

1990 - No. 252

**MARINE POLLUTION ACT 1987 - REGULATION**

(Marine Pollution Regulation 1990)

NEW SOUTH WALES



*[Published in Gazette No. 57 of 4 May 1990]*

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Marine Pollution Act 1987, has been pleased to make the Regulation set forth hereunder.

BRUCE BAIRD  
Minister for Transport.

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**PART 1 - PRELIMINARY**

**Citation**

1. This Regulation may be cited as the Marine Pollution Regulation 1990.

**Commencement**

2. This Regulation commences when the Marine Pollution Act 1987 commences.

**Definitions**

3. (1) In this Regulation:

"the Act" means the Marine Pollution Act 1987.

(2) In this Regulation, a reference to a pipeline includes a reference to any fittings and valves of the pipeline.

## **PART 2 - STATE WATERS**

### **Waters prescribed as State waters**

**4.** For the purposes of the definition of "State waters" in section 3 (1) of the Act:

- (a) such part of the waters of the Ports of Botany Bay, Clarence River (Yamba), Coffs Harbour, Newcastle Harbour, Port Kembla, Richmond River (Ballina), Sydney Harbour, Trial Bay and Twofold Bay as are within the limits of the State; and
- (b) the waters of the Tweed River and Terranora Inlet and of all bays, rivers and their tributaries connected or leading thereto, bounded by mean high water mark and by, as upstream boundaries, the eastern side of the Boyds Bay Bridge over Terranora Creek and the eastern side of the Pacific Highway Bridge over the Tweed River, and by, as seaward boundary, a line drawn between the eastern extremity of the northern breakwater at the entrance to the Tweed River and the eastern extremity of the southern breakwater at that entrance,

are prescribed.

## **PART 3 - POLLUTION BY OIL OR NOXIOUS SUBSTANCES**

### **Prescribed officers**

**5. (1)** For the purposes of sections 8 (2) and 18 (2) of the Act, each of the persons for the time being occupying, or performing the duties of, the following offices of the Board is a prescribed officer:

- (a) Harbour Master, MSB Sydney Ports Authority;
- (b) Deputy Harbour Master, MSB Sydney Ports Authority;
- (c) Marine Environment Manager, MSB Sydney Ports Authority;
- (d) Manager, Pilotage and Navigation, MSB Sydney Ports Authority;
- (e) Harbour Master, Port of Newcastle;
- (f) Deputy Harbour Master, Port of Newcastle;
- (g) Harbour Master, Port Kembla;
- (h) Deputy Harbour Master, Port Kembla;
- (i) Pilot, South West Rocks;
- (j) Pilot, Yamba;

- (k) Pilot, Eden;
- (l) General Manager, Marine Safety and Environment;
- (m) Marine Pollution Development Officer.

(2) For the purposes of sections 13 (3) and (4) and 23 (5) and (6) of the Act, the prescribed officer is the person for the time being occupying, or performing the duties of, the office of Chief Executive of the Board.

(3) For the purposes of section 18 (6), (7), (8) and (9) of the Act, each of the following officers of the Department of Transport and Communications of the Commonwealth is a prescribed officer:

- (a) First Assistant Secretary, Maritime Operations Division;
- (b) Senior Assistant Secretary, Safety Operations Branch;
- (c) Regional Manager, Co-ordination and Transport, New South Wales;
- (d) Regional Manager, Co-ordination and Transport, Victoria;
- (e) Regional Manager, Co-ordination and Transport, Queensland;
- (f) Regional Manager, Co-ordination and Transport, Western Australia;
- (g) Regional Manager, Co-ordination and Transport, South Australia and Northern Territory;
- (h) Regional Manager, Co-ordination and Transport, Tasmania;
- (i) Marine Surveyor, Darwin;
- (j) Director, Pollution Prevention, Safety Operations Branch;
- (k) Technical Adviser, Marine Pollution, Safety Operations Branch;
- (l) Operations Co-ordinator, Marine Pollution, Safety Operations Branch.

