

MARITIME SERVICES ACT 1935—REGULATION

(Relating to the discharge of waste from certain vessels)

NEW SOUTH WALES



[Published in Gazette No. 69 of 30 June 1993]

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Maritime Services Act 1935, has been pleased to approve the Regulation made by the Maritime Services Board of New South Wales and set forth hereunder.

IAN ARMSTRONG,
Deputy Premier, Minister for Public Works,
and Minister for Ports

The Maritime Services Board of New South Wales, in pursuance of the Maritime Services Act 1935, makes the following Regulation:

Commencement

1. This Regulation commences on 30th June, 1993

Amendments

2. The Management of Waters and Waterside Lands Regulations—N.S.W. are amended:

- (a) by omitting Regulation 63D (6) (b) and by inserting instead the following paragraph:
 - (b) the Board may exempt the vessel from compliance with those clauses, subject to such conditions as may be specified in the exemption.
- (b) by inserting after Regulation 63D (6) the following clause:
 - (6A) An application for an exemption under this Regulation must be made in writing to the Board and be accompanied by an inspection fee of \$83. In addition, a further inspection fee is

payable, on completion of the inspection of the vessel carried out in connection with the application, for each additional hour (or part of an hour) after the first hour of inspection.

- (c) by inserting after Regulation 63D (7) the following clause:

(8) The requirements of this Regulation are additional to the requirements of the Clean Waters Act 1970.

- (d) by omitting Regulation 63E (2) (b) and by inserting instead the following paragraph:

(b) in accordance with a licence referred to in section 16 of the Clean Waters Act 1970.

- (e) by omitting Regulation 63F (5) (b) and by inserting instead the following paragraph:

(b) the Board may exempt the vessel from compliance with those clauses, subject to such conditions as may be specified in the exemption.

- (f) by inserting after Regulation 63F (5) the following clause:

(5A) An application for an exemption under this Regulation must be made in writing to the Board and be accompanied by an inspection fee of \$83. In addition, a further inspection fee is payable, on completion of the inspection of the vessel carried out in connection with the application, for each additional hour (or part of an hour) after the first hour of inspection.

- (g) by inserting after Regulation 63F (6) the following clause:

(7) The requirements of this Regulation are additional to the requirements of the Clean Waters Act 1970.

- (h) by omitting Regulation 63G (1) (b) and by inserting instead the following paragraph:

(b) in accordance with a licence referred to in section 16 of the Clean Waters Act 1970.

DATED this thirty-first day of May, 1993

The *COMMON SEAL* of the *MARITIME SERVICES BOARD OF NEW SOUTH WALES* was duly affixed in the presence of the Chief Executive of the Board:

W. L. GILBERT

EXPLANATORY NOTE

Regulations 63A–63H of the Management of Waters and Waterside Lands Regulations—N.S.W. impose controls on the discharge of toilet and galley waste from certain vessels.

Regulations 63D and 63F require vessels to which the Regulations apply to have certain pollution control equipment. Regulations 63D (6) and 63F (5) allow the Maritime Services Board to exempt vessels from compliance with those requirements if the Board considers that compliance is impracticable or unnecessary.

The Clean Waters Act 1970 provides for the prevention or reduction of pollution of certain waters. Section 16 of that Act allows a person to pollute waters if that person holds a licence referred to in that section and does not pollute in contravention of any conditions of the licence.

This Regulation:

- (a) allows the Maritime Services Board to impose conditions on an exemption from compliance with Regulation 63D or 63F (clause 2 (a) and (e)); and
 - (b) requires payment of inspection fees for an application for exemption from compliance with Regulation 63D or 63F (clause 2 (b) and (f)); and
 - (c) makes it clear that the requirements of Regulations 63D and 63F are additional to those of the Clean Waters Act 1970 (clause 2 (c) and (g)); and
 - (d) amends the requirements relating to the discharge of waste from vessels to which the Regulations apply so that waste must not be discharged from such a vessel unless it is discharged into a waste collection facility or in accordance with a licence referred to in section 16 of the Clean Waters Act 1970 (clause 2 (d) and (h)).
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