of the USA advised that reducing direct marine pollution, land based sources of pollution and protecting biodiversity were key priorities. A written report was not currently available.

24. The representative of Vanuatu (Observer) advised the country has relevant existing legislation – the Environment and Conservation Act 2002. Regulations controlling pollution from development are being prepared. The Environment Management and Conservation Act is also being amended to increase penalties and to introduce the Green Fee concept that is applied in Palau.

25. The Chair, on behalf of FSM, advised that FSM’s priorities remain the same as in 2008. FSM will provide further information in writing.

26. The Secretariat advised that written reports given to the Secretariat before the end of the week would be included in the meeting proceedings which are to be presented to the 21 SPREP Meeting. In response to the comment by Samoa, the Secretariat also undertook to provide reminders earlier than the current 3 month deadline.

The Country Reports are contained in Annex IV.

## **Agenda Item 6: Items Requested at Previous Meetings**

27. The Secretariat advised that it had drafted proposed amendments to the Noumea Convention and that there was a difference of opinion amongst Parties as to whether this should go ahead. Australia and New Zealand had expressed written reservations regarding proceeding with these amendments.

28. The amendments are of two types: (1) updating the Convention terminology; and (2) amending the Convention to help speed up the ratification processes outlined in Article 24 bis.

29. The representative of Samoa noted that this was not a new issue. It had been raised at earlier meetings and significant work had been done with the aim of benefiting the implementation of the Convention. He stated that the updating of terminology should be considered as these were significant. The representative also suggested that, in the future, consideration might be given to timing significant amendments so they didn't coincide with national elections.

30. The representative of the Cook Islands requested further clarification on the positions of New Zealand and Australia.

31. The representative of France advised that the proposed amendments pose the same difficulties to France as raised by Australia and NZ. Under France's constitution, amendments of this nature require that the Parliament be consulted. Therefore any adoption of this amendment would be in direct contravention of the constitution. He suggested that the only solution to the problem is that there needs to be deliberate approach by each and every country to accelerate ratification procedures.

This may be the only way to keep a powerful and robust convention.

32. The representative of USA advised that amending a treaty is a very involved process and that he was not in a position to agree to any amendment on this Convention. He advised that the USA is not comfortable with the "tacit agreement" process. On Article 5, he advised that the USA does not recognise the Precautionary Principle and that the Polluter Pays concept was a domestic issue.

33. The representative of Papua New Guinea proposed that the Secretariat consider conducting additional island meetings to assist in clarifying the proposed amendments.

34. The representative of Australia advised that Australia is currently operating under caretaker conditions and that Australia is unable to make any significant decisions at this time. Australia is not supportive of the tacit agreement process as this would involve a lengthy whole of Government process that Australia would need to undertake to opt out of an amendment. Australia also recognises potential issues with the proposed inclusion of the term precautionary principle as use of the term must be consistent with international formulations of the precautionary principle under Principle 15 of the Rio Declaration on Environment and Development, complete with its necessary caveats. Based on the points raised, the representative indicated that Australia was not supportive of the proposed amendments at this time.

35. The representative of the Cook Islands suggested that amendments be made to the proposal itself and that the Secretariat be requested to take this forward.



36. Fiji seconded this proposal noting that he too was unable to make any decisions on this issue without further consultation with his government.

37. The Parties acknowledged that there was no consensus on this matter and asked the Secretariat to provide a written summary of the discussions so as to allow members to consult with appropriate government agencies before addressing this further.

#### **Agenda Item 7: Financial Statements for 2008 and 2009**

38. The Secretariat tabled the audited Financial Statements for the Noumea Convention for the 2008 and 2009 financial years.

39. The representative of the Secretariat also referred the Meeting to two information papers which provided further information on the work done by the Secretariat with the funds made available from the USA.

40. The representative of Samoa thanked the Secretariat for the very clear documentation provided. He extended his appreciation to those who have contributed funds to the Convention and noted that only NZ was shown as a contributor. He suggested that the amounts provided voluntarily by the Parties are not sufficient to cover the needs of the Convention and that other donors should be identified and approached.

41. The Secretariat noted that it was seeking to make stronger links to the IMO and to coastal and marine aspects of the Convention in order to bring in additional funding to carry out work under the Convention. The representative also thanked the USA for its donation to the work of the Convention thus far.

42. The Parties:

- **adopted** the audited Financial Statements for 2008 and 2009.

#### **Agenda Item 8: Consideration and Adoption of the Core Budget and Discussion of Operational Budget**

43. The Secretariat presented the core budget for consideration and adoption.

44. The representative of Samoa queried the timing of invoices for payment of member contributions and questioned the adequacy of the member contributions to address the issues under the convention.

45. The Secretariat tabled a list of high priority activities it had identified for action over the next two years in relation to PACPOL. It requested Parties to indicate the key national and regional priorities for next two years to assist the Secretariat with developing proposals for funding.

46. Replying to a question from Fiji, the Secretariat clarified that "marine noise" refers to information gathering on noise from ships and its impacts on cetaceans.

47. The representatives of the Cook Islands and Solomon Islands registered as priority the issues of disposal of bulky materials.

48. NATPLAN was also nominated as a priority for the Solomon Islands.

49. Sea bed mining was again highlighted as a priority for Cook Islands.

50. Fiji and Vanuatu noted EIA as a priority and highlighted the need for sharing experiences at the regional level.

51. Samoa also indicated interest in addressing small vessel oil spills.

52. In response to a question from Samoa the Secretariat confirmed that the listed priorities were the results of country consultations during the PACPOL review.

53. The Secretariat advised that it would welcome further instruction on prioritizing the activities outlined in Annex 2 of Information Paper 3 by 24 September 2010.

54. **The Parties:**

- **approved** the core budget and contributions for the biennium 2011-2012;
- **committed** to urgently clearing outstanding contributions;
- **decided** that the Secretariat should take up the activities as proposed by the Secretariat in Paragraph 8 of Working Paper 8; and
- **indicated** priorities based on the high priority list and instructed the Secretariat to seek further funding for specific national activities.

The approved Budget is contained in Annex V.