### **Notification of discharges**

6. For the purposes of sections 10 (1) and (3) and 20 (1) and (3) of the Act, a prescribed incident is to be notified by means of a telephone message, a telex message, a radio message or a facsimile message:

- (a) conveyed through the Port Operations (Communications) Centre, or a signal station, of the Board and containing the name and radio call sign (if any) of the ship concerned followed by the name of the person notifying the incident and the position of the ship; or

- (b) conveyed through the Federal Sea Safety Centre in the Department of Transport and Communications of the Commonwealth and commencing with the code letters POLREP and containing the name and radio call-sign (if any) of the ship concerned.

#### **Time for furnishing discharge report**

7. For the purposes of sections 10 (6) and (7) and 20 (6) and (7) of the Act, a report must be furnished to the Board in relation to a prescribed incident not later than 24 hours after receipt of a request for a report, or within such further time as the Board may allow.

#### **Discharge reports**

8. For the purposes of sections 10 (6) and (7) and 20 (6) and (7) of the Act, the form set out in Schedule 1 is the prescribed form.

#### **Oil record book**

9. (1) An oil tanker to which section 11 of the Act applies is to carry an oil record book in the form set out in Part I and the form set out in Part II of Appendix III to Annex I of the 1978 Protocol as in force at the commencement of this Regulation.

(2) A ship (other than an oil tanker) to which section 11 of the Act applies is to carry an oil record book in the form set out in Part I of Appendix III to Annex I of the 1978 Protocol as in force at the commencement of this Regulation.

#### **Matters to be recorded in oil record book**

10. (1) For the purposes of section 11 (5) of the Act:

- (a) each of the following operations (being a machinery space operation) is a prescribed operation In relation to a ship (including an oil tanker):
  - (i) the ballasting or cleaning of an oil fuel tank;
  - (ii) a discharge of dirty ballast or cleaning water from an oil fuel tank;
  - (iii) a disposal of oily residues (sludge);
  - (iv) a discharge overboard or other disposal of bilge water that has accumulated in any machinery space; and

- (b) each of the following operations (being a cargo or a ballast operation) is a prescribed operation in relation to an oil tanker:
  - (i) the loading of oil cargo;
  - (ii) an internal transfer of oil cargo during a voyage or in port;
  - (iii) the unloading of oil cargo;
  - (iv) the ballasting of a cargo tank or a dedicated clean ballast tank;
  - (v) the cleaning of a cargo tank (including crude oil washing);
  - (vi) a discharge of ballast from a tank other than a segregated ballast tank;
  - (vii) a discharge of water from a slop tank;
  - (viii) the closing, after an operation referred to in subparagraph (vii), of all applicable valves or similar devices;
  - (ix) the closing, after an operation referred to in subparagraph (vii), of valves necessary for the isolation of a dedicated clean ballast tank from cargo and stripping lines;
  - (x) a disposal of residues.

(2) For the purposes of section 11 (5) of the Act, each of the following occurrences is a prescribed occurrence in relation to a ship (including an oil tanker):

- (a) the discharge into the sea of oil or an oily mixture from the ship for the purpose of:
  - (i) securing the safety of the ship; or
  - (ii) saving life at sea;
- (b) the discharge into the sea of oil or an oily mixture in consequence of damage to the ship or its equipment;
- (c) the discharge into the sea of substances containing oil for the purpose of combating specific pollution incidents;
- (d) the failure of the ship's oil discharge monitoring and control system;
- (e) the discharge into the sea of oil or an oily mixture, being:
  - (i) a discharge for an exceptional purpose other than a purpose referred to in paragraph (a) or (c); or

- (ii) an accidental discharge other than a discharge referred to in paragraph (b).

**Cargo record book**

**11.** For the purposes of section 21 of the Act, the prescribed form of cargo record book is the form set out in Appendix IV to Annex II of the 1978 Protocol as in force at the commencement of this Regulation.

