

16. Conditions in respect of permits

- (1) Subject to subsection (3), the Minister may, when granting a permit or at any time while a permit is in force, impose conditions in respect of the permit and may, at any time, revoke, suspend or vary, or cancel a suspension of, a condition so imposed.
- (2) A condition imposed in respect of a permit, or a revocation, suspension or variation, or a cancellation of a suspension, of such a condition, takes effect when notice of the condition or of the revocation, suspension or variation or of the cancellation of the suspension is served on the holder of the permit or on such later date (if any) as specified in the notice.
- (3) The Minister shall, when granting a permit for dumping from a vessel any thing other than the wastes or other matter referred to in section 17, impose in respect of that permit the condition that an escorting officer appointed by the Minister be present on board the vessel for the purpose of —
 - (a) observing the loading, handling and storing on board the vessel of —
 - (i) the wastes or other matter; or
 - (ii) the vessel, aircraft or platform,
to be dumped;
 - (b) verifying that —
 - (i) the wastes or other matter; or
 - (ii) the vessel, aircraft or platform,
to be dumped from the vessel are or is, as the case may be, the wastes or other matter, or the vessel, aircraft or platform, in respect of the dumping of which that permit was granted;
 - (c) observing the dumping into the sea in accordance with that permit of —
 - (i) the wastes or other matter; or
 - (ii) the vessel, aircraft or platform,
to be dumped; and
 - (d) giving to the master of the vessel such directions as that escorting officer thinks necessary —
 - (i) in relation to any matter arising out of the presence on board the vessel of the wastes or other matter, or of the vessel, aircraft or platform, to be dumped;
 - (ii) to ensure that the loading, handling or storing on board the vessel of the wastes or other matter, or of the vessel, aircraft or platform, to be dumped, or the dumping into the sea of those wastes or that other matter or of that vessel, aircraft or platform, is in accordance with that permit or with any condition imposed in respect of that permit (including a direction to cease loading or handling, or to cease dumping into the sea, the whole or any part of those wastes or that other matter or of that vessel, aircraft or platform).

- (4) By force of this subsection, there is imposed in respect of a permit referred to in subsection (3) a condition that the holder of that permit will ensure that the escorting officer referred to in that subsection —
- (a) is received on board any vessel used, or to be used, for the carriage of the wastes or other matter, or of the vessel, aircraft or platform, to be dumped during all times when his presence on board is necessary for the purpose of carrying out his functions;
 - (b) is supplied with any necessary food and accommodation, being food and accommodation of an acceptable standard, when he is on board the vessel used or to be used for the purpose referred to in paragraph (a); and
 - (c) is, when dumping has ceased, returned in accordance with arrangements agreed between the holder of that permit and the Minister to the port of embarkation or such other place as is agreed between the holder of that permit and the Minister.
- (5) When a vessel has on board an escorting officer referred to in subsection (3) for the purpose referred to in that subsection, the person in charge of the vessel shall —
- (a) permit that escorting officer to have access to every part of the vessel to which it is necessary that he have access for the purpose of carrying out his functions;
 - (b) when requested by that escorting officer to do so, give to that escorting officer any information in the possession of the person in charge of the vessel concerning the wastes or other matter, or the vessel, aircraft or platform, dumped or to be dumped, as the case requires; and
 - (c) not take, or cause or permit to be taken, any action in relation to the wastes or other matter, or the vessel, aircraft or platform, dumped or to be dumped, as the case requires, that is in contravention of any direction given to him by that escorting officer in the carrying out of his functions.

Penalty: \$10 000.

- (6) It is a defence to a charge of an offence under subsection (5)(c) if the person in charge of the vessel concerned proves that the action the subject of the charge was necessary to ensure the safety of that vessel or of any person on board.