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**Protection of the Sea (Prevention of Pollution from Ships) Amendment Act 1986**

**No. 81 of 1986**

**An Act to amend the *Protection of the Sea (Prevention of Pollution from Ships) Act 1983***

[*Assented to 24 June 1986*]

BE IT ENACTED by the Queen, and the Senate and the House of Representatives of the Commonwealth of Australia, as follows:

**Short title, &c.**

**1.** **(1)** This Act may be cited as the *Protection of the Sea (Prevention of Pollution from Ships) Amendment Act 1986.*

**(2)** The *Protection of the Sea (Prevention of Pollution from Ships) Act 1983*1 is in this Act referred to as the Principal Act.

**Commencement**

**2.** **(1)** Sections 1 and 2 shall come into operation on the day on which this Act receives the Royal Assent.

**(2)** The remaining provisions of this Act shall come into operation on such respective dates as are fixed by Proclamation.

**Interpretation**

**3.** Section 3 of the Principal Act is amended—

(a) by inserting after the definition of “master” in sub-section (1) the following definition:

“ ‘State’ includes the Northern Territory;”; and

(b) by inserting after sub-section (1) the following sub-sections:

“(1a) A reference in this Act to the sea near a State shall be read as a reference to—

(a) the territorial sea of Australia adjacent to the State; and

(b) the sea on the landward side of the territorial sea of Australia adjacent to the State.

“(1b) A reference in this Act to the sea near an external Territory shall be read as a reference to—

(a) the territorial sea adjacent to the Territory; and

(b) the sea on the landward side of the territorial sea adjacent to the Territory.”.

**Act to bind Crown**

**4.** Section 4 of the Principal Act is amended by omitting from sub-section (1) “, of the Northern Territory”.

**5.** Section 5 of the Principal Act is repealed and the following section is substituted:

**Saving of other laws**

“5. (1) This Act shall be read and construed as being in addition to, and not in derogation of or in substitution for, any other law of the Commonwealth.

“(2) This Act, other than sections 9, 11, 21 and 22, shall be read and construed as being in addition to, and not in derogation of or in substitution for, any law of a State or of an external Territory.”.

**Prohibition of discharge of oil or oily mixtures into sea**

**6.** Section 9 of the Principal Act is amended—

(a) by inserting in sub-section (1) “(1a), (1b),” after “sub-sections”;

(b) by omitting from sub-section (1) “an Australian ship” and substituting “a ship”;

(c) by inserting after sub-section (1) the following sub-sections:

“(1a) Sub-section (1) does not apply in relation to the sea near a State or an external Territory to the extent that a law of that State or Territory makes provision giving effect to Regulations 9 and 11 of Annex I to the Convention in relation to that sea.

“(1b) Sub-section (1) does not apply to the discharge of oil or of an oily mixture from a foreign ship unless the discharge occurs in the sea near a State or an external Territory.”;

(d) by omitting paragraphs (2) (a) and (b); and

(e) by inserting in sub-section (6) “(1a), (1b),”after “sub-section” (second occurring).

**Oil residues**

**7.** Section 10 of the Principal Act is amended by omitting from sub-section (1) “the Northern Territory” and substituting “an external Territory”.

**Duty to report certain incidents involving oil or oily mixture**

**8.** Section 11 of the Principal Act is amended—

(a) by inserting before sub-section (1) the following sub-sections:

“(1a) This section does not apply in relation to prescribed incidents that occur in the sea near a State or an external Territory to the extent that a law of that State or Territory makes provision giving effect to Protocol I to the Convention in relation to those prescribed incidents.

“(1b) This section does not apply in relation to a prescribed incident that occurs in relation to a foreign ship unless the incident occurs in the sea near a State or an external Territory.”;

(b) by omitting from sub-section (1) “an Australian ship” and substituting “a ship”;

(c) by omitting from sub-section (3) “an Australian ship” and substituting “a ship”; and

(d) by omitting from the definition of “prescribed incident” in sub-section (10) all the words after “would apply”.

**Prohibition of discharge of substances into sea**

**9.** Section 21 of the Principal Act is amended—

(a) by omitting from sub-section (1) “sub-section (2)” and substituting “sub-sections (1a), (1b) and (2)”;

(b) by omitting from sub-section (1) “an Australian ship” and substituting “a ship”;

(c) by inserting after sub-section (1) the following sub-sections:

“(1a) Sub-section (1) does not apply in relation to the sea near a State or an external Territory to the extent that a law of that State or Territory makes provision giving effect to Regulations 3, 4, 5 and 6 of Annex II to the Convention in relation to that sea.

“(1b) Sub-section (1) does not apply to the discharge of a liquid substance or mixture from a foreign ship unless the discharge occurs in the sea near a State or an external Territory.”;

(d) by omitting paragraphs (2) (a) and (b); and

(e) by inserting in sub-section (14) “(1a), (1b),” after “sub-section” (second occurring).

**Duty to report certain incidents involving certain substances**

**10.** Section 22 of the Principal Act is amended—

(a) by inserting before sub-section (1) the following sub-sections:

“(1a) This section does not apply in relation to prescribed incidents that occur in the sea near a State or an external Territory to the extent that a law of that State or Territory makes provision giving effect to Protocol I to the Convention in relation to those prescribed incidents.

“(1b) This section does not apply in relation to a prescribed incident that occurs in relation to a foreign ship unless the incident occurs in the sea near a State or an external Territory.”;

(b) by omitting from sub-section (1) “an Australian ship” and substituting “a ship”;

(c) by omitting from sub-section (3) “an Australian ship” and substituting “a ship”; and

(d) by omitting from the definition of “prescribed incident” in sub-section (10) all the words after “would apply”.

**Regulations**

**11.** Section 33 of the Principal Act is amended by omitting from sub-section (2) “the Northern Territory” and substituting “of an external Territory”.

**NOTE**

1. No. 41, 1983, as amended. For previous amendments, see No. 72, 1984; and No. 65, 1985.

[*Minister’s second reading speech made in—*

*House of Representatives on 19 February 1986*

*Senate on 20 March 1986*]