



NPO number: 003-134 NPO  
Registration Number: 2001/026273/08  
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Mr M J Zwane

21 October 2022

Chairperson of the Portfolio Committee on Transport

For Attention: Ms Valerie Carelse  
Portfolio Committee on Transport  
[marinepollutionbill@parliament.gov.za](mailto:marinepollutionbill@parliament.gov.za)

**Written Submission on Marine Pollution (Prevention of Pollution from Ships) Amendment Bill**

Dear Mr M J Zwane

Thank you for the opportunity to provide input on the amendments to the Marine Pollution Act.

The Southern African Foundation for the Conservation of Coastal Birds (SANCCOB) is a non-profit marine conservation organisation, with two centres situated in Cape Town (Western Cape) and Gqeberha (Eastern Cape). SANCCOB's primary objective is to reverse the decline of seabird populations in southern Africa, the flagship species being the endangered African penguin that is endemic to the African continent. This is achieved through the rescue, rehabilitation and release of ill, injured and oiled seabirds or abandoned chicks in need of specialised hand-rearing. There are an estimated 10,000 breeding pairs of African penguins left in South Africa and so every bird counts to save the species from extinction.

SANCCOB has a long history of oiled wildlife response along the South African coastline and has responded to every oil spill that has affected seabirds since 1968. SANCCOB regularly engages with governmental stakeholders and industry and has made clear recommendations to minimise or mitigate risks to marine wildlife. Furthermore, SANCCOB is the named responder for seabirds affected by oil pollution in South Africa's National Oil Spill Contingency Plan (NOSCP).

SANCCOB's comments and concerns relating to the Amendments are detailed below:

Page number	Comments
N/A	SANCCOB welcomes the proposed amendments as a significant step in addressing marine pollution. However, SANCCOB does want to raise concern around the level of capacity (personnel and resources) within government to implement the various activities listed in the bill.
Pg 3	Amendment Section 3 A of Act 2 of 1986 as amended by section 2 of Act 5 of 1998 – 4. Section 3A: SANCCOB welcomes the amendment of section 3A with increase in fine and imprisonment threshold. These changes highlight government's commitment to ensure that

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**Commented [MS1]:** Formatted as per their recommendations on the link to the bill

**Commented [MS2]:** Include as per the DOT guidelines on how to write a submission. They specify that one should include a short description of your organization and its objectives.

**Commented [MS3]:** This is a general observation as there is a lot of monitoring and assessing that will need to be done when the amendment comes into effect. I am not sure DFFE or SAMSA will have the capacity to do this properly. I therefore think it is something to flag.



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	polluters are severely punished for their crimes. It should also serve as a deterrent to potential polluters as the economic, political and social costs could be severe.
Pg 3	<p>Insertion of section 3B in Act 2 of 1986 – 5 (a): Insertion of “appoint an advisory committee to advise him or her in regard to any particular matter dealt with by this Act;”</p> <p>SANCCOB welcomes this inclusion but recommends that any such committee has clear terms of reference to follow, has balanced representation and that individuals are appointed based on their expertise on the matter in question.</p>
Pg 4	<p>Chapter 1, Regulation 1, Point 3: “Sewage means”</p> <p>There is no reference to waste generated from cleaning of engines, equipment or ship. If that is covered in another act than that should be noted somewhere in this act.</p>
Pg 5	<p>Chapter 1, Regulation 2, Point 1: “The provisions of this Annex shall apply to the following ships engaged in international voyages”</p> <p>Is there a rationale for only focusing on those ships? Are there other sections of the overall Act that cover other vessels not covered in the amendment.</p>
Pg 6, Pg 26	<p>Chapter 2, Regulation 4, point 4: “Surveys of ships as regards the enforcement of the provisions of this Annex shall be carried out by officers of the Administration. The Administration may, however, entrust the surveys either to surveyors nominated for the purpose or to organizations recognized by it.”</p> <p>Chapter 2, Regulation 5, Point 3: “The Administration may, however, entrust the surveys either to surveyors nominated for the purpose or to organizations recognized by it. Such organizations shall comply with the guidelines adopted by the Organization;”</p> <p>What sort of criteria will be used to select surveyors? How will the administration ensure that the surveyors are independent and not biased in anyway?</p>
Pg 6 Pg 27	<p>Chapter 2, Regulation 4, Point 6: “...shall in due course notify the Administration”</p> <p>Chapter 2, Regulation 5, Point 3a: “...shall in due course notify the Administration”</p> <p>It is recommended that some kind of time frame for notifying authority be included. In its current form it is very vague with little room for accountability.</p>

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Pg 10	<p>Chapter 3, Regulation 11, Point 2: “The provisions of paragraph 1 shall not apply to ships operating in the waters under the jurisdiction of a State and visiting ships from other States while they are in these waters and are discharging sewage in accordance with such less stringent requirements as may be imposed by such State.”</p> <p>The meaning of this point is not clear. Does it mean that visiting ships must adhere to the regulations of the State if their own State regulations are less stringent?</p>
Pg 11	<p>Chapter 4, Regulation 12, Point 1, 2; Reception facilities “undertakes to ensure the provision of facilities at ports and terminals for the reception of sewage, without causing delay to ships, adequate to meet the needs of the ships using them.”</p> <p>How will South Africa ensure this is done properly when the country does not have capacity or resources to manage its own sewage?</p>
Pg 25	<p>Annex VI, Chapter 1, Regulation 3.1: “Emissions directly arising from the exploration, exploitation and associated offshore processing of sea-bed mineral resources are, consistent with article2(3)(b)(ii) of the present Convention, exempt from the provisions of this Annex.”</p> <p>Are these emissions regulated elsewhere in the Act or by another Act? This is a form of marine pollution and will need to be regulated especially if South Africa continues with the development of oil and gas operations.</p>
Pg 26	<p>Annex VI, Chapter 2, Regulation 5, Point 2: “In the case of ships of less than 400 gross tonnage, the Administration may establish appropriate measures in order to ensure that the applicable provisions of chapter 3 of this Annex are complied with.”</p> <p>SANCCOB recommends that any measures are decided upfront and included in the Act instead of at a later stage. This will avoid any confusion in the future and avoid any unnecessary delays in the implementation of such measures.</p>
PG 27	<p>Annex VI, Chapter 2, Regulation 5, Point 6: “...shall report at the earliest opportunity to the Administration,”</p> <p>It is recommended that a specific frame for notifying authority be included. In its current form it is very vague with little room for accountability.</p>
Pg 40	<p>Annex VI, Chapter 3, Regulation 17, Point 1a: “needs of ships substances”</p> <p>Fix spelling error and “s” to make it “substances”</p>



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Pg 46	<p>Annex VI, Chapter 4, Regulation 22A, Point 1: "From calendar year 2019, each ship of 5,000 gross tonnage and above shall collect the data specified in appendix IX to this Annex"</p> <p>The regulation specifies from calendar 2019 but if the Amendment is only being finalized now how can the vessels collect the information? Is this information that they should be collecting already? How would this be dealt with once the Amendments to the Act become official?</p>
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Please feel free to get in touch if you require any further information.

Kind Regards

Nicky Stander  
Head of Conservation  
SANCCOB

Commented [MS4]: I add your information but let me know if you think anyone else should sign?

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