

1993—No. 291

MARITIME SERVICES ACT 1935—REGULATION

(Relating to the control of toilet and galley waste from vessels)

NEW SOUTH WALES



[Published in Gazette No. 76 of 2 July 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 1 July 1993.

Amendments

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

- (a) by inserting after Regulation 4 the following Regulation:

Notes

- 4A. Notes included in these Regulations are explanatory notes and do not form part of these Regulations.

(b) by omitting Division 6 of Part 2 and by inserting instead the following Division:

Division 6—Control of Toilet and Galley Waste from Vessels

NOTE: This Division imposes requirements on the owners and masters of certain vessels used in the Sydney Harbour locality and on inland waters (including the Murray River) relating to the discharge of toilet and galley waste from those vessels.

The Division applies to the vessels set out below (however not all of the provisions apply to each category of vessel):

- any vessel in the Sydney Harbour locality with a toilet
- any commercial vessel (including a passenger vessel) in the Sydney Harbour locality with a galley
- any vessel on the Murray River with a toilet or which is over 6 metres in length
- any commercial vessel (including a passenger vessel) on any inland waters other than the Murray River.

The Division does not apply to a vessel referred to in Regulation 50A. (Obligations are also imposed by the Division on certain marina operators in the Sydney Harbour locality—see Regulation 63H.)

A summary of the provisions of the Division is set out below.

TABLE—SUMMARY OF PROVISIONS OF DIVISION 6

Regulation	Vessels etc. and waters to which Regulation applies	Requirements
63C	<p><i>Murray River:</i></p> <ul style="list-style-type: none"> • vessel 6 metres or more in length <p><i>Inland waters other than the Murray River:</i></p> <ul style="list-style-type: none"> • commercial vessel (including a passenger vessel) 6 metres or more in length <p><i>Sydney Harbour locality:</i></p> <ul style="list-style-type: none"> • passenger vessel 	<p><i>Toilets</i></p> <p>The vessel must have a toilet.</p>

1993—No. 291

63D	<p><i>Murray River:</i></p> <ul style="list-style-type: none"> • vessel 6 metres or more in length • any other vessel with a toilet unless the hull construction commenced before 1 July 1993 <p><i>Inland waters other than the Murray River:</i></p> <ul style="list-style-type: none"> • commercial vessel (including a passenger vessel) 6 metres or more in length <p><i>Sydney Harbour locality:</i></p> <ul style="list-style-type: none"> • passenger vessel • commercial vessel (not being a passenger vessel) with a toilet or required by a regulation made under the Commercial Vessels Act 1979 to have a toilet • any other vessel with a toilet unless the hull construction commenced before 1 July 1992 	<p><i>Toilet waste holding tanks</i></p> <p>The toilet on the vessel must be connected to a holding tank that is constructed in the specified manner.</p> <p>The toilet, holding tank and fittings must be in good and serviceable condition.</p>
63E	<p><i>Murray River:</i></p> <ul style="list-style-type: none"> • vessel 6 metres or more in length 	<p><i>Murray River—additional requirements for toilet waste holding tanks</i></p> <p>The holding tank on the vessel must comply with additional requirements relating to tank capacity and specifications.</p>
63F	<p><i>Murray River:</i></p> <ul style="list-style-type: none"> • commercial vessel (including a passenger vessel)—if the hull construction commenced, or if a holding tank or galley waste container was installed, on or after 1 July 1993 	<p><i>Galley waste containers</i></p> <p>Any sink, basin, washbowl or similar permanent container on the vessel must be connected to a galley waste container that is constructed in the specified manner.</p>