**Agenda Item 9: Other Matters**

55. The representative of the Cook Islands advised that his country would be seeking assistance in the long term with EIAs for sea bed mining projects. He asked the Secretariat to assist the Cooks Islands to ensure that whatever decision is made by the government on this issue will ensure the protection of the environment of the Cook Islands and also other areas within the Pacific region.

56. The Secretariat noted that the issue of sea bed mining is also relevant to other countries (PNG, Tonga) and directed Parties to its proposal to pursue activities relating to this issue.

**Agenda Item 10: Date and Venue of Next Meeting**

57. The Secretariat advised that the SPREP meeting would determine the dates of the next meeting. The normal procedure is to hold the COP a week prior to the SPREP meeting.

**Agenda Item 11: Adoption of Record**

58. The Parties adopted the Record of the Meeting.

**Agenda Item 12: Closure of the Meeting**

59. The SPREP Director thanked the Parties and stressed the Secretariat's commitment to implementing the Convention.

60. The Chair thanked the Secretariat for its support to the Meeting and declared the Meeting closed.

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## ANNEX I: LIST OF PARTICIPANTS

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**W: Waigani COP Mtg**  
**O: Officials Meeting**  
**HLS: High Level Segment**

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## ANNEX II: OPENING ADDRESS BY THE SPREP DIRECTOR, MR DAVID SHEPPARD

Chair of the Noumea Convention  
Distinguished Representatives of  
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Distinguished Observers

Ladies and Gentlemen,

Welcome to this 10<sup>th</sup> meeting of the Parties  
to the Noumea Convention.

We last met in Pohnpei, FSM in September  
2008.

There was one substantive follow up item  
from this meeting: the issue of amendments  
to the Noumea Convention.

These amendments have been undertaken  
and are before you for your consideration.  
Many of the amendments merely update  
terms which are no longer current.

The most important amendment however  
relates to speeding up the ratification  
process. Currently it takes many years for  
the ratification process to run its course and  
implementation cannot take place until that  
process has been completed. The proposed  
“tacit approval” procedure is designed to  
fast track ratification, allowing  
implementation to happen within a matter  
of months.

Since the last meeting we were fortunate to  
receive funds from the United States  
towards implementation of activities under  
the Noumea convention.

The Secretariat used these funds to  
organize a workshop in Papua New Guinea  
in 2009 on “National EIA Training with a  
Focus on Addressing Mining Impacts on the  
Health of Coastal Ecosystems & Human

Settlements”. The results of that workshop  
will be made available to the Parties.

We are thankful the United States has  
agreed to continue with the same level of  
funding over the next biennium and  
acknowledge this support with  
appreciation.

There is also a small amount of money  
inherited from the Apia Convention. The  
Secretariat has proposed several activities  
towards which these funds may be used  
and these will be discussed at this meeting.  
The Parties are free to decide on these or to  
suggest other activities.

More effective planning and management  
of the coastal zone is critical for Pacific  
Island people – this is where the majority of  
our people live and the coast is  
fundamental to their livelihoods.

We have seen the vulnerability of Pacific  
Islands through the impacts of a number of  
extreme weather events and natural  
disasters, including the 2009 Tsunami that  
severely impacted Samoa, American Samoa  
and Tonga on 29 September 2009, with  
tragic loss of life and destruction of  
property.

More effective planning for the coastal zone  
is essential, including for adaptation to  
climate change. There are many activities  
that can be conducted by SPREP in our  
coastal areas but funding is currently a  
major constraint. We urge donors and  
partners to support SPREP’s work in support  
of coastal zone management.

Work on the two Protocols under the  
Noumea Convention – relating to Dumping  
and Oil Pollution - has been strengthened

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through partnership with the International Maritime Organisation – a MOU was signed between SPREP and the IMO in July of this year.

The work of the SPREP Marine Pollution Adviser is funded through IMO and this has enabled SPREP to increase its support to Pacific Countries on marine pollution. We see some scope for strengthening our work with IMO – in fact we would like to see the IMO work more explicitly linked to the two Protocols and for the Parties to the Noumea Convention to be more engaged in this work.

The importance of this work is underlined by the example of the recent Deepwater Oil Spill. While this did not happen in our backyard, the reality is that it can happen in our region and we should be prepared.

Three Information Papers have been prepared for your consideration, two of which address topics of current interest and the third suggests activities for the next biennium, for your consideration.

So far no Party has ratified the 3 instruments that were adopted in 2006 to replace the two current Protocols. I would urge Parties to seriously consider ratifying these instruments and in that regard to consider the “tacit approval” process mentioned earlier. We feel this would streamline and improve the current process.

I wish you all every success in your meeting.

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## **ANNEX III: AGENDA**

- Agenda Item 1:** Opening of the Meeting
- Agenda Item 2:** Organisation of the Meeting  
Rules of Procedure  
Election of Officers  
Organisation of Work
- Agenda Item 3:** Adoption of the agenda
- Agenda Item 4:** Report of the Secretariat  
**4.1** Report
- Agenda Item 5:** Country Reports on the implementation of obligations under the Convention
- Agenda Item 6:** Items requested from previous Meetings  
**6.1** Draft Amendments to the Noumea Convention text
- Agenda Item 7:** Financial statements 2008 and 2009  
**7.1** Director's statement  
**7.2** Auditor's report 2008  
**7.3** Income & Expenditure 2008  
**7.4** Auditor's report 2009  
**7.5** Income & Expenditure 2009  
**7.6** Operational Expenditure
- Agenda Item 8:** Consideration and adoption of the Core Budget and Discussion of Operational Budget  
**8.1** Core Budget  
**8.2** Status of Contributions
- Agenda Item 9:** Other business
- Agenda Item 10:** Date and venue of the next Meeting
- Agenda Item 11:** Adoption of the Meeting Record
- Agenda Item 12:** Closure of the Meeting

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## ANNEX IV: COUNTRY REPORTS

### BY AUSTRALIA

The main issues and priorities concerning marine pollution in Australia are set out in the report *A National Approach to Addressing Marine Biodiversity Decline*. This report was released by Federal, State and Territory Environment Ministers (through the Natural Resource Management Ministerial Council) in April 2008.

