



# **Protection of the Sea (Civil Liability for Bunker Oil Pollution Damage) Act 2008**

**No. 76, 2008**

## **Compilation No. 7**

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Prepared by the Office of Parliamentary Counsel, Canberra

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## About this compilation

### This compilation

This is a compilation of the *Protection of the Sea (Civil Liability for Bunker Oil Pollution Damage) Act 2008* that shows the text of the law as amended and in force on 14 October 2024 (the **compilation date**).

The notes at the end of this compilation (the **endnotes**) include information about amending laws and the amendment history of provisions of the compiled law.

### Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Register ([www.legislation.gov.au](http://www.legislation.gov.au)). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the Register for the compiled law.

### Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

### Editorial changes

For more information about any editorial changes made in this compilation, see the endnotes.

### Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the Register for the compiled law.

### Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

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**An Act to give effect to the International Convention on Civil Liability for Bunker Oil Pollution Damage, and for related purposes**

**Part 1—Preliminary**

**1 Short title**

This Act may be cited as the *Protection of the Sea (Civil Liability for Bunker Oil Pollution Damage) Act 2008*.

**2 Commencement**

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
1. Sections 1 and 2 and anything in this Act not elsewhere covered by this table	The day on which this Act receives the Royal Assent.	12 July 2008
2. Sections 3 to 30	The later of: (a) the day on which this Act receives the Royal Assent; and (b) the day on which the International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001, done at London on 23 March 2001, enters into force for Australia.	16 June 2009 (see <i>Gazette</i> 2009, No. GN20) (paragraph (b) applies)
However, the provision(s) do not commence		

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Commencement information		
Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
	at all if the event mentioned in paragraph (b) does not occur.  The Minister must announce by notice in the <i>Gazette</i> the day on which the Convention enters into force for Australia.	

Note: This table relates only to the provisions of this Act as originally passed by both Houses of the Parliament and assented to. It will not be expanded to deal with provisions inserted in this Act after assent.

- (2) Column 3 of the table contains additional information that is not part of this Act. Information in this column may be added to or edited in any published version of this Act.

3 Definitions

In this Act:

***applied provisions*** means the provisions of the Bunker Oil Convention mentioned in section 11 as they have the force of law as part of the law of the Commonwealth.

***appropriate insurance certificate*** has the meaning given by section 15.

***Australia***, when used in a geographical sense, includes the external Territories.

***Authority*** means the Australian Maritime Safety Authority established by the *Australian Maritime Safety Authority Act 1990*.

***Bunker Oil Convention*** means:

- (a) the International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001, done at London on 23 March 2001; or

- (b) if the Convention has been amended by any amendment that has entered into force for Australia—the Convention as so amended.

Note: In 2008, the text of the Convention was accessible through the Australian Treaties Library on the AustLII website ([www.austlii.edu.au](http://www.austlii.edu.au)).

***Civil Liability Convention*** has the same meaning as in the Bunker Oil Convention.

***coastal sea*** of Australia or an external Territory has the same meaning as in subsection 15B(4) of the *Acts Interpretation Act 1901*.

***constitutional corporation*** means a corporation to which paragraph 51(xx) of the Constitution applies.

***enforcement officer*** means:

- (a) an officer of Customs within the meaning of the *Customs Act 1901*; or
- (b) an inspector within the meaning of the *Navigation Act 2012*; or
- (c) a person included in a class of persons prescribed by the regulations for the purposes of this paragraph.

***government ship*** means a ship (including a warship) that is owned or operated by:

- (a) the Commonwealth, a State, a Territory or a foreign country; or
- (b) an authority of the Commonwealth, a State, a Territory or a foreign country.

***gross tonnage*** has the same meaning as in the Bunker Oil Convention.

***incident*** has the same meaning as in the Bunker Oil Convention.

***offshore facility*** has the same meaning as in the Bunker Oil Convention.

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**person** has the same meaning as in the Bunker Oil Convention.

Note: See also sections 28 (partnerships) and 29 (unincorporated associations).

