

17. Radioactive wastes or other matter

- (1) Where the Minister is of opinion that wastes or other matter with respect to the dumping or loading of which he proposes to grant a permit are, or is, so radioactive as to require special precautions to be taken, the Minister shall —
- (a) state in the permit that the permit is a permit for dumping or loading, as the case may be, radioactive wastes or other matter; and
 - (b) appoint such escorting officers as he thinks necessary to be present on board any vessel on which the wastes or other matter are, or is, to be carried for the purpose of —
 - (i) observing the loading and stowing, on board the vessel of the wastes or other matter;
 - (ii) monitoring the levels of radiation caused by the wastes or other matter;
 - (iii) verifying that the wastes or other matter are or is, as the case may be, the wastes or other matter in respect of the dumping or loading of which the permit was granted;
 - (iv) observing the dumping into the sea of the wastes or other matter in accordance with the permit; and
 - (v) giving to the master of the vessel —
 - (A) such directions as the escorting officer thinks necessary in relation to any matter arising out of the presence on board the vessel of the wastes or other matter; or
 - (B) such directions as the escorting officer thinks necessary to ensure that the handling or stowing of the wastes or other matter on board the vessel, or the dumping into the sea of such wastes or other matter, is in accordance with the permit or with any condition imposed in respect of the permit (including a direction to cease loading, or to cease dumping into the sea, the wastes or other matter or any part of the wastes or other matter).
- (2) By force of this subsection, there is imposed in respect of a permit for dumping or loading radioactive wastes or other matter a condition that the holder of the permit will ensure that —
- (a) the escorting officers appointed by the Minister in relation to the permit —
 - (i) are received on board any vessel used, or to be used, for the carriage of the wastes or other matter concerned during all times when their presence on board is necessary for the purpose of carrying out their functions; and
 - (ii) are supplied with any necessary food and accommodation, being food and accommodation of an acceptable standard, when they are on board the vessel;
- and

- (b) in the case of a permit for dumping, the escorting officers on board when dumping has ceased are, in accordance with arrangements agreed between the holder of the permit and the Minister, returned to the port of embarkation or such other place as is agreed between the holder of the permit and the Minister.
- (3) When a vessel that has on board an escorting officer for the purpose of carrying out his functions in relation to radioactive wastes or other matter on board, or to be loaded on board, the vessel, the person in charge of the vessel —
 - (a) shall permit the 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 the escorting officer so to do, shall give to the escorting officer any information in the possession of the person in charge concerning the radioactive wastes or other matter; and
 - (c) shall not take any action, or cause or permit any action to be taken, in relation to the radioactive wastes or other matter that is in contravention of any direction given to him by the escorting officer in the carrying out of his functions.

Penalty: \$10 000.

- (4) It is a defence to a charge of an offence under subsection (3)(c) if the person in charge of the vessel proves that the action the subject of the charge was necessary to ensure the safety of the vessel or of any person on board.