The aim of the report was to identify the threats and causes of marine biodiversity decline and to identify high-level gaps in information. The report identified the five most significant, broad-scale threats to marine biodiversity which included marine pollution as well as land-based impacts (e.g. diffuse pollution from urban and agricultural areas, point source emissions and solid wastes).

Australian waters may be affected in parts by marine pollutants such as sewage, marine debris, pesticides, nutrients (e.g. agricultural fertilizers and nutrients from finfish farming), residues in industrial wastewater, antifoulants, antibiotics, metals, radioactive waste and thermal pollution. The activities that cause marine pollution generally include shipping, boating (e.g. vessel maintenance activities and littering), oil and gas exploration, mineral resource extraction, stormwater run-off and poor land management practices.

Land-based sources of marine pollution impact on in shore waters, with the water quality in Australian bays and estuaries varying considerably. Particular problem areas are those near large coastal population centres and those receiving waters from highly modified agricultural catchments. In these areas, the ongoing

effects from existing activities and additional impacts from new development place greater pressure on marine ecosystems and on the economic and social services they support.

For further information see:

*A National Approach to Addressing Marine Biodiversity Decline*

(<http://environment.gov.au/coasts/publications/marine-diversity-decline/pdt>)

*Australia's National Programme of Action for the Protection of the Marine Environment from Land-based Activities*

(<http://www.environment.gov.au/coasts/pollution/npa/index.html>)

The Australian Maritime Safety Authority also has responsibilities that include (a) participating in the development and implementation of national and international environment protection standards, primarily through active participation in activities of the International Maritime Organization (IMO) and (b) managing Australia's National Plan to Combat Pollution of the Sea by Oil and Other Noxious and Hazardous Substances.

The issues and priorities are:

- Implementation of amendments to Annex VI of MARPOL dealing with air pollution from ships and amendments to Annex I of MARPOL prohibiting the carriage of heavy fuel oil in Antarctic waters;
- Ratification of the International Convention for the Control and Management of Ships' Ballast Water and Sediments;

- Seeking formal recognition within the MARPOL Convention of regional arrangements for the provision of facilities to receive waste from shipping, such as the arrangements currently in place within the SPREP region;
- Supporting moves at IMO to review and assess the effectiveness of Annex V of MARPOL dealing with the disposal of garbage from ships;
- Consider Australian adoption of the International Convention on liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea, 1996, and assist progress towards international entry into force;
- Progress IM O consideration of several current or proposed work program items;
  1. Development of international measures for minimising the transfer of invasive aquatics species through bio-fouling of ships
  2. Issues relating to noise in the marine environment
  3. Measures to reduce greenhouse gas emissions from ships
  4. Action Plan on waste reception facilities

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

Australia has been working to implement this Convention through a range of mechanisms. Australia's work on a number of key areas is set out below. For further detail about other measures Australia has implemented, see answers to question 4.

**Coastal zone management framework**

As noted above in 2006 Australia's Natural Resource Management Ministerial Council (NRMMC) published the *National Cooperative Approach to Integrated Coastal Zone Management: Framework and implementation plan*. The framework provides a basis for cooperation by federal state and territory governments and identifies land and marine-based sources of pollution and introduced pest plants and animals as two of the five key issues for national collaboration. In April 2010, NRMMC17 endorsed the 2008-09 progress report on the implementation of the ICZM Framework and noted the achievements against the framework, as well as the challenges in its implementation. Council agreed to commence mobilising resources to priorities aimed at mitigating against the impact of climate change on natural resources in the coastal zone.

In 2008 the Australian Government referred the issue of *Climate change and environmental impacts on coastal communities* to a parliamentary standing committee (House of Representatives Standing Committee on Climate Change Water, Environment and the Arts). This inquiry reported on issues related to climate change and environmental pressures experienced by Australian coastal areas, including coastal pollution, and existing policies and programs for coastal zone management, taking into account the catchment-coast-ocean continuum. In October 2009, the Committee presented its report *Managing our coastal zone in a changing climate: the time to act is now*. The Australian Government response to the House of Representative Coasts Inquiry will not be released until after the federal election in 2010.

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A copy of the report is available at: <http://www.aph.gov.au/house/committee/ccwea/coastalzone/report/Final%20Report.pdf>

### **Coastal water quality and wetlands conservation**

Federal, state, territory and local governments in Australia have identified coastal and urban water quality 'hotspots'. Water quality hotspots include places like the Peel Inlet-Harvey Estuary System, Moreton Bay and Port Phillip Bay, where management action is needed to protect or improve water quality.

A particular priority for the Australian Government is to protect the Great Barrier Reef from pollution due to land-based activities in Queensland. An important aspect of this work is protecting Queensland's coastal wetlands, which filter the water entering the Great Barrier Reef lagoon.

### **Caring for our Country - investment in Ramsar wetlands, non-Ramsar high conservation value aquatic ecosystems (HCVAE) and Coastcare**

The Australian Government is investing \$2 billion in Caring for our Country, which aims to achieve an environment which is healthy, better protected, well managed, resilient and provides essential ecosystem services in a changing climate.

Through Caring for our Country, the Australian Government has a commitment to deliver actions (such as protection and rehabilitation activities) that sustain the environmental values of priority sites in the Ramsar estate, particularly sites in northern and remote Australia; and priority coastal and inland high conservation value aquatic ecosystems. Through Coastcare it will also engage the community to better protect

Australia's precious coastal environment and improve coastal hotspots.

For further information see <http://www.nrm.gov.au/about/caring/index.html>

### **The National Water Quality, Management Strategy (NWQMS)**

The National Water Quality Management Strategy (NWQMS) was introduced by the Commonwealth, State and Territory Governments in 1992 as a response to growing community concern about the condition of the nation's water bodies and the need to manage them in an environmentally sustainable way (for further details visit [www.daff.gov.au/nwqms](http://www.daff.gov.au/nwqms)). In 1994 the NWQMS was included in the Council of Australian Governments (COAG) Water Reform Framework.

The Australia and New Zealand Guidelines for Fresh and Marine Water Quality were developed as part of the Strategy to cover issues across the whole of the water cycle—ambient and drinking water quality, monitoring, groundwater, rural land uses and water quality, stormwater, sewerage systems and effluent management for specific industries. The aim of the guidelines is to help the community, catchment managers, environment protection agencies and water authorities protect water quality including developing local action plans for water quality management. A total of 21 guideline documents have been released.