**pollution damage** has the same meaning as in the Bunker Oil Convention.

**preventive measures** has the same meaning as in the Bunker Oil Convention.

**regulated Australian vessel:** a ship is a **regulated Australian vessel** if it is a regulated Australian vessel for the purposes of the *Navigation Act 2012*.

**registered owner** has the same meaning as in the Bunker Oil Convention.

**Secretary-General** has the same meaning as in the Bunker Oil Convention.

**ship** has the same meaning as in the Bunker Oil Convention.

**shipowner** has the same meaning as in the Bunker Oil Convention.

## 4 Crown to be bound

- (1) This Act binds the Crown in each of its capacities.
- (2) This Act does not make the Crown liable to be prosecuted for an offence.

## 5 Extension to external Territories

This Act extends to every external Territory.

## 6 Extraterritorial application

Unless the contrary intention appears, this Act extends to acts, omissions, matters and things outside Australia.



## **Part 2—Liability under Bunker Oil Convention**

### **Division 1—Application of Part**

#### **7 Application of Part**

Subject to this Division, this Part applies to:

- (a) pollution damage occurring in Australia or the exclusive economic zone of Australia; and
- (b) preventive measures, wherever they are taken, to prevent or minimise pollution damage occurring in Australia or the exclusive economic zone of Australia.

Note: This Part also applies in relation to the coastal sea of Australia and an external Territory: see section 15B of the *Acts Interpretation Act 1901*.

#### **8 Overlap with Civil Liability Convention**

This Part does not apply to pollution damage (within the meaning of the Civil Liability Convention), whether or not compensation is payable in respect of the damage under the *Protection of the Sea (Civil Liability) Act 1981*.

#### **9 Government ships**

This Part applies in relation to a government ship only if it is being used for commercial purposes.

#### **10 Relationship with corresponding State or Territory laws**

- (1) This Part does not apply in relation to a ship that is not a regulated Australian vessel, when the ship is in a particular area, so far as a law of a State or the Northern Territory gives effect to Articles 3, 5 and 6, paragraph 10 of Article 7, and Article 8, of the Bunker Oil Convention in relation to that ship when it is in that area.

**Part 2** Liability under Bunker Oil Convention

**Division 1** Application of Part

Section 10

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- (2) However, subsection (1) does not apply in relation to an incident that:
- (a) is an incident Article 5 of the Bunker Oil Convention applies to; and
  - (b) involves both:
    - (i) one or more ships that are regulated Australian vessels; and
    - (ii) one or more ships that are not regulated Australian vessels.

## **Division 2—Liability for pollution damage**

### **11 Liability for pollution damage**

So far as this Part applies, Articles 3, 5 and 6, paragraph 10 of Article 7, and Article 8, of the Bunker Oil Convention have the force of law as part of the law of the Commonwealth.

Note 1: Those provisions of the Bunker Oil Convention deal with the liability of shipowners for pollution damage and the making of claims against insurers or persons providing financial security for ships.

Note 2: The *Admiralty Act 1988* deals with the conferral of jurisdiction on courts to hear and determine claims under the applied provisions.

## **Part 3—Insurance certificates relating to liability for pollution damage**

### **Division 1—Introduction**

#### **12 Application of Part**

- (1) Subject to this section, this Part applies to a ship that has a gross tonnage of more than 1,000.

*Overlap with Civil Liability Convention*

- (2) This Part does not apply to a ship to which Part III of the *Protection of the Sea (Civil Liability) Act 1981* applies.

*Government ships*

- (3) This Part applies to a government ship only if it is being used for commercial purposes.

#### **13 Unregistered ships**

This Part applies to a ship that is unregistered as if it were registered in the country whose flag the ship is entitled to fly.

#### **14 Concurrent State or Territory laws**

This Part is not intended to exclude or limit the concurrent operation of a law of a State or Territory that gives effect to paragraphs 1, 2 and 4 of Article 7 of the Bunker Oil Convention in relation to a ship that is not a regulated Australian vessel.

