

STATUTORY RULES.

1962. No. 90.

REGULATIONS UNDER THE POLLUTION OF THE SEA BY OIL ACT 1960.*

I, THE ADMINISTRATOR of the Government of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, hereby make the following Regulations under the *Pollution of the Sea by Oil Act 1960*.

Dated this *fourteenth*

day of *September*, 1962.

Administrator.

By His Excellency's Command,

Hubert A. Opperman
Minister of State for Shipping and Transport.

POLLUTION OF THE SEA BY OIL REGULATIONS.

1. These Regulations may be cited as the Pollution of the Sea by Oil Citation Regulations.

2.—(1.) Subject to the next succeeding sub-regulation, these Regulations shall come into operation on the day on which the *Pollution of the Sea by Oil Act 1960* comes into operation. Commencement.

(2.) Regulation 5 of these Regulations shall come into operation on the date fixed by the Minister under paragraph (b) of sub-section (2.) of section 7 of the Act.

3. In these Regulations, unless the contrary intention appears— Definitions.
“approved” means approved by the Minister;
“heavy diesel oil” has the same meaning as in the Convention;
“the Act” means the *Pollution of the Sea by Oil Act 1960*;
“the Secretary” means the Secretary to the Department of Shipping and Transport.

4. It is declared that each country specified in the First Schedule to these Regulations is a country that has accepted the Convention. Countries that have accepted the Convention

5.—(1.) This regulation applies in relation to ships registered in Australia, being ships which use oil as fuel, whether for the purpose of propelling the ship or for any other purpose. Prevention of the entry of oil into the bilges of a ship.

(2.) Where a ship in relation to which this regulation applies is not so fitted as to prevent the escape of fuel oil or heavy diesel oil into the bilges of the ship, the owner and the master of the ship are each guilty of an offence against this regulation.

* Notified in the *Commonwealth Gazette* on *27th September*, 1962.
4579/61.—PRICE 5d. 9/20.8.1962.

(3.) It is a defence if the person charged with an offence against this regulation proves that the ship is so fitted as to prevent any of the contents of the bilges of the ship from being pumped into the sea without having been treated by a process, being an approved process of separating oil from water, capable of separating oil from the contents of the bilges of the ship effectively, having regard to the maximum rate at which those contents can be discharged into the sea.

(4.) The penalty for an offence against this regulation is a fine not exceeding Five hundred pounds.

6.—(1.) An oil record book shall be carried in every ship registered in ~~Australia.~~ ^{Oil record book.}

(2.) An oil record book shall be in accordance with Form 1 or Form 2 in the Second Schedule to these Regulations (whichever is applicable) with provision made for the signature, in accordance with sub-regulation (5.) of this regulation, of each entry made in it.

(3.) Where a ship registered in Australia does not carry an oil record book as required by this regulation, the owner and the master of the ship are each guilty of an offence punishable, upon conviction, by a fine not exceeding Five hundred pounds.

(4.) The master of a ship shall make the appropriate entries in, or cause the appropriate entries to be made in, the oil record book for the ship whenever an operation or occurrence—

(a) if the ship is a tanker—referred to in Form 1 in the Second Schedule to these Regulations; or

(b) if the ship is not a tanker—referred to in Form 2 in that Schedule,

is carried out or occurs.

Penalty: Five hundred pounds.

(5.) An entry in a ship's oil record book—

(a) shall be made in the English language; and

(b) shall be signed by the master of the ship and by the officer or other person in charge of the operation to which the entry relates.

7. A person shall not make, in an oil record book, an entry that is, to the knowledge of the person, false or misleading in a material particular. ^{False entries in oil record book.}

Penalty: Five hundred pounds or imprisonment for six months or both.

8.—(1.) A ship's oil record book shall be retained in the ship until the expiration of a period of twelve months after the day on which the last entry was made in the book. ^{Oil record book to be retained for two years.}

(2.) Where an oil record book is not retained in a ship in accordance with the last preceding sub-regulation, the owner and the master of the ship are each guilty of an offence punishable, upon conviction, by a fine not exceeding Five hundred pounds.

(3.) The owner of a ship shall cause each of the ship's oil record books to be retained—

- (a) in the ship; or
- (b) at the registered office of the owner,

until the expiration of the period of twelve months next following the expiration of the period during which the book is required to be retained in the ship by virtue of sub-regulation (1.) of this regulation.

Penalty: Five hundred pounds.