Through the application of the NWQMS the Australian Government is working in collaboration with States and Territories to develop water quality improvement plans (Coastal Catchments Initiative) to reduce pollution being released in to coastal hotspots across the country. The plans,



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prepared consistent with the *Framework for Marine and Estuarine Water Quality Protection*, will amongst other matters identify the most cost-effective and timely projects for investment by all parties - including the Australian Government, State and Local Governments, and community and environment groups.

### **Marine Debris**

In June 2009, the Australian Government made the Threat Abatement Plan for the Impacts of Marine Debris on Vertebrate Marine Life (the Plan) under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). Threat abatement plans focus on strategic approaches to reduce the impacts of key threatening processes that jeopardize the long-term survival of native species and ecological communities. This Plan provides a framework for the abatement of injury and fatality to marine species caused by harmful marine debris.

The Plan was developed in response to the Natural Resource Management (NRM) Ministerial Council's *A National Approach to Addressing Marine Biodiversity Decline*, which recognizes marine pollution as a significant threat to the health of listed species. The Australian Government is working in close cooperation with state and territory governments to implement the Plan. A five year review on progress under the Plan is scheduled to take place in 2015. A copy of the Plan is available at: <http://www.environment.gov.au/biodiversity/threatened/publications/tap/marine-debris.html>

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

The *Protection of the Sea (Civil Liability for Bunker Oil Pollution Damage) Act 2008* was proclaimed to give effect to the International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001. The *Protection of the Sea (Oil Pollution Compensation Fund) Act 1993* was amended to give effect to the 2003 Protocol to the *International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage 1992*. A number of amendments to the *Protection of the Sea (Prevention of Pollution from Ships) Act 1983* have either recently been passed or are currently before Parliament. This Act gives effect to the International Convention for the Prevention of Pollution from Ships (MARPOL), and the amendments included giving effect to Annex VI of MARPOL relating to air pollution from ships and other updates to the Convention. The Australian Maritime Safety Authority is responsible for this legislation.

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

#### **a. Vessels (article. 6)**

The number of pollution incidents in Australian waters reported to AMSA during the 2008/2009 financial year was 140. (Note that statistics for the 2009/2010 financial year are still being collated). This includes all incidents, confirmed and unconfirmed, regardless of the amount reported spilled. There is no data available on the volume spilled, as very few reports include such information. Measures taken to prevent and reduce such pollution are primarily

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based on active administration and enforcement of International Maritime Organisation conventions, such as the International Convention for the Prevention of Pollution from Ships (MARPOL) through mechanism such as port State control. Controlling action in responding to pollution incidents is undertaken under the National Plan to Combat Pollution of the Sea by Oil and Other Noxious and Hazardous Substances ("the National Plan"). Of the 140 reports received during the period, 78 required some form of follow up activity under the National Plan arrangements.

**b. Land based sources (article. 7)**

Australia is implementing a *Reef Water Quality Protection Plan* (Reef Plan) to halt and reverse the decline in water quality entering the Great Barrier Reef lagoon within ten years. The Reef Plan is a joint initiative of the Australian and Queensland Governments, launched by the Australian Prime Minister and Queensland Premier in December 2003. The Reef Plan is aimed at addressing diffuse pollution from broadscale land use. The strategies in the Reef Plan provide for actions to minimise pollutants (nutrients, chemicals and sediment) from diffuse sources and reduce the entry of those pollutants to the Reef lagoon. Control of point source pollutants, such as aquaculture and sewage effluents, is already governed by regulation.

An updated Reef Plan was endorsed by both governments in September 2009. This plan targets priority outcomes, integrates industry and community initiatives and incorporates new policy and regulatory frameworks. Reef Plan is now underpinned by clear and measurable water quality targets, improved accountability and more comprehensive and coordinated monitoring and evaluation.

The updated Reef Plan is more strategic and adaptive than its predecessor with a more focused set of priority areas for action. Two independent reviews of Reef Plan are scheduled, one in the second half of 2010 and another in 2013, to ensure adequate progress is being made in implementing actions and achieving to plans goals and objectives,

The original Reef Plan was developed in consultation with industry and the public and implemented by government agencies, peak industry bodies and regional NRM groups. Implementation of the updated Reef Plan is informed and facilitated by an independent Science Panel and a Partnership Committee, which is primarily made up of key stakeholders and government officials,

Initially implemented over a ten year period, the Reef Plan acknowledges that the results of actions will be seen over a much longer period, with improvement in water quality continuing to be measured and further actions taken past this time frame.

**Australian Government investment in Reef Plan**

In July 2008 the Australian Government launched the new Reef Rescue initiative. The \$200 million, 5 year Caring for our Country Reef Rescue initiative is the Australian Government's principal program that contributes to the achievement of Reef Plan objectives. The Reef Rescue program will improve the quality of water entering the Reef lagoon by reducing diffuse source agricultural pollution. Improved water quality will increase the resilience of the Reef to climate change. Reef Rescue builds on the knowledge, achievements and partnerships generated by Reef Plan.

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The specific objectives of Reef Rescue are to:

- reduce the discharge of nutrients and chemicals from agricultural lands to the Great Barrier Reef lagoon by 25% by 2013; and from agricultural
- reduce the discharge of sediment and particulate nutrients from agricultural lands to the Reef lagoon by 10% by 2013.

Reef Rescue seeks to achieve these outcomes through a voluntary incentives-based approach that assists farmers to implement improved land management practices that reduce nutrient, sediment and chemical loads leaving their properties.

The Reef Rescue is comprised of five integrated components that contribute to Reef Plan objectives. These are Water Quality Grants, Reef Partnerships, Reef Water Quality Research and Development, Water Quality Monitoring and Reporting and Land and Sea Country Indigenous Partnerships.

