

# Marine Pollution Regulation 2001

[2001-673]



New South Wales

## Status Information

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### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Authorisation

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New South Wales

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# Marine Pollution Regulation 2001



New South Wales

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the [Marine Pollution Act 1987](#).

CARL SCULLY, M.P., Minister for Transport

## Part 1 Preliminary

### 1 Name of Regulation

This Regulation is the [Marine Pollution Regulation 2001](#).

### 2 Commencement

This Regulation commences on 1 September 2001.

**Note—**

This Regulation replaces the [Marine Pollution Regulation 1995](#) which is repealed on 1 September 2001 under section 10 (2) of the [Subordinate Legislation Act 1989](#).

### 3 Definitions

(1) In this Regulation:

**AMSA** means the Australian Maritime Safety Authority.

**marine safety authority of another State or Territory** means the following:

- (a) AMSA,
- (b) the Department of Transport and Works of the Northern Territory,
- (c) the Department of Transport of Queensland,
- (d) the Department of Transport, Urban Planning and the Arts of South Australia,
- (e) Marine and Safety Tasmania,
- (f) the Marine Board of Victoria,
- (g) the Department of Transport of Western Australia.

**Port Corporation** means Newcastle Port Corporation, Port Kembla Port Corporation or Sydney Ports Corporation (each of which is constituted by the [Ports Corporatisation and Waterways Management Act 1995](#)).

**the Act** means the [Marine Pollution Act 1987](#).

**Waterways Authority** means the Waterways Authority constituted under Part 4 of the [Ports Corporatisation and Waterways Management Act 1995](#).

(2) In this Regulation, a reference to a pipeline or a purpose-built pipeline includes a reference to any fittings and valves of the pipeline concerned.

#### 4 Notes

The explanatory note, table of contents and notes in the text of this Regulation (other than the notes in Schedule 1) do not form part of this Regulation.

## Part 2 State waters

### 5 Waters prescribed as State waters

For the purposes of the definition of **State waters** in section 3 (1) of the Act, the prescribed waters are such parts of the waters of the following Ports (as described in Schedule 1 to the [Ports Corporatisation and Waterways Management Regulation 1997](#) beneath the name of the port concerned) as are within the limits of the State:

- (a) Botany Bay,
- (b) Clarence River (Yamba),
- (c) Newcastle Harbour,
- (d) Port Kembla,
- (e) Sydney Harbour,
- (f) Eden.

## Part 3 Pollution by oil or noxious substances

### 6 Prescribed officers

- (1) For the purposes of sections 8 (2), 13 (3) and (4), 18 (2), 23 (5) and (6), 27 (2), 50 (3) and 58 (d) and (e) of the Act, the following officers are prescribed officers:
- (a) each harbour master,
  - (b) the following officers of Newcastle Port Corporation, Port Kembla Port Corporation and Sydney Ports Corporation:

- (i) the Chief Executive Officer,
  - (ii) the General Manager,
  - (iii) the Company Secretary,
- (c) the following officers of the Waterways Authority:
- (i) each Regional Manager,
  - (ii) each Boating Safety Officer,
  - (iii) each Vessel Survey Manager.

(2) For the purposes of section 18 (6), (7), (8) and (9) of the Act, a prescribed officer is any officer of AMSA appointed or authorised by that body for the purpose of implementing Regulation 5 of Annex II of the Convention.

## **7 Notification of discharges**

- (1) 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 the quickest means available and conveyed through AMSA, a Port Corporation or the Waterways Authority.
- (2) If the notification is conveyed through AMSA, it must:
- (a) commence with the code letters POLREP, and
  - (b) contain the name and radio call sign (if any) of the ship concerned.
- (3) If the notification is conveyed through a Port Corporation or the Waterways Authority, it must contain:
- (a) the name and radio call sign (if any) of the ship concerned, and
  - (b) the name of the person notifying the incident, and
  - (c) the position of the ship.

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

For the purposes of sections 10 (6) and (7) and 20 (6) and (7) of the Act, a report must be furnished to the Minister in relation to a prescribed incident not later than 24 hours after receipt of a request for a report, or within such further time (not exceeding a further 14 days) as the Minister may allow.

## **9 Discharge reports**

For the purposes of sections 10 (6) and (7) and 20 (6) and (7) of the Act, Form 1 of Schedule 1 is the prescribed form in relation to a discharge or probable discharge of:

- (a) oil or an oily mixture, or
- (b) a noxious liquid substance that is carried as a cargo or part cargo in bulk.

#### **10 Oil record book**

- (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 of Appendix III to Annex I of the Convention.
- (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 II of Appendix III to Annex I of the Convention.

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

- (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 operation 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 after slop tank discharge operations,

(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 securing the safety of the ship or of 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).

## **12 Cargo record book**

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 Convention.