(4.) The owner of a ship who resides in Australia, or has an office or agent in Australia, may from time to time furnish to the Secretary notice, in writing, of—

- (a) the address of the place at which he so resides;
- (b) the address of his office in Australia or, if he has more than one office in Australia, the address of his principal office in Australia; or
- (c) the address of the office or place of residence of his agent or, if his agent has more than one office in Australia, the address of the principal office in Australia of his agent,

as the case may be, and the place or office at that address is then the registered office of the owner of the ship for the purposes of the last preceding sub-regulation, but subject to any subsequent notice furnished to the Secretary under this sub-regulation.

(5.) Where the owner of a ship does not reside in Australia and does not have an office or an agent in Australia, the owner may deposit an oil record book for the ship with the Secretary and, while the book is so deposited, the book shall, for the purposes of sub-regulation (3.) of this regulation, be deemed to be retained at the registered office of that owner.

9. The Third Schedule to the Act is amended by adding at the end thereof the words “, and the area of the sea more than fifty miles from the Atlantic coast of Canada but not more than one hundred miles from that coast”. Amendment of the Third Schedule to the Act.

10. The Fourth Schedule to the Act is amended by adding at the end thereof the words “, and the area of the sea more than fifty miles from the Atlantic coast of Canada but not more than one hundred miles from that coast”. Amendment of the Fourth Schedule to the Act.

11.—(1.) Ships included in a class of ships specified in the next succeeding sub-regulation are exempted from the provisions of the Act. Exemptions.

(2.) For the purposes of the last preceding sub-regulation, the classes of ships are—

- (a) ships for the time being used as naval auxiliaries;
- (b) ships of under 250 tons gross tonnage;
- (c) ships for the time being engaged in the whaling industry; and
- (d) ships for the time being navigating the Great Lakes of North America and their connecting and tributary waters as far east as the lower exit of the Lachine Canal at Montreal in the Province of Quebec, Canada.

THE SCHEDULES.
FIRST SCHEDULE.

Regulation 4.

COUNTRIES WHICH HAVE ACCEPTED THE CONVENTION.

Belgium.
Canada.
Denmark.
Finland.
France.
The Federal Republic of Germany.
Ghana.
Iceland.
The Republic of Ireland.
Kuwait.
Liberia.
Mexico.
The Netherlands.
Norway.
Poland.
Sweden.
The United Kingdom of Great Britain and Northern Ireland.
The United States of America.

SECOND SCHEDULE.

Regulation 6.

FORM 1.

OIL RECORD BOOK TO BE KEPT BY TANKERS.

Date of Entry				
1. Ballasting of, and discharge of ballast from, cargo tanks—				
(a) identity numbers of tanks				
(b) type of oil previously contained in tanks				
(c) date and place of ballasting				
(d) date and time of discharge of ballast water				
(e) place or position of ship				
(f) approximate amount of oil—contaminated water transferred to slop tanks				
(g) identity numbers of slop tanks to which washings transferred				
2. Cleaning of cargo tanks—				
(a) identity numbers of tanks cleaned				
(b) type of oil previously contained in tanks				
(c) identity numbers of slop tanks to which washings transferred				
(d) dates and times of cleaning				
3. Settling in slop tanks and discharge of water—				
(a) identity numbers of slop tanks				
(b) period of settling (in hours)				
(c) date and time of discharge of water				
(d) place or position of ship				
(e) approximate quantities of residue				
4. Disposal from ship of oily residues from slop tanks and other sources—				
(a) date and method of disposal				
(b) place or position of ship				
(c) sources and approximate quantities				
5. Accidental and other exceptional discharges or escapes of oil—				
(a) date and time of occurrence				
(b) place or position of ship				
(c) approximate quantity and type of oil				
(d) circumstances of discharge or escape and general remarks				

Second Schedule—continued.

FORM 2.

Regulation 6.

OIL RECORD BOOK TO BE KEPT BY SHIPS OTHER THAN TANKERS.

Date of Entry				
1. Ballasting, or cleaning during voyage, of bunker fuel tanks—										
(a) identity numbers of tanks										
(b) type of oil previously contained in tanks										
(c) date and place of ballasting										
(d) date and time of discharge of ballast or washing water										
(e) place or position of ship										
(f) whether separator used: if so, give period of use										
(g) disposal of oily residue retained on board										
2. Disposal from ship of oily residues from bunker fuel tanks and other sources—										
(a) date and method of disposal										
(b) place or position of ship										
(c) sources and approximate quantities										
3. Accidental and other exceptional discharges or escapes of oil—										
(a) date and time of occurrence										
(b) place or position of ship										
(c) approximate quantity and type of oil										
(d) circumstances of discharge or escape and general remarks. . .										

By Authority: A. J. ARTHUR, Commonwealth Government Printer, Canberra.