### **Water Quality Grants and Reef Partnerships**

Investment priorities have been developed through the best available reef science, including targeting areas that pose a significant and immediate threat to the reef lagoon in terms of water quality. The demonstration of strong partnerships is an important aspect of Reef Rescue and the partnership between industry peak bodies and regional bodies in the delivery of natural resource management activities is the first of its kind in Australia. This unique partnership allows the different partners to bring their expertise, knowledge and experience together to achieve the best possible outcomes for the Great Barrier Reef.

### **Reef Water Quality Research and Development**

Funded research will help inform the future delivery of Reef Rescue incentives to ensure investment is directed towards the most effective and efficient natural resource management activities.

### **Water Quality Monitoring and Reporting**

The Australian and Queensland governments are working together under the Paddock to Reef Integrated Monitoring, Modelling and Reporting program to report on progress towards the achievement of Reef Plan (including Reef Rescue) outcomes.

Further information on Reef Rescue is available at <http://www.nrm.gov.au/funding/2008/reef-rescue.html>

### **c. Mining and coastal erosion, ie, dredging, land reclamation (article. 13)**

Management of Australia's coastal areas is a responsibility of both the States and the Commonwealth. The Commonwealth has in place a range of programs and policies designed to minimise the environmental impact of, amongst other things, land based sources of marine pollution. Examples include:

- The *Coastal Catchments Initiative*, which aims to reduce pollution discharges from key coastal and urban water quality hotspots; and
- The regional program of the Natural Heritage Trust, which supported the development and implementation of integrated natural resource management (NRM) plans. NRM plans were required to address a range of resource management issues, including preventing the disturbance of coastal acid sulfates oils and the

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protection of coastal ecosystems. The National Heritage Trust has now been integrated in to Australia's new natural resource management initiative, Caring for our Country. This initiative focuses on achieving strategic results and invests in six national priority areas, of which coastal environments and critical aquatic habitats is one.

The Australian Government has pursued a range of measures to improve the community's awareness of coastal acid sulfates oils, and to develop and demonstrate effective management strategies such as the development of the National Atlas of Australian Acid Sulfate Soil. This has principally been through (a) supporting the development of the National Strategy for the Management of Coastal Acid Sulfate Soils and (b) ensuring coastal acid sulfates oil management is addressed in Natural Heritage Trust regional natural resource management planning and investment strategies.

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

The Department of Resources, Energy and Tourism administers all aspects of petroleum exploration and production activities in Commonwealth waters through the *Offshore Petroleum Act 2006, and the Petroleum (Submerged Lands)(Management of Environment) Regulation 1999*. State and Northern Territory legislation applies similar arrangements to coastal and inland waters

From 1 October 2001, no petroleum exploration or production activity can take place in Commonwealth waters without an accepted Environment Plan under the Management of Environment Regulations. The development of an Environment Plan requires an operator to identify the potential environmental risks for an activity

and to demonstrate how those risks will be managed. Individual Plans differ depending on the activity, location and time of year in which it will take place. All Environment Plans must contain an up-to-date emergency response manual which includes an oil spill contingency plan, includes detailed response and investigative arrangements and incident recording and reporting protocols.

This objective-based regulatory regime (along with the requirements under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) serve to safeguard environmental interests in offshore areas, and ensure industry best practice. The 1999 Regulations were updated in 2005 to reflect this.

Industry activities may also be subject to the EPBC Act which deals with potential impacts on matters of national environmental significance. Commonwealth marine areas are determined as a matter of national environmental significance.

**e. Discharges into atmosphere (article. 9)**

*The Parties shall take all appropriate measures to prevent, reduce and control pollution in the Convention Area resulting, from discharges into the atmosphere, from activities under their jurisdiction.*

The Australian Government considers air pollution a serious environmental issue, principally in urban settings and is implementing an integrated air quality program with a focus on tackling the major sources of air pollution, including motor vehicles and industry as well as specific pollutants that pose threats to human health and the environment. While the potential impact of air pollution on the Convention Area from Australian sources is likely to be minimal, actions being taken in

Australia to reduce emissions of pollutants will help ensure there are no adverse consequences for the marine environment.

A key strategy for improving air quality is the development and implementation of national standards. In 1998 the *National Environment Protection Measure for Ambient Air Quality* was established to set acceptable levels for six common air pollutants: particles, ground-level ozone, carbon monoxide, lead, nitrogen dioxide and sulfur dioxide. Levels of these pollutants are much lower now than before the introduction of this measure. These standards are currently under review to ensure they remain consistent with latest scientific evidence.

In 2004 the *National Environment Protection (Air Toxics) Measure* was established to monitor pollutants that may be a hazardous at concentrations not readily detected at general ambient levels. There are currently 5 listed air toxics - benzene; formaldehyde; benzo(a)pyrene as a marker for Polycyclic Aromatic Hydrocarbons; toluene; and xylenes. Other pollutants are currently being considered for possible future inclusion as listed air toxics.

Overall, air pollution in our major cities is now at levels which meet national human health based standards for pollutants like carbon monoxide, nitrogen oxides, lead and sulfur dioxide. Other pollutants like ozone, particulates and certain point sources of air toxics remain of concern in some large cities and regional areas. A national State of the Air Report is being developed to allow better assessment of the status and trends in air quality. Any impacts to the marine environment from air pollutants are likely to be restricted to local settings dominated by commercial shipping (as discussed under article 6) and to a lesser extent from the emissions of small engines used in

recreation or pleasure crafts, particularly engines using two stroke fuels.

The Australian Government is working with industry and State and Territory governments to consider future management options, whether they be voluntary or regulatory, for reducing emissions from outboard engines. Any future controls would reduce impacts on the atmosphere and water quality, given that outboard engines can discharge exhaust emissions directly into the water.

With regard to emissions from shipping, Annex VI of the International Convention for the Prevention of Pollution from Ships entered into force for Australia on 10 November 2007. This Annex sets out regulations to reduce air emissions from ships and deals with sulphur oxides, nitrogen oxides, ozone depleting substances and emissions from shipboard incineration of waste.

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

Material	Permits issued this year	Number active permits (including those issued this year)	Volume/amount permitted this year	Actual volume/amount disposed
Dredge material	9	16	4,998,000 m <sup>3</sup>	7,201,312 m <sup>3</sup>
Vessels, platforms or manmade objects	1	1	1	0
Organic material of natural origin (human burials)	1	1	1	1
<b>Total</b>	<b>11</b>	<b>18</b>		

The Sea Dumping Act prohibits ocean disposal of radioactive waste, in accordance with the provisions of the London Protocol.