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

(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 of the Convention,



- (i) the removal by ventilation procedures of cargo residues from a tank in accordance with Regulation 5 of Annex II of 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 securing the safety of the ship or of 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).

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

- (1) The provisions of Regulation 8 of Annex II of 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) 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 of the Convention is applicable to the tank (having regard to whether the substance unloaded from the tank is a Category A, B, C or D substance), the master of the ship is guilty of an offence.

Maximum penalty (subsection (2)): 20 penalty units.

- (3) In the application of Regulation 8 of Annex II of 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 a person designated by AMSA or by the Chief Executive of the Waterways Authority, and
  - (c) a reference to the surveyor (however described), including a surveyor authorised for the purpose of implementing that Regulation, is to be read as a reference to the Administration (as defined in paragraph (b)).
- (4) A surveyor 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 of the Convention, with any control procedures developed by the International Maritime Organization.

- (5) An exemption referred to in paragraph (2) (b) or (5) (b) of Regulation 8 of Annex II of the Convention may be granted only to a ship engaged in voyages to ports or terminals under the jurisdiction of States (other than Australia) that are parties to the Convention. When such an exemption has been 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**

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

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.

### **16 Notification of discharges**

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 the quickest means available and conveyed through AMSA, a Port Corporation or the Waterways Authority 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.

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

For the purposes of section 28 (3) of the Act, a report must be furnished to the Minister in relation to a discharge not later than 24 hours after receipt of a request for a report, or within such further time (not exceeding a further 14 days) as the Minister may allow.

### **18 Discharge reports**

For the purposes of section 28 (3), of the Act, Form 1 of Schedule 1 is prescribed.

## **Part 5 Ships carrying or using oil or carrying noxious liquid substances**

### **19 Surveys of ships**

For the purposes of sections 38 and 43 of the Act, each period of 5 years (the first of which commences on the commencement of this clause) is a prescribed period in relation

to a ship referred to in either of those sections.

## **20 Adoption of Commonwealth Orders**

The Marine Orders, Part 91 (Marine Pollution Prevention—Oil) and Part 93 (Marine Pollution Prevention—Noxious Liquid Substances), as in force on 1 March 2001, and made by AMSA under the *Protection of the Sea (Prevention of Pollution from Ships) Act 1983* of the Commonwealth, are adopted, subject to the modifications set out in Schedule 3.

## **21 Ship construction certificates and chemical tanker construction certificates**

- (1) A certificate issued by a marine safety authority of another State or Territory certifying that a ship is constructed in accordance with the provisions of Annex I of the Convention is prescribed for the purposes of Division 2 of Part 5 of the Act.
- (2) A certificate issued by a marine safety authority of another State or Territory certifying that a ship is constructed in accordance with the provisions of Annex II of the Convention is prescribed for the purposes of Division 3 of Part 5 of the Act.

## **22 Notice of alteration or damage to ship**

For the purposes of section 37 (1) and 42 (1) of the Act, the prescribed form is Form 2 of Schedule 1.

## **Part 6 Miscellaneous**

### **23 Minister may make orders**

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

- (a) giving effect to Annex I of 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 of 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.

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

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.

## 25 Exemptions

- (1) 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 not referred to in paragraph (a) that are owned or operated by Australia or another State 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.

## 26 Service of certain notices

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](#).

## 27 Saving

Any act, matter or thing that was done, or immediately before the repeal of the [Marine Pollution Regulation 1995](#) had effect, under that Regulation is taken to have been done, or to have effect, under this Regulation.

# Schedule 1 Forms

## Form 1 Marine pollutants report form

(Clauses 9 and 18)

([Marine Pollution Act 1987](#), sections 10, 20 and 28)

(For use when reporting **any** discharge or probable discharge of oil or an oily mixture or a discharge or probable discharge of a noxious liquid substance **carried in bulk**)

**Note—**

The items of this form that are inappropriate in a particular case should be omitted from the report.

- A1 Ship: name, size, type, call sign/ship station identity and flag
- A2 Name, address and contact details of owner and agent of ship/place on land/purpose-built pipeline/apparatus
- A3 Position of discharge and position of place on land/purpose-built pipeline/apparatus
- B Date and time of event

**Note—**

Express as Universal Co-ordinated Time

- C Position: latitude and longitude, or
- D Position: true bearing and distance

**Note—**

Give C or D

- E True course
- F Speed in knots
- L Route information: intended track
- M Radio communications: means of communication
- N Time of next report

**Note—**

Express as Universal Co-ordinated Time

- P
  - 1 Type of oil or the correct technical name of the noxious liquid substances on board
  - 2 UN numbers
  - 3 Pollution category (A, B, C or D) for each noxious liquid substance
  - 4 Names of manufacturers of substances or consignee or consignor
  - 5 Estimate of the quantity of each substance