#### **15 Appropriate insurance certificate**

For the purposes of this Act, an *appropriate insurance certificate* for a ship is worked out using the following table:

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<b>Appropriate insurance certificate</b>	
<b>If the ship ...</b>	<b>the <i>appropriate insurance certificate</i> is ...</b>
1 is registered in Australia and is not a government ship	(a) for a ship that is a regulated Australian vessel—a certificate issued under section 18 for the ship; or (b) for a ship that is not a regulated Australian vessel—a certificate issued under section 18 for the ship, or a certificate issued for the ship under a law of a State or Territory that gives effect to paragraphs 1, 2 and 4 of Article 7 of the Bunker Oil Convention in relation to the ship.
2 is registered in a foreign country to which the Bunker Oil Convention applies and is not a government ship	a certificate issued for the ship, for the purposes of Article 7 of the Bunker Oil Convention, by or under the authority of the government of that country.
3 is registered in a foreign country to which the Bunker Oil Convention does not apply and is not a government ship	(a) a certificate issued under section 18 for the ship; or (b) a certificate issued for the ship, for the purposes of Article 7 of the Bunker Oil Convention, by or under the authority of the government of a foreign country to which the Bunker Oil Convention applies.
4 is owned or operated by the Commonwealth or an authority of the Commonwealth	a certificate issued under section 19 for the ship.
5 is owned or operated by a State or Territory or an authority of a State or Territory	(a) a certificate issued under section 19 for the ship; or (b) a certificate issued for the ship under a law of the State or Territory stating that the ship is owned or operated by the State or Territory or the authority of the State or Territory and that the State or Territory will meet any liability for pollution damage up to the limits of liability referred to in paragraph 1 of Article 7 of the Bunker Oil Convention

**Part 3** Insurance certificates relating to liability for pollution damage

**Division 1** Introduction

Section 15

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**Appropriate insurance certificate**

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<b>If the ship ...</b>	<b>the <i>appropriate insurance certificate</i> is ...</b>
	in relation to the ship.
6 is owned or operated by a foreign country or an authority of a foreign country	a certificate issued for the ship by or under the authority of the government of the foreign country stating that: (a) the ship is owned or operated by the foreign country or the authority of the foreign country; and (b) the foreign country will meet any liability for pollution damage up to the limits of liability referred to in paragraph 1 of Article 7 of the Bunker Oil Convention in relation to the ship.

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## **Division 2—Ships must carry insurance certificates**

### **16 Ships must carry insurance certificate when entering or leaving ports in Australia etc.**

- (1) A person commits an offence if:
- (a) the person is the registered owner or master of a ship to which this Part applies; and
  - (b) the ship:
    - (i) enters or leaves a port in Australia; or
    - (ii) arrives at or leaves an offshore facility in the coastal sea of Australia or an external Territory or in the waters of the sea within the limits of a State or Territory; and
  - (c) at the time the ship does so, the ship does not have on board an appropriate insurance certificate for the ship that is in force.

Penalty: 500 penalty units.

- (2) An offence against subsection (1) is an offence of strict liability.

Note: For strict liability, see section 6.1 of the *Criminal Code*.

- (3) Subsection (1) does not apply if:
- (a) an appropriate insurance certificate for the ship is in force at the time referred to in paragraph (1)(c); and
  - (b) the issuer of the certificate has notified the Secretary-General that it maintains records in an electronic form that attest to the existence of the certificate; and
  - (c) the records are accessible to all countries to which the Bunker Oil Convention applies.

Note: A defendant bears an evidential burden in relation to the matter in subsection (3): see subsection 13.3(3) of the *Criminal Code*.

- (4) An offence against subsection (1) is an indictable offence.

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**17 Ships registered in Australia must carry insurance certificate when in operation**

- (1) A person commits an offence if:
- (a) the person is the registered owner or master of a ship to which this Part applies; and
  - (b) the ship is registered in Australia; and
  - (c) at the time the ship is in operation, the ship does not have on board an appropriate insurance certificate for the ship that is in force.

Penalty: 500 penalty units.

- (2) An offence against subsection (1) is an offence of strict liability.