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

The Commonwealth and each state and territory have passed laws establishing a regulatory framework for the acquisition, use, storage, transfer and disposal of radioactive material (including radioactive waste).

These laws reflect internationally accepted recommendations and focus on protecting people and the environment from the harmful effects of radiation. Further information can be found at <http://www.arpana.go.avu/Regulation/index.cfm>

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

Australia does not test any nuclear devices, and has signed and ratified the Comprehensive Test Ban Treaty (CTBT). We firmly support the entry into force of the CTBT and establishment of a fully effective treaty reduction system.

**5. 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)**

The Sea Dumping Act prohibits ocean disposal of radioactive waste, in accordance with the provisions of the London Protocol.

**6. 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**

The *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), in its environmental impact assessment process, assesses the potential effects of proposed projects on the Commonwealth marine environment. The EPBC Act provides for extensive public consultation in deciding whether an action requires approval under the Act, and in undertaking the environmental assessment process. All proposals submitted for environmental impact assessment are made available on the internet for public viewing and comment.

The operation of the EPBC Act is delivering important benefits for the Australian community. The Act enables the Commonwealth to join with the States and Territories to provide a national scheme of environment protection and biodiversity conservation both on land and in marine areas. Under the Act, actions that are likely to have a significant impact on matters of national environmental significance (NES) are triggers for rigorous assessment and approval processes (an action includes a project, development, undertaking, activity, or series of activities and Commonwealth marine areas are considered matters of NES).

In addition to the environmental impact assessment and approval processes contained within the EPBC Act, the Act provides an integrated approach to the conservation of biodiversity. Once again the EPBC Act provides for public consultation in relation to such matters as the preparation of management plans for protected areas, recovery plans for threatened species, wildlife conservation plans and threat abatement plans for key threatening processes. The Act outlines statutory



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timeframes for these public comment periods.

The EPBC Act gives adequate emphasis to environmental, social and economic factors by requiring that, in deciding whether to grant approval for an action, the Environment Minister must consider any impacts on matters protected by the Act together with social and economic matters. In considering these matters, the Environment Minister is required to take into account the principles of ecologically sustainable development.

The EPBC Act also requires that each Commonwealth managed fishery and state export fishery undergoes an independent assessment to determine whether it is being managed in an ecologically sustainable way and to encourage continuous improvement in environmental performance. The Department of the Environment, Water, Heritage and the Arts is conducting these assessments on behalf of the Australian Government, to ensure that, over time, all fisheries are ecologically sustainably managed. These assessments are ongoing, with decisions reviewed every three to five years, or when management arrangements change, or as new export markets for fisheries are established.

The assessment is conducted against the *Guidelines for the Ecologically Sustainable Management of Fisheries* (the Guidelines), which outline specific principles and objectives designed to ensure a strategic and transparent way of evaluating the ecological sustainability of fishery management arrangements.

To date, the assessment process has been driving positive environmental change in our fisheries and has acted as a catalyst to shift fisheries management away from a target species only focus towards an ecosystem-based approach. Bycatch issues

and impacts on protected species and ecological communities are increasingly being addressed. The end results are real ecological benefits and increased certainty for the fishing industry.

Under the *Sea Dumping Act*, Australia implements the London Protocol. In accordance with the London Protocol, the only wastes that Australia will consider permitting for ocean disposal, following a rigorous assessment process, are:

1. dredged material;
2. sewage sludge;
3. fish waste, or material resulting from industrial fish processing operations;
4. vessels and platforms or other man-made structures at sea;
5. inert, inorganic geological material;
6. organic material of natural origin;
7. bulky items primarily comprising iron, steel, concrete and similarly unharmed materials for which the concern is physical impact, and limited to those circumstances where such wastes are generated at locations, such as small islands with isolated communities, having no practicable access to disposal options other than dumping; and
8. Carbon dioxide streams from carbon dioxide capture processes for sequestration

Applications for sea dumping of dredge spoil are assessed in accordance with the National Assessment Guidelines for Dredging ([www.environment.gov.au/coasts/pollution/dumping/guidelines](http://www.environment.gov.au/coasts/pollution/dumping/guidelines)). These guidelines were approved in March 2009 and guide dredging assessments under the EPBC Act and the Sea Dumping Act.

Where exploration and exploitation of the seabed is likely to have significant impact on the environment (*Article 8: Pollution from*

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*Sea-bed Activities*), these are referred and assessed under the *EPBC Act 1999*. Seismic exploration proposals are assessed in accordance with the EPBC Policy Statement: Interaction between offshore seismic exploration and whales ([www.environment.gov.au/epbc/publications/seismic](http://www.environment.gov.au/epbc/publications/seismic))

**7. 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 threat and effects of 'pollution incidents' (articles. 4, 17 and 18).**

Australia is an active participant in the Pacific Islands Regional Marine Spill Contingency Plan (PACPLAN), developed as part of the SPREP Pacific Ocean Pollution Prevention Programme (PACPOL). Australia also has bilateral arrangements for oil spill response with New Caledonia, Singapore, Papua New Guinea, New Zealand and Indonesia

Australia continues to facilitate scientific and technical capacity building in relation to the implementation of CITES obligations by Parties in the region, including in our role as CITES Oceania Regional Representative.

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

See answer to question 7. The number of pollution incidents in Australian waters reported to AMSA for the 2008/2009

financial year was 140, with 78 of these requiring some form of follow up or response activity under Australia's National Plan arrangements. Major oil spills during the period included the *Pacific Adventurer* (March 2009) and Montara wellhead platform (August - December 2009).

The National Plan is a national integrated Government and industry organisational framework enabling effective response to marine pollution incidents. The Australian Maritime Safety Authority (AMSA) manages the National Plan, working with State/Northern Territory (NT) Governments and the shipping, oil, exploration and chemical industries and emergency services to maximize Australia's marine pollution response capability.

