

Western Australia

**Pollution of Waters by Oil and Noxious  
Substances Regulations 1993**



## **Pollution of Waters by Oil and Noxious Substances Regulations 1993**

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## **Pollution of Waters by Oil and Noxious Substances Regulations 1993**

### **1. Citation**

These regulations may be cited as the *Pollution of Waters by Oil and Noxious Substances Regulations 1993*<sup>1</sup>.

### **2. Commencement**

These regulations shall come into operation on the day on which the *Pollution of Waters by Oil and Noxious Substances Act 1987* comes into operation<sup>1</sup>.

### **3. Interpretation**

In these regulations —

**Commonwealth Act** means the *Protection of the Sea (Prevention of Pollution from Ships) Act 1983* (Cwlth) as in force at the commencement of these regulations;

**Department** means the department of the Public Service principally assisting in the administration of the Act;

**Marine Orders** means orders, made under section 34 of the Commonwealth Act, as in force from time to time.

*[Regulation 3 amended in Gazette 6 Oct 2006 p. 4361.]*

**4. Prescribed offices**

- (1) For the purposes of sections 8 and 20 of the Act —
  - (a) each of the offices prescribed by the Marine Orders for the purposes of the corresponding sections of the Commonwealth Act is prescribed; and
  - (b) each of the offices of Chief Executive Officer, and General Manager Marine Safety, in the Department, is prescribed.
- (2) For the purposes of sections 11 and 22 of the Act —
  - (a) each of the offices prescribed by the Marine Orders for the purposes of the corresponding sections of the Commonwealth Act is prescribed; and
  - (b) each of the offices of Chief Executive Officer, and General Manager Marine Safety, in the Department, is prescribed; and
  - (c) if a prescribed incident (as defined in each of those sections) occurs within the boundaries of a port for which a harbour master is appointed — the harbour master is prescribed.
- (3) For the purposes of section 12 of the Act —
  - (a) the office of Chief Executive Officer in the Department is prescribed; and
  - (b) if a discharge occurs within the boundaries of a port for which a harbour master is appointed — the harbour master is prescribed.
- (4) For the purposes of sections 15 and 25 of the Act each of the offices prescribed by the Marine Orders for the purposes of the corresponding sections of the Commonwealth Act is prescribed.
- (5) For the purposes of section 30(2) of the Act each of the offices of Chief Executive Officer, and General Manager Marine Safety, in the Department, is prescribed.

*[Regulation 4 amended in Gazette 6 Oct 2006 p. 4362 and 4363.]*

**5. Prescribed manner of notifying incidents etc.**

- (1) For the purposes of sections 11(1) and (3) and 22(1) and (3) of the Act, a prescribed incident is notified in the prescribed manner if it is notified —
  - (a) in the manner prescribed by the Marine Orders made for the purposes of the corresponding sections of the Commonwealth Act; or
  - (b) in the manner prescribed by the Marine Orders made for the purposes of the corresponding sections of the Commonwealth Act but conveyed through —
    - (i) the Department; or
    - (ii) a port signal station.
- (2) For the purposes of section 12(1) a discharge from a place on land is notified in the prescribed manner if it is notified in the manner prescribed by subregulation (1).

*[Regulation 5 amended in Gazette 6 Oct 2006 p. 4362 and 4363.]*

**6. Prescribed time for report**

For the purposes of sections 11(6) and (7), 12(2) and 22(6) and (7) of the Act, 24 hours immediately following the receipt of a request for a report is the prescribed time.

**7. Prescribed form for report**

- (1) For the purposes of sections 11(6) and (7) and 22(6) and (7) of the Act, the form prescribed by the Marine Orders for the purposes of the corresponding sections of the Commonwealth Act is prescribed.

- (2) For the purposes of section 12(2) of the Act, the form prescribed by subregulation (1) with such modifications as are necessary and including —
- (a) the name, address, email address and facsimile and telephone numbers of the occupier of the place on land from which the discharge occurred; and
  - (b) the geographical location where the discharge occurred,
- is prescribed.

*[Regulation 7 amended in Gazette 6 Oct 2006 p. 4362 and 4363.]*

**8. Oil record book**

For the purposes of section 13(3) of the Act a ship shall carry an oil record book of the kind prescribed for the ship by the Marine Orders for the purposes of the corresponding section of the Commonwealth Act.

*[Regulation 8 amended in Gazette 6 Oct 2006 p. 4363.]*

**9. Prescribed operations or occurrences (oil record book)**

For the purposes of section 13(5) of the Act, each of the operations and occurrences prescribed by the Marine Orders for the purposes of the corresponding section of the Commonwealth Act is a prescribed operation or occurrence, as the case may be.

*[Regulation 9 amended in Gazette 6 Oct 2006 p. 4363.]*

**10. Cargo record book**

For the purposes of section 23(3) of the Act, the prescribed form for a cargo record book is that prescribed by the Marine Orders for the purposes of the corresponding section of the Commonwealth Act.

*[Regulation 10 amended in Gazette 6 Oct 2006 p. 4363.]*

**11. Prescribed operations and occurrences (cargo record book)**

For the purposes of section 23(5) of the Act, each of the operations and occurrences prescribed by the Marine Orders for the purposes of the corresponding section of the Commonwealth Act is a prescribed operation or occurrence, as the case may be.

*[Regulation 11 amended in Gazette 6 Oct 2006 p. 4363.]*

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

Regulation 8 of Annex II to the Convention applies to ships in the manner and to the extent prescribed by the Marine Orders.

*[Regulation 12 amended in Gazette 6 Oct 2006 p. 4363.]*

**13. Exemptions**

The ships exempted by the Marine Orders from the provisions of the Commonwealth Act and the Commonwealth regulations are exempted from the Act and these regulations.

*[Regulation 13 amended in Gazette 6 Oct 2006 p. 4363.]*

### **Notes**

- <sup>1</sup> This is a compilation of the *Pollution of Waters by Oil and Noxious Substances Regulations 1993* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

### **Compilation table**

<b>Citation</b>	<b>Gazettal</b>	<b>Commencement</b>
<i>Pollution of Waters by Oil and Noxious Substances Regulations 1993</i>	29 Jun 1993 p. 3179-81	1 Jul 1993 (see r. 2 and <i>Gazette</i> 29 Jun 1993 p. 3163)
<b>Reprint 1: The <i>Pollution of Waters by Oil and Noxious Substances Regulations 1993</i> as at 7 May 2004</b>		
<i>Pollution of Waters by Oil and Noxious Substances Amendment Regulations 2006</i>	6 Oct 2006 p. 4361-3	6 Oct 2006