**Note—**

Include item P in the case of probable discharge

- Q
  - 1 Structural condition of ship, as relevant
  - 2 Ability to transfer cargo/ballast/fuel
- R
  - 1 Type of oil or the correct technical name of the noxious liquid substance discharged into the sea
  - 2 UN numbers

- 3 Pollution category (A, B, C or D) for each noxious liquid substance
- 4 Names of manufacturers of substances or consignee or consignor
- 5 Estimate of the quantity of each substance
- 6 Whether discharged substances floated or sank
- 7 Whether discharge is continuing
- 8 Cause of discharge
- 9 Estimate of the trajectory of the discharge, giving weather conditions, if known
- 10 Estimate of the sea surface area covered by the discharge

**Note—**

Include item R in the case of actual discharge

- S Weather conditions (i.e. brief details of weather and sea conditions prevailing)
- X 1 Action being taken with regard to the discharge and the movement of the ship
- 2 Assistance or salvage efforts which have been requested or which have been provided by others

**Note—**

The master of an assisting or salvaging ship should also report the particulars of action undertaken or planned

## Form 2 Notice of alteration or damage to ship

(Clause 22)

([Marine Pollution Act 1987](#), sections 37 and 42)

To: Waterways Authority

1 Name of ship:

2 Official number (*if any*):

3 Home port/port of registry:

4 Call sign:

5 Name of owner(s) or agent:

6 Address of principal place of business of owner(s) or agent:

7

(a) Date of issue and reference number of International Oil Pollution Prevention Certificate (*in the case of a ship constructed in accordance with Annex I of the Convention*):

(b) Date of issue and reference number of International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk (*in the case of a ship constructed in accordance with Annex II of the Convention*):

8 Description of nature and extent of alteration or damage to the ship (*including date(s) on which damage*

*occurred and date(s) on which repairs or alterations, as the case may be, were commenced and completed):*

9 Name and address of person or corporation effecting alteration or repairs:

10 Reason(s) for, or cause(s) of, alteration or repairs:

11 Particulars of changes in the construction of the ship:

12

(a) Additional information (if any) affecting the compliance of the ship with the provisions of Annex I of the Convention (*in the case of a ship constructed in accordance with Annex I*):

(b) Additional information (if any) affecting the compliance of the ship with the provisions of Annex II of the Convention (*in the case of a ship constructed in accordance with Annex II*):

Signature of master or owner:

Date:

## **Schedule 2 Purpose-built pipelines**

(Clause 15)

### **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 (or Ampol) 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 (or Ampol) 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 premises of Caltex Refining Company Proprietary Limited (or of Ampol Refineries (NSW) Proprietary 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.
- 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 151 degrees 12.51 minutes east thence southerly for approximately 580 metres to a point midway along the outer end of the Caltex (or Ampol) 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 premises of Caltex Refining Company Proprietary Limited (or of Ampol Refineries (NSW) Proprietary 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.

### **Eden**

The pipeline at Eden commencing at the Tanker Mooring Latitude 37 degrees 4.72 minutes south Longitude 149 degrees 54.41 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.

### **Port 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.
- 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 where there is a diverter and valves located at Latitude 34 degrees 27.77 minutes south Longitude 150 degrees 54.09 minutes east thence:
  - (a) a pipeline 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, and
  - (b) a pipeline generally westerly for 300 metres to Latitude 34 degrees 27.72 minutes south Longitude 150 degrees 53.92 minutes east thence generally northerly to the southern end of Coal Berth No 1 thence generally northerly beneath Coal Berth No 1 to Coal Berth No 2 and terminating at a Compressor Station at Latitude 34 degrees 27.26 minutes south Longitude 150 degrees 53.82 minutes east.

The submarine portion of the 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.

- 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 54.67 minutes east thence proceeding generally south easterly for 25 metres thence generally southerly for approximately 220 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.

## Schedule 3 Modifications to Marine Orders

(Clause 20)

### 1 Modifications to Marine Orders, Part 91 (Marine Pollution Prevention—Oil)

The Marine Orders, Part 91 (Marine Pollution Prevention—Oil) are adopted subject to the following modifications:

- (a) Clause 1.1 is omitted.
- (b) The matter “Paragraph 33 (1) (a) of the Pollution Prevention Act” is omitted from clause 1.2 and replaced by the matter “Section 61 of the Act”.
- (c) Clause 1.3 is replaced by the following:

**1.3** This Part of Marine Orders gives effect to Regulations 13 to 19 (inclusive) and 22 to 25 (inclusive) of Annex I of MARPOL, and prescribes matters for the purposes of section 10 (10) and Division 2 of Part 5 of the Act.