**Matters to be recorded in cargo record book**

**12. (1)** For the purposes of section 21 (5) of the Act, each of the following operations is a prescribed operation in relation to a ship:

- (a) the loading of cargo;
- (b) an internal transfer of cargo during a voyage or in port;
- (c) the unloading of cargo;
- (d) the ballasting of a cargo tank;
- (e) the cleaning of a cargo tank;
- (f) a discharge of ballast from a cargo tank;
- (g) a disposal of residues to a reception facility;
- (h) the discharge of a noxious liquid substance, or of a mixture containing such a substance, into the sea in accordance with Regulation 5 of Annex II to the Convention;
- (i) the removal by ventilation procedures of cargo residues from a tank in accordance with Regulation 5 of Annex II to the Convention.

**(2)** For the purposes of section 21 (5) of the Act, each of the following occurrences is a prescribed occurrence in relation to a ship:

- (a) the discharge into the sea of a noxious liquid substance, or of a mixture containing such a substance, for the purpose of:
  - (i) securing the safety of the ship; or
  - (ii) saving life at sea;
- (b) the discharge into the sea of a noxious liquid substance, or of a mixture containing such a substance, in consequence of damage to the ship or its equipment;
- (c) the discharge into the sea of a noxious liquid substance, or of a mixture containing such a substance, being:

- (i) a discharge for an exceptional purpose other than a purpose referred to in paragraph (a); or
- (ii) an accidental discharge other than a discharge referred to in paragraph (b).

**Regulation 8 of Annex II to have the force of law**

**13. (1)** The provisions of Regulation 8 of Annex II to the Convention, other than paragraph (1) of that Regulation, apply to, and in relation to, the washing of a tank of a ship from which a noxious liquid substance has been unloaded.

**(2)** A surveyor within the meaning of the Commercial Vessels Act 1979, is by virtue of this subclause, a surveyor authorised for the purpose of implementing Regulation 8 of Annex II to the Convention.

**(3)** If a tank of a ship from which a noxious liquid substance has been unloaded is not washed in accordance with whichever of the provisions of Regulation 8 of Annex II to the Convention is applicable to the tank, having regard to:

- (a) whether the substance unloaded from the tank is a Category A, Category B or Category C substance; and
- (b) whether the tank has been unloaded in a Special Area or an area other than a Special Area,

the master of the ship is guilty of an offence.

Maximum penalty (subsection (3)): 20 penalty units.

**(4)** In the application of Regulation 8 of Annex II to the Convention to, or in relation to, the washing of a tank of a ship:

- (a) a reference to the receiving Party is to be read as a reference to Australia or the State; and
- (b) a reference to the Administration is to be read as a reference to the person for the time being occupying, or performing the duties of, the office of Chief Marine Surveyor in the Department of Transport and Communications of the Commonwealth or Senior Engineer and Ship Surveyor of the Board; and
- (c) a reference to the surveyor (however described) is to be read as a reference to a surveyor authorised under subclause (2).

**(5)** A surveyor referred to in subclause (2) is to comply, in the exercise of any power, or the performance of any function, for the

purpose of implementing Regulation 8 of Annex II to the Convention, with any control procedures developed by the Organisation.

(6) An exemption referred to in paragraph (2) (b), (5) (b), (6) (b) or (7) (c) of Regulation 8 of Annex II to the Convention may only be granted to a ship engaged in voyages to ports or terminals under the jurisdiction of States, other than Australia, parties to the Convention and, on such an exemption being granted to a ship, the appropriate entry made in the ship's cargo record book is to be endorsed by a surveyor.

#### **PART 4 - POLLUTION RELATING TO TRANSFER OPERATIONS**

##### **Purpose-built pipelines**

14. For the purposes of the definition of "purpose-built pipeline" in section 25 (1) of the Act, the pipelines described in Schedule 2 are prescribed.