The aim of the National Plan is to protect the community and the environment of Australia's marine and foreshore zones from the adverse effect of oil and other noxious or hazardous substances. It also aims to minimize those effects where protection is not possible.

The National Plan provides a national framework for responding promptly and efficiently to marine pollution incidents by designating competent national and local authorities, and maintaining:

- the National Marine Oil and Chemical Spill Contingency Plans;
- detailed state, local and industry contingency plans;
- an adequate level of strategically positioned response equipment;
- a comprehensive national training program, including conducting regular exercises.



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**9. What are the reporting requirements regarding 'pollution Incidents' of:**

- Government officials;
  - Masters of vessels flying your flag; and
  - Masters of all vessels and pilots of all aircraft in the vicinity of your coasts (article. 5).
- a) As a signatory to the International Convention for the Prevention of Pollution from Ships (MARPOL), Australia is required to provide an annual report to IMO, which includes information on significant pollution incidents. This obligation can be found in Article 11 of the Convention. In respect of domestic reporting obligations, the Inter-Government Agreement on the National Plan places an obligation on Australian States and the Northern Territory to report pollution incidents to AMSA.
- b) Under Australian legislation applying the regulations of MARPOL 73/78, masters of Australian vessels must comply with the reporting requirements set out in the Convention. Article 8 and Protocol 1 of MARPOL 73/78 contain comprehensive requirements for the nearest coastal state to be notified, without delay of incidents involving:
- a discharge or probable discharge of oil or chemicals resulting from damage to a ship;
  - a discharge or probable discharge of harmful substances in packaged form; and
  - a discharge during the operation of a ship of oil or noxious liquid substances in excess of the rate permitted under the Convention.

A report also must be made when an incident involves damage, failure or breakdown of a ship (15 metres in length or more) that:

- affects the safety of the ship, including but not limited to collision, grounding, fire, explosion, structural failure, flooding and cargo shifting; or
- results in the impairment of the safety of navigation, including but not limited to failure or breakdown of steering gear, propulsion plant, electrical generating system and essential shipborne navigational aids.

The master or other person having charge of any ship involved in an incident is required to make the report. If this cannot be done, then the owner/charterer/manager/operator of the ship, or their agent is responsible for making the report.

- c) The same obligations as set out in (b) above apply to all ships in Australian waters, regardless of flag. The obligations do not formally apply to aircraft, although it is understood reporting pollution incidents is part of standard operating procedure for commercial pilots.

## **BY COOK ISLANDS**

### **Introduction**

The Prevention of Marine Pollution Act 1998 is administered by the Ministry of Transport and provides for the prevention of marine pollution, the dumping and transportation of other waste in Cook Islands waters by vessels and to give effect to various international conventions on marine pollution and protection of marine environment.

The Act also adopts the following conventions which have the force of law in the Cook Islands:

- (a) Marpol 73/78
- (b) The London Dumping Convention

- (c) The SPREP Convention including;
- (i) Protocol for the prevention by pollution of the south Pacific region by Dumping 1986;
  - (ii) Protocol concerning Co-operation in Combating Pollution Emergencies in the South Pacific Region.
- (d) CLC 1992
- (e) FUND 92
- (f) International Convention relating to Intervention on the High seas in cases of oil pollution casualties 1973.

For the purpose of application, the Prevention of Marine Pollution Act 1998, interpret the following:

“sea” means all areas of the ocean, including those defined in the Territorial Sea and Exclusive Economic Zone Act 1977, administered by the Ministry of Marine Resources (Fisheries) and,

“Pollution Incident” means any occurrences that is associated with the operation of a vessel or platform and events involving probable discharge or escape into the sea or seabed of any pollutant or harmful substance and,

“Pollutant” includes oil, hazardous substance, garbage or sewage referred to in MARPOL 73/78 and any substance declared by the Secretary to be a pollutant, and includes any water or any substance contaminated by any such pollutant.

**Estimated volume / type of marine pollution per year from the following sources:**

a. Vessels (art. 6)	None
b. Land Based sources (art. 7)	None
c. Mining and coastal erosion, ie dredging, land reclamation (art.14)	None, however here was some suggestion for the silt from the harbor dredging project starting in October to be dumped into the ocean but that has changed and now will be disposed on shore on a swamp property.  Any guidelines for such disposal?
d. Sea-bed and sub-soil activities (art.8)	None
e. discharges into atmosphere (art.9)	None
f. dumping and disposal from vessels, aircraft, man-made structures of waste including radioactive waste or matter (art. 10)	None in the last 2 years however 300 tonnes asbestos disposed in a ships cargo hole November in 2007.  Permit issued in accordance to the provisions of the Prevention of Marine Pollution Act 1998 and the London Convention 1972.
g. the storage of toxic waste and hazardous waste, including radioactive waste or matter (art.12)	None
H. testing of nuclear devices (art. 12)	None

In terms of storage and disposal of radioactive waste, Section 14 of the Prevention of Marine Pollution Act 1998 is very clear that:

“No nuclear waste or other radioactive matter in whatsoever form or condition shall be stored or dumped by a vessel or platform into Cook Islands waters except as specified under Article IV of the Dumping Convention.”

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And supported by Section 15 (3) relating to Permits which provide:

“Not withstanding anything in this Act, no permit shall authorize the dumping of nuclear waste and other radioactive matter”.

As for penalty, under Section 14 (3), “any person who commits an offence under this section is liable on conviction to a fine not exceeding NZ\$1,000,000.

#### **Pollution Incident Reporting**

Section 7 and 8 of the Prevention of Marine Pollution Act 1998 states that “the owner, master, person in charge of operations, or the occupier of the place on land shall immediately and by the quickest available means report the occurrence to the secretary.”

#### **Protocols on Pollution Emergencies**

Cook Islands in support of the endorsement of PACPLAN as an agreed activity of the PACPOL Strategy and Work plan and legally mandated by Article 8 of the SPREP Convention Pollution Emergencies Protocol in 1998 signed in 2001 a Tri-Partite Memorandum of Understanding between the Government Ministries of Transport, Environment Service and Foreign Affairs and Immigration on Marine Spill Preparedness and Response.

Cook Islands have also developed its Cook Islands National Marine Spill Contingency Plan normally referred to as NATPLAN but is yet to be finalized and approved by Cabinet.