	<p><i>Sydney Harbour locality:</i></p> <ul style="list-style-type: none"> • passenger vessel—if the hull construction commenced, or if a holding tank or galley waste container was installed, on or after 1 July 1992 	<p>The galley waste container and fittings must be in good and serviceable condition.</p>
63G	<p><i>Murray River:</i></p> <ul style="list-style-type: none"> • vessel with a toilet, holding tank or galley waste container <p><i>Inland waters other than the Murray River:</i></p> <ul style="list-style-type: none"> • commercial vessel (including a passenger vessel) with a toilet, holding tank or galley waste container <p><i>Sydney Harbour locality:</i></p> <ul style="list-style-type: none"> • vessel with a toilet, holding tank or galley waste container 	<p><i>Discharge of sewage and galley waste</i></p> <p>The contents of any toilet, holding tank or galley waste container on the vessel must be discharged or deposited only into a waste collection facility or in accordance with a licence referred to in section 16 of the Clean Waters Act 1970.</p>
63H	<p><i>Sydney Harbour locality:</i></p> <ul style="list-style-type: none"> • marina with 9 or more berths 	<p><i>Marinas</i></p> <p>The operator of the marina must:</p> <ul style="list-style-type: none"> (a) ensure there is an adequate and readily accessible waste collection facility at the marina for use by all vessels moored at the marina; or (b) comply with any agreement between the Maritime Services Board and the operator relating to the discharge or deposit of the contents of a toilet, holding tank or galley waste container on a vessel moored at the marina.

Definitions

63A. In this Division:

“approved” means approved by the Board;

“commercial vessel” means a vessel that is used to carry persons and that is:

- (a) used for the carriage of goods for money or any other valuable consideration; or
- (b) used in any way in, or in connection with, a business or trade or commerce; or
- (c) hired out or made available in the course of a business or in trade or commerce;

“galley waste container” on a vessel means any permanent container or receptacle on the vessel that:

- (a) is designed and constructed to receive discharge from any galley on the vessel and to retain the discharge for disposal; and
- (b) is separate from any holding tank;

“holding tank” on a vessel means any permanent container or receptacle on the vessel that is designed and constructed to receive waste from a toilet on the vessel and to retain the waste for disposal;

“inland waters” means navigable waters not subject to tidal influence;

“length” means length overall;

“marina” means premises consisting of pontoons, jetties, piers or other structures (whether water-based or land-based) that are designed to provide moorings, dockage or other facilities and services for vessels;

“Murray River” includes:

- (a) the navigable waters of that part of the Darling River and its tributaries from the junction of that river with the Murray River upstream approximately 42 kilometres to the overhead crossing at Avoca; and
- (b) the navigable waters of the anabranches of the Murray River; and
- (c) the backed up waters of all dams and other impoundments on the Murray River from the South Australian border upstream to the source of the Murray River;

“on-board treatment works” means a waste treatment system installed on a vessel that is capable of treating waste to a standard approved for discharge;

“operator” of a marina means the owner, lessee or occupier of, or other person responsible for, a marina;

“passenger vessel” means a vessel that is the subject of a Class 1 permit under the Commercial Vessels Act 1979;

“toilet” includes a urinal;

“waste collection facility” means a facility that is designed and constructed to receive the contents of holding tanks, galley waste containers and toilets.

Application

63B. (1) This Division does not apply to a vessel referred to in Regulation 50A.

(2) The requirements of this Division are additional to the requirements of the Clean Waters Act 1970.

Requirements for toilets—certain vessels on inland waters and in the Sydney Harbour locality

63C. (1) **Certain vessels required to have toilet.** A vessel must have a toilet if:

- (a) it is 6 metres or more in length and is used on the Murray River; or
- (b) it is 6 metres or more in length and is a commercial vessel (including a passenger vessel) that is used on inland waters other than the Murray River; or
- (c) it is a passenger vessel used in the Sydney Harbour locality.

(2) **Offence.** Both the owner and the master of a vessel are guilty of an offence against these Regulations if the requirements of this Regulation are not complied with.

Maximum penalty: 15 penalty units.

Requirements for toilet waste holding tanks—generally

63D. (1) **Vessels covered.** This Regulation applies to the following vessels:

- (a) a vessel required by Regulation 63C to have a toilet;
- (b) any other vessel used on the Murray River with a toilet unless the hull construction of the vessel commenced before 1 July 1993;

1993—No. 291

- (c) a commercial vessel (not being a passenger vessel) used in the Sydney Harbour locality with a toilet or required by a regulation made under the Commercial Vessels Act 1979 to have a toilet;
- (d) any other vessel used in the Sydney Harbour locality with a toilet unless the hull construction of the vessel commenced before 1 July 1992.