- (d) The words “(or by the Chief Executive Officer of the Waterways Authority constituted under the [Ports Corporatisation and Waterways Management Act 1995](#))” are inserted after the words “Ship Inspections,” in the definition of **Chief Marine Surveyor** in clause 2.
- (e) The definition of **IOPP Certificate** is omitted from clause 2 and replaced by the following definition:

**IOPP Certificate** means a ship construction certificate referred to in section 39 (4) of the Act.

- (f) The definition of **survey authority** is omitted from clause 2 and replaced by the following definition:

**survey authority** means a corporation or association for the survey of shipping approved for the purposes of the [Marine Pollution Regulation 2001](#) by any of the following:

- (a) AMSA,
- (b) the Department of Transport and Works of the Northern Territory,

- (c) the Department of Transport of Queensland,
- (d) the Department of Transport of South Australia,
- (e) the Navigation and Survey Authority of Tasmania,
- (f) the Marine Board of Victoria,
- (g) the Department of Transport of Western Australia.

(g) The following definition is inserted in alphabetical order in clause 2:

**the Act** means the *Marine Pollution Act 1987*.

- (h) The definition of **the Pollution Prevention Act** is omitted from clause 2.
- (i) Clauses 3.4 and 3.5 are omitted.
- (j) The words “Subject to sub-section 33 (2) of the Pollution Prevention Act and sub-section 267 (2) of the Navigation Act, this Part” are omitted from clause 4.1 and replaced by the words “This Part”.
- (k) Clauses 4.2, 5.2, 6 and 7 are omitted.
- (l) The words “of the Commonwealth” are omitted from clause 8.1 and 8.2 wherever occurring and replaced by the words “of New South Wales”.
- (m) The matter “section 11 of the Pollution Prevention Act, in addition to the meanings set out in subsection 11 (10)” is omitted from clause 8.3 and replaced by the matter “section 10 (10) of the Act, in addition to the meanings set out in that subsection”.
- (n) Clauses 10.1 and 11 are omitted.

## **2 Modifications to Marine Orders, Part 93 (Marine Pollution Prevention—Noxious Liquid Substances)**

The Marine Orders, Part 93 (Marine Pollution Prevention—Noxious Liquid Substances) is adopted subject to the following modifications:

(a) Clause 1.1 is replaced by the following:

**1.1** This Part prescribes matters under the Act for the purposes of giving effect to Annex II of the Convention.

(b) The matter “Paragraph 33 (1) (a) of the Pollution Prevention Act” is omitted from clause 1.2 and replaced by the matter “Section 61 of the Act”.

(c) Clause 1.3 is replaced by the following:

**1.3** This Part of Marine Orders prescribes matters for the purposes of Division 3 of Part 5 of the Act.

- (d) The words “(or by the Chief Executive Officer of the Waterways Authority constituted under the *Ports Corporatisation and Waterways Management Act 1995*)” are inserted after the words “Ship Inspections,” in the definition of **Chief Marine Surveyor** in clause 2.
- (e) The definition of **IPP Certificate** is omitted from clause 2 and replaced by the following definition:

**IPP Certificate** means a chemical tanker construction certificate referred to in section 267Q of the *Navigation Act 1912* of the Commonwealth or section 44 (2) of the Act.

- (f) The definition of **survey authority** is omitted from clause 2 and replaced by the following definition:

**survey authority** means a corporation or association for the survey of shipping approved for the purposes of the *Marine Pollution Regulation 2001* by any of the following:

- (a) AMSA,
  - (b) the Department of Transport and Works of the Northern Territory,
  - (c) the Department of Transport of Queensland,
  - (d) the Department of Transport of South Australia,
  - (e) the Navigation and Survey Authority of Tasmania,
  - (f) the Marine Board of Victoria,
  - (g) the Department of Transport of Western Australia.
- (g) The following definition is inserted in alphabetical order in clause 2:

**the Act** means the *Marine Pollution Act 1987*.

- (h) The definition of **the Pollution Prevention Act** is omitted from clause 2.
- (i) Clauses 3.4 and 3.5 are omitted.
- (j) The words “Subject to sub-section 33 (2) of the Pollution Prevention Act and sub-

section 267 (2) of the Navigation Act, this Part” are omitted from clause 4.1 and replaced by the words “This Part”.

- (k) Clauses 4.2, 5.2, 6 and 7 are omitted.
- (l) The words “regulation 5A and regulation 8 of Annex II have the force of law as part of the law of the Commonwealth” are omitted from clause 8.1 and replaced by the words “regulation 5A, regulation 8 and regulation 13 of Annex II have the force of law as part of the law of New South Wales”.
- (m) Clause 10.1 is replaced by the following:

**10.1 Form of certificate**

For the purposes of section 41 of the 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.

- (n) The matter “section 267S or section 267U of the Navigation Act” is omitted from clause 10.2 and replaced by the matter “section 42 of the Act”.
- (o) Clause 11 is omitted.