If this is still a priority project, it is probably the right time to review the NATPLAN template and to identify reasons for its poor implementation by member states.

#### **Future Main Concerns.**

From the maritime sector, ocean disposal of materials such as asbestos, old stockpiles of agricultural chemicals and vehicle wrecks will become a reality if no alternative options can be identified.

#### **BY SOLOMON ISLANDS**

**What are the main issues and priorities concerning marine pollution for your country? You can attach relevant sections of annual reports, policy documents etc.**

The main issues concerning marine pollution in Solomon Islands are as follows; (a) oil spill from ships especially logging boats (b) possible oil leakage from World War II ship wreckages (c) untreated waste water from industrial companies usually flows directly into the sea (d) untreated sewage directly dumped into the sea via outfalls (e) illegal dumping of solid waste in rivers and seas.

Our priorities are; (a) to strengthen monitoring and assessment of reported oil spills from ships (b) implement the pollution control part of the Environment Act 1998 as it has not been implemented. (c) Implement the National Solid Waste Management Strategy to address the issue marine pollution from solid wastes.

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

Implementation of this convention and protocols are undertaken through the implementation of the *Environment Act 1998*. The recent development and passing of the *Environment Regulation 2008* further strengthens the powers of the Environment Act. The laws implemented by the Marine Division and the Ports Authority

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also provide for this Convention and Protocols.

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

There has been no legislation that specifically covers marine pollution beyond internal water. The current legislations are quite general.

The following institutions have legislations with general provisions on marine pollution; Marine Division, Environment and Conservation Division and Ports Authority.

**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:**

**vessels (art. 6)**

The lack of proper data and information on the volume and type of marine pollution per year from vessels is an issue that needs to be addressed by Solomon Islands. However, generally the types of marine pollution from vessels are in the form of garbage, bilge water and oil leakages.

**land based sources (art. 7)**

Land based sources of marine pollution basically comes from solid waste, sewage outflow from urban centres, industrial wastewaters, logging, and coastal development activities. Measures undertaken to prevent, reduce, and control these pollutions are through awareness and education as well as implementation of the Environment Act and Regulation.

**mining and coastal erosion, i.e., dredging, land reclamation (art. 15)**

There is only one gold mining company (Gold Ridge Mining Company) that has been operating in the Solomon Islands which closes during the ethnic tension. In order for the mining to start its operation, work on the dewatering process of the tailings dam is currently undertaken. The mining is located inland, however there is possibility of marine pollution since the dewatering of the dam was pumped into the river that flows out into the sea. The tailings dam was treated before dewatering; however, it is not quite clear if all the chemicals contained in the water are totally removed during the treatment process. Environment and Conservation Division and the Mines Division are monitoring the process by collecting samples for testing.

Dredging and gravel/sand extraction has increased due to increasing development activities. The Environment and Conservation Division and the Mines Division are jointly assessing and monitoring these activities so that they are carried out according to the provisions of the laws of the country.

**Specially protected areas and protection of wild flora and fauna (art. 14)**

A Protected Area Act has been completed and endorsed in early 2010. This legislation provides for existing conservation areas to be declared as protected area. Solomon Islands is also involved in the Coral Triangle Initiative program which works towards protection and management of marine resources. Furthermore, dolphin and dugong surveys are currently being conducted.

**Environment Impact Assessment (art. 16)**

A major mandate of the Environment and Conservation Division is the EIA review and monitoring of all major development activities as required by the Environment Act 1998. A new EIA guideline has been

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recently developed. This guidelines aims to simplify the procedures of EIA outlined in the Environment Act 1998 and accompanying Environment Regulations 2008 to provide basic advice and guidance to government officers, planners, developers, resource owners and those involved in processing development proposals on the EIA process. To date, EIA activities are currently mainly associated with logging development with a few on construction developments.

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

The Solomon Islands Environment Impact Assessment Guidelines 2010 and the Environment Act 1998 and accompanying Environment Regulation 2008 provide for EIA of development activities likely to impact the marine environment. Since 2008, quite a number of EIAs have been undertaken especially for logging activities.

Measures undertaken to prevent pollution is for developers to prepare and adhere to the environment management plans (EMP) which is a component of the environment assessment report of their development project. In cases where there is non compliance to the EMP, concerned public or resource owner often reports the case and a monitoring assessment is carried out by the Environment and Conservation Division to verify the pollution that occurs. A report is provided to the resource owners who often claim compensation through court.

**ANNEX V: APPROVED BUDGET – 2011 & 2012**

<b>EXPENDITURE (USD)</b>			
<b>1 <u>11h Meeting of the Parties, 2012</u></b>			
Per diem - participants (small island states)			
- Cook Islands	2 days	420	
- Marshall Islands	2 days	420	
- Nauru	2 days	420	1,260
Resource person x2			1,800
Interpretation/Translation			
- Translation of Working Papers		2,000	
- Interpretation/translation during the meeting		2,500	
- Per diem for 4 translators x 1 day		840	5,340
Other Meeting Costs			
- Secretariat Support		2,440	
- Communications		500	
- Photocopying and stationery		500	
- Catering (Morning/Afternoon teas)		150	
- Other costs (venue, cocktails etc)		2,000	5,590
			<u><b>\$ 13,990</b></u>
<b>2 <u>Technical Advisory Services and Support to Parties, 2011-2012</u></b>			
			<u><b>\$ 4,000</b></u>
<b>TOTAL EXPENDITURE</b>			<u><u><b>\$ 17,990</b></u></u>

<b>NOUMEA CONVENTION CONTRIBUTIONS FOR 2011-2012</b>		
Australia	20.000%	3,598
Cook Islands	2.500%	450
Federated States of Micronesia	2.500%	450
Fiji	2.500%	450
France	20.000%	3,598
Marshall Islands	2.500%	450
Nauru	2.500%	450
New Zealand	20.000%	3,598
Papua New Guinea	2.500%	450
Solomon Islands	2.500%	450
United States of America	20.000%	3,598
Samoa	2.500%	450
<b>TOTAL CONTRIBUTIONS</b>		<u><u><b>\$ 17,990</b></u></u>