(2) **Vessels covered required to have holding tank.** A toilet on a vessel must be connected to a holding tank on the vessel.

(3) **Construction requirements for holding tank.** The holding tank, the fittings leading from the toilet to the holding tank and the fittings used for the discharge of the contents of the holding tank must be:

- (a) fabricated from stainless steel, polyester fibreglass, polyvinyl chloride or some other approved corrosion-resistant material; or
- (b) protected internally by polyester fibreglass, rubber or some other approved continuous liner and protected externally by an approved coating.

(4) **Maintenance of holding tank etc.** The toilet, holding tank and fittings must be in good and serviceable condition.

(5) **Offence.** Both the owner and the master of a vessel are guilty of an offence against these Regulations if the requirements of this Regulation are not complied with.

Maximum penalty: 15 penalty units.

Additional requirements for toilet waste holding tanks—certain vessels on the Murray River

63E. (1) **Vessels covered.** This Regulation applies to any vessel that is 6 metres or more in length and is used on the Murray River.

(2) **Classification of vessels covered.** A vessel is to be classified, for the purposes of this Regulation, in accordance with Part A of the Table to this Regulation.

(3) **Additional requirements for holding tank on vessels covered.** In addition to the requirements of Regulation 63D, a vessel must have a holding tank:

- (a) that has a capacity that, in respect of the vessel's classification under this Regulation, complies with the capacity specified in Part B of the Table to this Regulation for a vessel of that classification; and
- (b) that complies with the specifications for holding tanks specified in Part C of the Table to this Regulation.

(4) **Offence.** Both the owner and the master of a vessel are guilty of an offence against these Regulations if the requirements of this Regulation are not complied with.

Maximum penalty: 15 penalty units.

TABLE
HOLDING TANKS—CAPACITY AND SPECIFICATION
REQUIREMENTS FOR VESSELS 6 METRES OR MORE
IN LENGTH ON THE MURRAY RIVER

PART A—CLASSIFICATION OF VESSELS FOR
DETERMINING HOLDING TANK CAPACITY

Number of sleeping berths	Length of Vessel		
	Equal to or greater than 12 metres	Less than 12 metres and equal to or greater than 9 metres	Less than 9 metres and equal to or greater than 6 metres
9 or more	A	A	A
5–8	A	B	B
3–4	A	B	C
1–2	A	B	D
None	A	B	D

PART B—REQUIRED CAPACITY OF HOLDING TANKS

Vessel Classification and Passenger Capacity*	Minimum Volume (litres)	
	Conventional Toilet	Recirculating Toilet
A – where passenger capacity is less than 30 persons	180	90

A . . . where passenger capacity is 30 or more persons	Passenger capacity x 7	Passenger capacity x 3.5
B . . . where passenger capacity is less than 30 persons	140	70
B . . . where passenger capacity is 30 or more persons	Passenger capacity x 7	Passenger capacity x 3.5
C . . . where passenger capacity is less than 30 persons	70	35
C . . . where passenger capacity is 30 or more persons	Passenger capacity x 7	Passenger capacity x 3.5
D . . . where passenger capacity is less than 30 persons	30	15
D . . . where passenger capacity is 30 or more persons	Passenger capacity x 7	Passenger capacity x 3.5

*For the purposes of this Table, passenger capacity is the maximum number of persons that the vessel may carry in accordance with the Water Traffic Regulations—N.S.W.

PART C—SPECIFICATIONS FOR HOLDING TANKS

1. Holding tank construction

The holding tank must be constructed in such a manner as to have a smooth uninterrupted interior surface free from any projections. The lower part of the tank must be sloped to be self-cleansing.

2. Tank inlet

The toilet pan must be located as close as practicable to the top of the tank and an inlet connection to the tank must terminate not less than 75 mm inside the tank.