##### **Prescribed officers**

15. For the purposes of section 27 (2) of the Act each of the persons for the time being occupying, or performing the duties of, the following offices of the Board is a prescribed officer:

- (a) Harbour Master, MSB Sydney Ports Authority;
- (b) Deputy Harbour Master, MSB Sydney Ports Authority;
- (c) Marine Environment Manager, MSB Sydney Ports Authority
- (d) Manager, Pilotage and Navigation, MSB Sydney Ports Authority;
- (e) Harbour Master, Port of Newcastle;
- (f) Deputy Harbour Master, Port of Newcastle;
- (g) Harbour Master, Port Kembla;
- (h) Deputy Harbour Master, Port Kembla;
- (i) Pilot, South West Rocks;
- (j) Pilot, Yamba;
- (k) Pilot, Eden;



- (1) General Manager, Marine Safety and Environment;
- (m) Marine Pollution Development Officer

#### **Notification of discharges**

**16.** For the purposes of section 28 (1) of the Act, a discharge to which Part 4 of the Act applies is to be notified by means of a telephone message, a telex message, a radio message or a facsimile message, conveyed through the Port Operations (Communications) Centre, or a signal station, of the Board and containing:

- (a) in the case of a discharge from a ship or from an apparatus on a ship - the name and radio call-sign (if any) of the ship concerned followed by the name of the person notifying the discharge and the position of the ship, or the location of the ship within a port; or
- (b) in the case of a discharge from a place on land, from an apparatus or from a purpose-built pipeline - the name and address of the person notifying the discharge and the location of the discharge.

#### **Time for furnishing discharge report**

**17.** For the purposes of section 28 (3) of the Act, a report must be furnished to the Board in relation to a discharge not later than 24 hours after receipt of a request for a report, or within such further time as the Board may allow.

#### **Discharge reports**

**18.** For the purposes of section 28 (3) of the Act, the form set out in Schedule 1 is prescribed.

### **PART 5 - SHIPS CARRYING OR USING OIL OR CARRYING NOXIOUS LIQUID SUBSTANCES**

#### **Adoption of Orders relating to construction of ships etc.**

**19.** The Marine Orders, Part 91 (Marine Pollution Prevention - Oil) and Part 93 (Marine Pollution Prevention - Noxious Liquid Substances in Bulk), made under the Navigation (Orders) Regulations of the Commonwealth, as in force at the commencement of this Regulation, are adopted, subject to the modifications to each set out in Schedule 3.

## **PART 6 - MISCELLANEOUS**

### **Minister may make orders**

**20.** The Minister may, by instrument in writing, make orders for and in relation to:

- (a) giving effect to Annex I to the Convention, other than provisions of that Annex to which effect is given by a provision of the Act or this Regulation; and
- (b) giving effect to Annex II to the Convention, other than provisions of that Annex to which effect is given by a provision of the Act or this Regulation; and
- (c) giving effect to Article 8 of, and Protocol I to, the Convention, other than provisions of that Article or Protocol to which effect is given by a provision of the Act or this Regulation; and
- (d) the fixing of fees to be paid in respect of any matters under any such orders.

### **Fee for deposit of oil record book or cargo record book**

**21.** A fee of \$40 is payable by the owner of a ship for:

- (a) the deposit of an oil record book of the ship in accordance with section 13 (4) of the Act; or
- (b) the deposit of a cargo record book of the ship in accordance with section 23 (6) of the Act.

### **Exemptions**

**22. (1)** For the purposes of section 61 (1) (h) of the Act, each of the following classes of ships is exempt from the provisions of the Act and this Regulation:

- (a) ships belonging to an arm of the Defence Forces of Australia or to the naval, military or air forces of a country other than Australia;
- (b) ships, other than a vessel belonging to an arm of the Defence Forces of Australia or to the naval, military or air forces of a country other than Australia, that are owned or operated by a State other than Australia and used, for the time being, only on government non-commercial service.

(2) In subclause (1) (b):

"State" has the same meaning as in the Convention.

**Service of certain notices**

**23.** For the purposes of sections 37 (4) and (5) and 42 (5) and (6) of the Act, a notice required to be given to:

- (a) the owner of a ship, may be served personally on the owner, or on all, or any, of the owners, as the case may be, of the ship or, if an owner is a body corporate, on a director, secretary or other officer of the body corporate; or
- (b) the agent of a ship, may be served personally on any agent of the ship or, if an agent is a body corporate, on a director, secretary or other officer of the body corporate; or
- (c) the master of a ship, may be served personally on the master of the ship,

and, in any case, any such notice may be served in the manner set out in section 30A of the Maritime Services Act 1935.

