

Version No. 003
**Pollution of Waters by Oil and Noxious
Substances Regulations 2002**

S.R. No. 11/2002

Version incorporating amendments as at 11 April 2008

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PART 1—PRELIMINARY

1 Objectives

The objectives of these Regulations are to prescribe—

- (a) the officers to whom and the manner, the form and the time within which a discharge or probable discharge of oil or an oily mixture must be notified or reported; and
- (b) the operations and occurrences of a ship which necessitate entries being made in the ship's oil record book and other matters relating to the retention of and fees for the deposit of oil record books; and
- (c) exemptions from specified provisions of the Act and exemptions from these Regulations.

2 Commencement

These Regulations come into operation on 19 February 2002¹.

3 Authorising provision

These Regulations are made under section 30 of the **Pollution of Waters by Oil and Noxious Substances Act 1986**.

4 Definitions

In these Regulations—

Act means the **Pollution of Waters by Oil and Noxious Substances Act 1986**;

Director of Marine Safety means Director of Marine Safety referred to in section 63 of the **Marine Act 1988**.

PART 2—POLLUTION BY OIL OR OILY MIXTURES

5 Prescribed officers—sections 8 and 10 of the Act

For the purposes of sections 8 and 10 of the Act, the Director of Marine Safety is a prescribed officer.

6 Prescribed manner of notifying a discharge

For the purposes of section 10(1) and (3) of the Act an incident is notified in the prescribed manner if—

- (a) it is notified by means of a telephone message, an urgent telegram message, a telex message, a radio message, an e-mail or a fax; and
- (b) the message is conveyed through—
 - (i) any office of the Director of Marine Safety; or
 - (ii) the Australian Search and Rescue (AusSAR), Canberra; and
- (c) the message commences with the code letters POLREP and the name and radio call sign of the ship.

7 Prescribed form of report of a discharge

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

8 Prescribed time for furnishing report

For the purposes of section 10(6) and (7) of the Act, the period of 24 hours immediately following receipt of a request for a report is the prescribed time.

9 Oil record book

- (1) An oil tanker referred to in section 11(1) of the Act must carry an oil record book of the kind specified in subregulation (3)(a).
- (2) A ship of a type referred to in section 11(1) of the Act, other than an oil tanker, must carry an oil record book of the kind specified in subregulation (3)(b).
- (3) For the purposes of section 11(3) of the Act—
 - (a) the prescribed form of oil record book for oil tankers is form I in Appendix III to Annex I of the 1973 Convention in Schedule 1 to the Act as supplemented by Appendix III to Annex I of the 1978 Protocol in Schedule 2 to the Act; and
 - (b) the prescribed form of oil record book for ships other than oil tankers is form II in Appendix III to Annex I of the 1973 Convention in Schedule 1 to the Act.

10 Prescribed operations and occurrences for the purposes of section 11(5) of the Act

- (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 disposal otherwise of bilge water that has accumulated in any machinery space;

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- (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;
 - (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 the closing of which is 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 that occurs in, or in relation to, a ship is a prescribed occurrence—
- (a) the discharge into the sea of oil or an oily mixture from a ship for the purpose of—
 - (i) securing the safety of the ship; or
 - (ii) saving a life at sea;
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- (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) failure of oil discharge monitoring and control system;
 - (e) the accidental or other exceptional discharge of oil not referred to in paragraph (a), (b) or (c).

11 Prescribed officers—section 13 of the Act

For the purposes of section 13 of the Act, a person appointed under the **Environment Protection Act 1970** as an authorized officer for the purposes of that Act is a prescribed officer.

PART 3—MISCELLANEOUS

12 Fee for deposit of oil record book

A fee of 4.4 fee units is payable by the owner of a ship in respect of the deposit of an oil record book of the ship in accordance with section 13(4) of the Act.

Reg. 12
amended by
S.R. No.
88/2004
reg. 4(Sch. 1
item 34).

13 Exemptions

For the purposes of section 30(1)(h) of the Act, each of the following classes of ships are exempted from Division 1 of Part 2 of the Act and from these Regulations—

- (a) warships;
 - (b) naval auxiliaries;
 - (c) ships, other than warships or naval auxiliaries, that are owned or operated by a State other than Australia and used, for the time being, only on government non-commercial service.
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SCHEDULE

Regulation 7

POLLUTION REPORT

FORM

1. Name, radio call-sign and flag of ship.
2. Frequency or frequencies of radio channel or channels guarded.
3. Name of owner and address, telex, fax and telephone number of principal place of business of owner.
4. Name, address, telex, fax 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, AEST or AEDT) 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 oil or oily mixture 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.

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16. Where applicable, 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.
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ENDNOTES

1. General Information

The Pollution of Waters by Oil and Noxious Substances Regulations 2002, S.R. No. 11/2002 were made on 19 February 2002 by the Lieutenant-Governor as the Governor's Deputy under section 30 of the **Pollution of Waters by Oil and Noxious Substances Act 1986**, No. 27/1986 and came into operation on 19 February 2002: regulation 2.

The Pollution of Waters by Oil and Noxious Substances Regulations 2002 will sunset 10 years after the day of making on 19 February 2012 (see section 5 of the **Subordinate Legislation Act 1994**).

2. Table of Amendments

This Version incorporates amendments made to the Pollution of Waters by Oil and Noxious Substances Regulations 2002 by statutory rules, subordinate instruments and Acts.

Monetary Units Regulations 2004, S.R. No. 88/2004

Date of Making: 29.6.04

Date of Commencement: 1.7.04: reg. 3

Endnotes

3. Explanatory Details

¹ Reg. 2: The Pollution of Waters by Oil and Noxious Substances Regulations 1992, S.R. No. 16/1992 expired on 18 February 2002 under section 5 of the **Subordinate Legislation Act 1994**.