Note: For strict liability, see section 6.1 of the *Criminal Code*.

- (3) Subsection (1) does not apply if:

- (a) an appropriate insurance certificate for the ship is in force at the time referred to in paragraph (1)(c); and
- (b) the issuer of the certificate has notified the Secretary-General that it maintains records in an electronic form that attest to the existence of the certificate; and
- (c) the records are accessible to all countries to which the Bunker Oil Convention applies.

Note: A defendant bears an evidential burden in relation to the matter in subsection (3): see subsection 13.3(3) of the *Criminal Code*.

- (4) An offence against subsection (1) is an indictable offence.



## **Division 3—Insurance certificates**

### **Subdivision A—Issue of certificates**

#### **18 Issue of certificates for ships other than government ships**

##### *Application for certificate*

- (1) A person may apply to the Authority for the issue of a certificate for a ship that is registered:
  - (a) in Australia; or
  - (b) in a foreign country that is not a country to which the Bunker Oil Convention applies.

##### *Government ships*

- (2) This section does not apply to a government ship.

Note: Section 19 deals with the issue of certificates for certain government ships.

##### *Form of application*

- (3) An application must be:
  - (a) in accordance with the form approved under subsection (4); and
  - (b) accompanied by the fee (if any) prescribed by the regulations for the purposes of this paragraph.
- (4) The Authority must, by writing, approve a form for the purposes of paragraph (3)(a).
- (5) A fee must not be such as to amount to taxation.

##### *Decision on application*

- (6) If the Authority is satisfied that the registered owner of the ship is maintaining insurance or other financial security for the ship in an amount that will cover the limits of liability referred to in

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paragraph 1 of Article 7 of the Bunker Oil Convention in relation to the ship, it must issue a certificate for the ship.

- (7) If the Authority is not so satisfied, it must refuse to issue a certificate for the ship.

### *Form of certificate*

- (8) A certificate under this section must be in the form approved under subsection (9).
- (9) The Authority must, by writing, approve a form for the purposes of subsection (8). That form must contain the particulars specified in paragraph 2 of Article 7 of the Bunker Oil Convention, but may contain other particulars.

### *Period certificate in force*

- (10) A certificate under this section comes into force on the day specified in the certificate.

Note 1: Paragraph 2 of Article 7 of the Bunker Oil Convention requires the certificate to specify the period of validity of the certificate.

Note 2: Sections 22 and 23 deal with certificates ceasing to be in force.

### *Certificate not a legislative instrument*

- (11) A certificate issued under this section is not a legislative instrument.

## **19 Issue of certificates for government ships**

### *Commonwealth ships*

- (1) The Authority may issue a certificate, for a ship owned or operated by the Commonwealth or an authority of the Commonwealth, certifying that:
- (a) the ship is owned or operated by the Commonwealth or the authority of the Commonwealth; and
  - (b) if the ship is owned or operated by the Commonwealth and the Minister is satisfied that the Commonwealth will meet

any liability for pollution damage up to the limits of liability referred to in paragraph 1 of Article 7 of the Bunker Oil Convention in relation to the ship—any such liability will be met by the Commonwealth; and

- (c) if the ship is owned or operated by an authority of the Commonwealth and the Minister is satisfied that the Commonwealth or the authority will meet any liability for pollution damage up to the limits of liability referred to in paragraph 1 of Article 7 of the Bunker Oil Convention in relation to the ship—any such liability will be met by the Commonwealth or the authority.

*State or Territory ships*

- (2) The Authority may issue a certificate, for a ship owned or operated by a State or a Territory or an authority of a State or Territory, certifying that:
  - (a) the ship is owned or operated by the State or Territory or the authority of the State or Territory; and
  - (b) if the ship is owned or operated by a State or Territory and the Minister is satisfied that the State or Territory will meet any liability for pollution damage up to the limits of liability referred to in paragraph 1 of Article 7 of the Bunker Oil Convention in relation to the ship—any such liability will be met by the State or Territory; and
  - (c) if the ship is owned or operated by an authority of a State or Territory and the Minister is satisfied that the State or Territory or the authority will meet any liability for pollution damage up to the limits of liability referred to in paragraph 1 of Article 7 of the Bunker Oil Convention in relation to the ship—any such liability will be met by the State or Territory or the authority.