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**SCHEDULE 1 - DISCHARGE REPORT**

(Regs. 8, 18)

**(Details below are to be provided only  
if applicable or requested by the  
Maritime Services Board)**

- 1. Name, radio call-sign, position and flag of ship or position of discharge and place on land/purpose-built pipeline/apparatus.  
.....
- 2. Frequency or frequencies of radio channel or channels guarded.  
.....
- 3. Name, address, telex and telephone number of principal place of business of owner.  
.....
- 4. Name, address, telex and telephone number of principal place of business of:
  - (a) the charterer, manager or operator of the ship; or
  - (b) the agent in Australia of the charterer, manager or operator of the ship......

5. Type of ship (e.g. oil tanker, chemical tanker, dry cargo ship) and gross tonnage.  
.....
6. Date and time (state whether UTC, EST or Daylight Saving EST) of the occurrence of the incident.  
.....
7. Brief description of the incident, including any damage sustained.  
.....
8. The position, course and speed of the ship at the time of the incident.  
.....
9. The technical name (or, where the technical name is not known, the trade name), UN number, Classification in the International Maritime Dangerous Goods (IMDG) Code (where applicable), name of the manufacturer, quantity and concentration, of the harmful substance discharged, or likely to be discharged, into the sea.  
.....
10. Type and quantity of cargo carried, including details of harmful substances carried.  
.....
11. Condition of the ship.  
.....
12. Ability to transfer cargo and ballast.  
.....
13. Cause of the discharge.  
.....
14. Whether the discharge is continuing and the approximate quantity discharged.  
.....
15. Weather, sea and current conditions in the vicinity of the discharge.  
.....

16. Estimate of the discharge movement and the surface area of the discharge.  
.....
17. Actions being taken with regard to the discharge and the movement of the ship.  
.....
18. Assistance which has been requested from or which has been provided by others.  
.....

## **SCHEDULE 2 - PURPOSE-BUILT PIPELINES**

(Cl. 14)

### **Botany Bay**

1. The pipelines from Banksmeadow to Kurnell commencing at a control valve Latitude 33 degrees 57.87 minutes south Longitude 151 degrees 13.08 minutes east located within the Caltex Banksmeadow Terminal thence proceeding within the pipeline corridor situated on the southern and western sides of Botany and Bumborah Point Roads respectively for approximately 1 480 metres to Womeai Reserve thence generally southerly for approximately 300 metres to the high water mark of Botany Bay near Bumborah Point thence southerly for approximately 100 metres and generally south westerly for approximately 3 450 metres to a point 470 metres west of the westernmost extremity of the Caltex Jetty at Kurnell thence south easterly for approximately 770 metres to a point midway along the inner end of that jetty thence along that jetty to the high water mark of Kurnell Beach thence generally south easterly for approximately 500 metres to a control valve located within the Caltex Refining Company Limited at Kurnell, the submarine portion of which is shown as one line of symbols on a copy of Naval Chart AUS 199 of Botany Bay, New Edition 1 June 1981 (a copy of which is held in the Survey Drafting Office of the Board).

2. The pipelines from No. 3 Berth (Submarine Terminal) in Botany Bay to Kurnell commencing at that berth Latitude 33 degrees 59.76 minutes south Longitude 153 degrees 12.51 minutes east thence southerly for approximately 580 metres to a point midway along the outer end of the Caltex Jetty at Kurnell thence south westerly and south easterly along that jetty to the high water mark of Kurnell Beach thence generally south easterly for approximately 500 metres to a

control valve located within the Caltex Refining Company Limited at Kurnell, the submarine portion of which is shown by one line of symbols on a copy of Naval Chart AUS 199 of Botany Bay, New Edition 1 June 1981 (a copy of which is held in the Survey Drafting Office of the Board).