3. Tank outlet

The outlet pipe from the tank must have a minimum nominal bore of 38 mm and be fitted so that not more than 40 mm depth of waste remains in the tank after discharge of the tank contents. The upper end of the outlet pipe must be rigidly attached to the vessel and must be exposed on, or accessible from, the deck of the vessel. The upper end of the outlet pipe must be fitted with the female side of an approved quick coupling device of 38 mm nominal bore. A removable gas-tight cover that is capable of protecting the seal must be positioned over this coupling.

4. Venting

A vent pipe of 38 mm nominal bore must be fitted to the top of the tank and must extend to a point outside the vessel, being a point not less than 300 mm above the level of the toilet seat pan.

5. Flushing water inlet

If the outlet pipe from the tank is not alternatively used as a flushing water inlet to the tank, a pipe of 38 mm nominal bore must be fitted to the top of the tank and be used for that purpose. The upper end of the flushing pipe must be fitted with the female side of an approved quick coupling device of 38 mm nominal bore and this coupling end must be rigidly attached to the vessel and be exposed on, or accessible from, the deck of the vessel. A removable gas-tight cover that is capable of protecting the seal must be positioned over this coupling.

6. Inspection opening

Except where a toilet with a mechanical seal is mounted directly on top of the tank, an accessible inspection opening of 100 mm diameter must be located in the top of the tank and must be fitted with a removable gas-tight cover.

7. Overflow

No overflow device is to be fitted to the tank.

8. Gas tightness

When all removable gas-tight covers are secured in position, the tank and its fittings (except for the vent pipe) must be thoroughly gas-tight under normal operating conditions.

Requirements for galley waste containers

63F. (1) **Vessels covered.** This Regulation applies to the following vessels:

- (a) a commercial vessel (including a passenger vessel) used on the Murray River, the hull construction of which commenced, or in which a holding tank or galley waste container was installed, on or after 1 July 1993;
- (b) a passenger vessel used in the Sydney Harbour locality, the hull construction of which commenced, or in which a holding tank or a galley waste container was installed, on or after 1 July 1992.

(2) **Vessels covered required to have galley waste container.** Any sink, basin, washbowl or similar permanent container into which galley waste is discharged on a vessel must be connected to a galley waste container on the vessel.

(3) **Construction requirements for galley waste container**
The galley waste container, the fittings leading from the galley to

the container and the fittings used for the discharge of the contents of the galley waste container must be:

- (a) fabricated from stainless steel, polyester fibreglass, polyvinyl chloride or some other approved corrosion-resistant material; or
- (b) protected internally by polyester fibreglass, rubber or some other approved continuous liner and protected externally by an approved coating.

(4) **Maintenance of galley waste container.** The galley waste container on the vessel and the fittings must be in good and serviceable condition.

(5) **Offence.** Both the owner and the master of a vessel are guilty of an offence against these Regulations if the requirements of this Regulation are not complied with.

Maximum penalty: 15 penalty units.

Requirement for the proper discharge of sewage and galley waste

63G. (1) **Vessels covered.** This Regulation applies to the following vessels:

- (a) a vessel with a toilet, holding tank or galley waste container used on the Murray River;
- (b) a commercial vessel (including a passenger vessel) with a toilet, holding tank or galley waste container used on inland waters other than the Murray River;
- (c) a vessel with a toilet, holding tank or galley waste container used in the Sydney Harbour locality.

(2) **Requirements for proper discharge.** A person must not discharge or deposit or allow or permit to be discharged or deposited into or onto any waters or the bank or bed of any waters, the contents of a toilet, holding tank or galley waste container on a vessel unless the contents of the toilet, holding tank or galley waste container are discharged or deposited:

- (a) into a waste collection facility; or
- (b) in accordance with a licence referred to in section 16 of the Clean Waters Act 1970.

(3) **Offence.** Both the owner and the master of a vessel are guilty of an offence against these Regulations if the requirements of this Regulation are not complied with.

Maximum penalty: 15 penalty units.

Requirements for marina operators

63H. (1) An operator of a marina that has 9 or more berths in the Sydney Harbour locality must:

- (a) ensure that there is an adequate and readily accessible waste collection facility at the marina for use by all vessels moored at the marina; or
- (b) comply with the terms of any oral or written agreement between the Board and the operator that relates to the discharge or deposit of the contents of a toilet, holding tank or galley waste container on a vessel moored at the marina.