### **Post Kembla**

1. The pipeline, commencing at a point on No. 6 Jetty, Outer Harbour, Port Kembla, Latitude 34 degrees 28.18 minutes south Longitude 150 degrees 54.20 minutes east thence proceeding south westerly along that jetty to the inshore end of the jetty for approximately 360 metres thence northerly for approximately 100 metres thence westerly for approximately 350 metres to Old Port Kembla Road thence south westerly along the northern side of Flinders Street to the Terminal. No. 6 Jetty, Outer Harbour, Port Kembla, is shown on a copy of Naval Chart AUS 195 of Port Kembla and Wollongong with Approaches, New Edition 25 January 1978 (a copy of which is held in the Survey Drafting Office of the Board).

2. The pipelines, commencing at the control valves located in the fenced enclosure south of the Saltwater Intake Channel Latitude 34 degrees 28.02 minutes south Longitude 150 degrees 53.91 minutes east thence proceeding northerly for approximately 90 metres to the southern training wall at the entrance to the Inner Harbour thence north westerly across that entrance for approximately 270 metres to the Northern Breakwater thence generally easterly for approximately 470 metres to the inshore end of the Oil Berth thence southerly along that berth for approximately 40 metres to the control valves located at the outer end. The submarine portion of those pipelines is located across the entrance to Inner Harbour, Port Kembla, as shown by one line of symbols on a copy of Naval Chart AUS 195 of Port Kembla and Wollongong with Approaches, New Edition 25 January 1978 (a copy of which is held in the Survey Drafting Office of the Board).

3. The pipeline commencing at a point on No. 4 Jetty, Outer Harbour, Port Kembla, Latitude 34 degrees 28.45 minutes south Longitude 150 degrees 54.63 minutes east thence proceeding generally southerly for approximately 170 metres to the inshore end of that jetty thence generally southerly for approximately 180 metres to the Terminal. No. 4 Jetty, Outer Harbour, Port Kembla, is shown on a copy of Naval Chart AUS 195 of Port Kembla and Wollongong with

Approaches, New Edition 25 January 1978 (a copy of which is held in the Survey Drafting Office of the Board).

### **Trial Bay**

The pipeline at Trial Bay commencing at the Offshore Tanker Mooring Latitude 30 degrees 52.69 minutes south Longitude 153 degrees 3.08 minutes east and proceeding in a south easterly direction for approximately 1 250 metres to the high water mark on Front Beach thence southerly for approximately a further 400 metres to a control valve located in the Oil Tank Farm on the southern side of Phillip Drive, the submarine portion of which is shown on a copy of Naval Chart AUS 220 of Trial Bay, New Edition 7 March 1986 (a copy of which is held in the Survey Drafting Office of the Board).

### **Twofold Bay (Eden)**

The pipeline at Eden commencing at the Tanker Mooring Latitude 37 degrees 4.715 minutes south Longitude 151 degrees 54.405 east thence proceeding in a northerly direction for approximately 110 metres thence north easterly for approximately 340 metres to a control valve located within the Mobil Coastal Bulk Plant, Eden, the submarine portion of which is shown on a copy of Naval Chart AUS 191 of Twofold Bay published 13 December 1972 (a copy of which is held in the Survey Drafting Office of the Board).

## **SCHEDULE 3 - MODIFICATIONS TO MARINE ORDERS**

(Cl. 19)

### **Modifications to Marine Orders, Part 92 (Marine Pollution Prevention - Oil)**

1. The Marine Orders, Part 91 (Marine Pollution Prevention - Oil) is adopted subject to the following modifications:

- (a) omit from the definition of "Senior Assistant Secretary" in clause 1.2 the word "Department", insert instead the words "Department of Transport and Communications of the Commonwealth";
- (b) omit the definition of "survey authority" from clause 1.2, insert instead the following definition:  
"survey authority" means a person, or a corporation or association for the survey of shipping:

- (a) approved under section 187BA of the Navigation Act 1912 of the Commonwealth; or
- (b) approved for the purposes of this Regulation, and notified to the Board, by an officer of:
  - (i) the Department of Transport and Communications of the Commonwealth; or
  - (ii) the Department of Marine and Harbours of Western Australia; or
  - (iii) the Navigation and Survey Authority of Tasmania; or
  - (iv) the Department of Transport and Works of the Northern Territory; or
  - (v) the Department of Harbours and Marine of Queensland; or
  - (vi) the Department of Marine and Harbours of South Australia; or
  - (vii) the Marine Board of Victoria; and
- (c) omit from the definition of "the Convention" in clause 1.2 the words "*Protection of the Sea (Prevention of Pollution from Ship) Act 1983*", insert instead the words "Marine Pollution Act 1987";
- (d) omit from clause 2 the matter "subsection 33 (2) of the *Protection of the Sea (Prevention of Pollution from Ship) Act 1983* and";
- (e) a reference in the Part to a provision of the Navigation Act set out below is to be read as a reference to the relevant provision of the Act set out beside it:
  - section 267 of the Navigation Act - section 34 of the Act
  - section 267A(1) of the Navigation Act - section 35 (1) of the Act
  - section 267D of the Navigation Act - section 37 of the act
  - section 267E of the Navigation Act - section 38 of the Act
- (f) after the words "Chief Naval Architect" in clause 3, insert the words "in the Department of Transport and Communications of the Commonwealth, or the Senior Engineer and Ship Surveyor or the Ship Surveyor Grade V of the Board";



- (g) omit clauses 4 and 6.2;
- (h) omit the word "Commonwealth" from clause 5.1, insert instead the word "State";
- (i) omit the matter "or section 267F" from clause 6.1;
- (j) omit clause 8.1, insert instead the following clause:

8.1 - Certificate

For the purposes of section 36 of the Marine Pollution Act 1987, the International Oil Pollution Prevention Certificate appearing in Appendix II of Annex I is the prescribed form.

- (k) omit the word "Department" from clause 8.2.1, insert instead the words "Department of Transport and Communications of the Commonwealth, and the Senior Engineer and Ship Surveyor and the Ship Surveyor Grade V of the Board";
- (l) after the word "Surveyor" in clause 9.1 and 9.2 wherever occurring, insert the words "in the Department of Transport and Communications of the Commonwealth, or the Senior Engineer and Ship Surveyor of the Board";
- (m) after the word "Architect" in clause 9.3, insert the words "in the Department of Transport and Communications of the Commonwealth, or the Senior Naval Architect of the Board";
- (n) after the word "Architect" in clause 9.4, insert the words "in the Department of Transport and Communications of the Commonwealth, or the General Manager, the Senior Engineer and Ship Surveyor or the Senior Naval Architect of the Board";
- (o) omit the word "AUSTRALIA" from the heading to the Form in Appendix 6, insert instead the words "NEW SOUTH WALES";
- (p) omit the words "AN AUSTRALIAN SHIP" from the heading to the Form in Appendix 6, insert instead the words "A SHIP";
- (q) omit the words "in the Department." from the Form in Appendix 6, insert instead the following words:
  - in the Department of Transport and Communications of the Commonwealth.
  - \* Senior Engineer and Ship Surveyor;  
Ship Surveyor Grade V,  
of the Board.

**Modifications to Marine Orders, Part 93 (Marine Pollution Prevention - Noxious Liquid Substances in Bulk)**

2. The Marine Orders, Part 93 (Marine Pollution Prevention - Noxious Liquid Substances in Bulk) is adopted subject to the following modifications:

- (a) omit from the definition of "Senior Assistant Secretary" in clause 1.2 the word "Department", insert instead the words "Department of Transport and Communications of the Commonwealth";
- (b) omit the definition of "the Prevention Act" from clause 1.2, insert instead the following definition:  
**"the Prevention Act"** means the Marine Pollution Act 1987.
- (c) omit from clause 2 the matter "subsection 33 (2) of the Prevention Act and";
- (d) a reference in the Part to a provision of the Navigation Act set out below is to be read as a reference to the relevant provision of the Act set out beside it:  

section 267N (2) of the Navigation Act - section 34 of the Act  
section 267Q of the Navigation Act - section 41 of the Act  
section 267S of the Navigation Act - section 42 of the Act  
section 267T of the Navigation Act - section 43 of the Act
- (e) after the word "Surveyor" in clause 3, insert the words "in the Department of Transport and Communications of the Commonwealth, or the Senior Engineer and Ship Surveyor or the Ship Surveyor Grade V of the Board";
- (f) omit clauses 4 and 6.2;
- (g) omit the matter "subsections 267P (1) and 425 (1) of the Navigation Act and subsection 33 (1) of the Prevention Act" from clause 5.1, insert instead the matter "section 40 (1) of the Act";
- (h) omit the word "Commonwealth" from clause 5.1, insert instead the word "State";
- (i) omit the matter "or section 267U" from clause 6.1;
- (j) omit clause 8.1, insert instead the following clause:

### **8.1 - Certificate**

For the purposes of section 41 of the Prevention Act, the International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk appearing in Appendix V of Annex II is the prescribed form.

- (k) omit the word "Department" from clause 8.2.1, insert instead the words "Department of Transport and Communications of the Commonwealth, and the Senior Engineer and Ship Surveyor and the Ship Surveyor Grade V of the Board";
- (l) after the word "Secretary" in clause 9, insert the words "of the Department of Transport and Communications of the Commonwealth or the Chief Executive of the Board, as appropriate";
- (m) omit the word "AUSTRALIA" from the heading to the Form in Appendix 3, insert instead the words "NEW SOUTH WALES";
- (n) omit the words "AN AUSTRALIAN SHIP" from the heading to the Form in Appendix 3, insert instead the words "A SHIP";
- (o) omit the words "in the Department." from the Form in Appendix 3, insert instead the following words:
  - in the Department of Transport and Communications of the Commonwealth.
  - \* Senior Engineer and Ship Surveyor;
  - Ship Surveyor Grade V,
  - of the Board.

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### **NOTES**

#### **TABLE OF PROVISIONS**

##### **PART 1 - PRELIMINARY**

- 1. Citation
- 2. Commencement
- 3. Definitions

##### **PART 2 - STATE WATERS**

- 4. Waters prescribed as State waters

##### **PART 3 - POLLUTION BY OIL OR NOXIOUS SUBSTANCES**

- 5. Prescribed officers
- 6. Notification of discharges

7. Time for furnishing discharge report
8. Discharge reports
9. Oil record book
10. Matters to be recorded in oil record book
11. Cargo record book
12. Matters to be recorded in cargo record book
13. Regulation 8 of Annex II to have the force of law

PART 4 - POLLUTION RELATING TO TRANSFER  
OPERATIONS

14. Purpose-built pipelines
15. Prescribed officers
16. Notification of discharges
17. Time for furnishing discharge report
18. Discharge reports

PART 5 - SHIPS CARRYING OR USING OIL OR  
CARRYING NOXIOUS LIQUID SUBSTANCES

19. Adoption of Orders relating to construction of ships etc.

PART 6 - MISCELLANEOUS

20. Minister may make orders
21. Fee for deposit of oil record book or cargo record book
22. Exemptions
23. Service of certain notices

SCHEDULE 1 - DISCHARGE REPORT

SCHEDULE 2 - PURPOSE-BUILT PIPELINES

SCHEDULE 3 - MODIFICATIONS TO MARINE ORDERS

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**EXPLANATORY NOTE**

The object of this Regulation is to make provision for matters required to be prescribed under the Marine Pollution Act 1987 (as a consequence of the commencement of that Act) including:

- (a) specifying additional State waters to which that Act is to apply; and
  - (b) providing for reporting procedures for notifying discharges of oil or noxious liquid substances into State waters; and
  - (c) prescribing forms for oil record books and cargo record books; and
  - (d) specifying officers who will carry out certain functions under that Act; and
  - (e) adopting certain Marine Orders made under the Navigation Act 1912 of the Commonwealth relating to construction standards of ships carrying or using oil or carrying noxious liquid substances.
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