(2) An agreement referred to in clause (1) (b) must not permit the discharge or deposit into or onto any waters or the bank or bed of any waters of the contents of a toilet, holding tank or galley waste container on a vessel.

(3) A marina operator who does not comply with the requirements of this Regulation is guilty of an offence.

Maximum penalty: 15 penalty units.

Exemptions from compliance

63I. (1) If the Board is of the opinion that it is impracticable or unnecessary for a vessel, or class of vessels to which a vessel belongs, to comply with any one or more of the following provisions:

- (a) Regulation 63C (1);
- (b) Regulation 63D (2), (3), (4);
- (c) Regulation 63E (3);
- (d) Regulation 63F (2), (3), (4),

the Board may exempt the vessel or class of vessels from compliance with any one or more of those provisions (subject to such conditions as may be specified in the exemption).

(2) The Board may, instead of exempting the vessel or class of vessels from compliance with those provisions, allow the vessel or class of vessels to be fitted with a toilet, holding tank, galley waste container or on-board treatment works, as the case may be, approved by the Board.

(3) The Board may grant an exemption under this Regulation on application by the owner of a vessel or on its own initiative.

Applications for exemptions

63J. (1) An application for an exemption by the owner of a vessel under Regulation 63I must be made in writing to the Board and be accompanied by an inspection fee of \$83.

(2) A further inspection fee (calculated at the rate of \$83 per hour or part of an hour for any hour or part of an hour after the first hour of inspection) is payable on completion of the inspection of the vessel carried out in connection with the application.

(c) by omitting the Sixth and Seventh Schedules.

DATED this thirty-first day of May, 1993.

The *COMMON SEAL of the MARITIME SERVICES BOARD OF NEW SOUTH WALES* was hereto duly affixed in the presence of the Chief Executive: } W. L. GILBERT

EXPLANATORY NOTE

The object of this Regulation is to replace Division 6 of Part 2 of the Management of Waters and Waterside Lands Regulations—N.S.W. so as:

- (a) to extend the existing pump-ashore zones along the full length of the Murray River by omitting the definition of "pump-ashore zone" and by inserting a definition of the "Murray River" for the purposes of Division 6; and
- (b) to impose (from 1 July 1993) controls relating to the discharge of galley waste from certain vessels on the Murray River and other inland waters; and
- (c) to extend the category of vessels on the Murray River that are required to have toilets connected to specified holding tanks to include a vessel that is less than 6 metres in length if the hull construction of the vessel commenced on or after 1 July 1993; and
- (d) to amend provisions imposing additional requirements for toilet waste holding tanks (relating to tank capacity and specifications) for vessels using the Murray River so that the provisions apply only to vessels 6 metres or more in length; and
- (e) to enable the Maritime Services Board, on application or on its own initiative, to grant exemptions in specified circumstances to a class of vessels from compliance with the requirements of the Division relating to the installation of toilets, holding tanks or galley waste containers (currently an exemption may be granted by the Board only in respect of a particular vessel); and

1993—No. 291

(f) to recast the remaining provisions of Division 6 of the Management of Waters and Waterside Lands Regulations—N.S.W. to omit dates that have expired and make changes that are consequential on the extension of the pump-ashore zones along the full length of the Murray River.

The controls relating to galley waste referred to in paragraph (b) are as follows:

- commercial vessels (including passenger vessels) on the Murray River the hull construction of which commenced, or in which a holding tank or galley waste container was installed, on or after 1 July 1993, must have an appropriate permanent container for the collection of galley waste that is:
 - separate from any sewage holding tank
 - connected in a specified manner
 - properly maintained
- it will be an offence to discharge the contents of a galley waste container on a vessel on the Murray River or a commercial vessel (including a passenger vessel) on other inland waters unless the contents of the container are discharged into a waste collection facility or in accordance with a licence referred to in section 16 of the Clean Waters Act 1970.

The Regulation is made under the Maritime Services Act 1935, including section 38 (the general regulation making power) and particularly section 38 (2) (c).