*Form of certificate*

- (3) A certificate under this section must be in the form approved under subsection (4).

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- (4) The Authority must, by writing, approve a form for the purposes of subsection (3).

*Period certificate in force*

- (5) A certificate under this section:
- (a) comes into force on the day specified in the certificate; and
  - (b) remains in force for the period specified in the certificate.
- (6) However, if the Commonwealth, the State or the Territory or the authority of the Commonwealth, the State or the Territory ceases to own or operate the ship covered by a certificate under this section, the certificate immediately ceases to be in force.

*Certificate not a legislative instrument*

- (7) A certificate issued under this section is not a legislative instrument.

**Subdivision B—Production of certificates**

**20 Enforcement officer may require insurance certificate to be produced**

- (1) An enforcement officer may require the master or other person in charge of a ship to which this Part applies to produce to the officer an appropriate insurance certificate for the ship that is in force if:
- (a) for a ship that is registered in Australia—the ship is in Australia; or
  - (b) for any other ship—the ship is at a port in Australia or at an offshore facility in the coastal sea of Australia or an external Territory or in the waters of the sea within the limits of a State or Territory.

*Offence*

- (2) A person commits an offence if:
- (a) the person is subject to a requirement under subsection (1); and

- (b) the person fails to comply with the requirement.

Penalty: 20 penalty units.

- (3) An offence against subsection (2) is an offence of strict liability.

Note: For strict liability, see section 6.1 of the *Criminal Code*.

- (4) Subsection (2) does not apply if:

- (a) an appropriate insurance certificate for the ship is in force at the time the requirement under subsection (1) is made; and
- (b) the issuer of the certificate has notified the Secretary-General that it maintains records in an electronic form that attest to the existence of the certificate; and
- (c) the records are accessible to all countries to which the Bunker Oil Convention applies.

Note: A defendant bears an evidential burden in relation to the matter in subsection (4): see subsection 13.3(3) of the *Criminal Code*.

## **Subdivision C—Detention of ships**

### **21 Enforcement officer may detain ships**

- (1) An enforcement officer may detain a ship to which this Part applies in a port in Australia if the officer has reasonable grounds to believe that, at the time the ship attempts to leave the port, there is not an appropriate insurance certificate for the ship that is in force.
- (2) The officer may detain the ship until the certificate is produced to the officer or the officer is satisfied that the certificate has been obtained.
- (3) A person commits an offence if:
  - (a) the person is the registered owner or master of a ship to which this Part applies; and
  - (b) an enforcement officer has detained the ship under subsection (1) in a port in Australia; and
  - (c) the ship leaves the port while it is under detention.

Penalty: 2,000 penalty units.

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- (4) An offence against subsection (3) is an offence of strict liability.

Note: For strict liability, see section 6.1 of the *Criminal Code*.

- (5) An offence against subsection (3) is an indictable offence.

**Subdivision D—Certificates ceasing to be in force**

**22 Authority may cancel certificate**

- (1) The Authority may cancel a certificate issued under section 18 for a ship if it is satisfied that the registered owner of the ship is no longer maintaining insurance or other financial security for the ship in an amount that will cover the limits of liability referred to in paragraph 1 of Article 7 of the Bunker Oil Convention in relation to the ship.
- (2) The Authority must give notice of the cancellation to:
- (a) the registered owner of the ship; and
  - (b) the master (if any) of the ship; and
  - (c) if, when the certificate was issued, the ship was registered in a foreign country that was not a country to which the Bunker Oil Convention applied—the foreign country.
- (3) The cancellation takes effect on the day specified in the notice of cancellation.

**23 When certificate automatically ceases to be in force**

*Ship registered in Australia*

- (1) A certificate issued under section 18 for a ship immediately ceases to be in force if:
- (a) when the certificate was issued, the ship was registered in Australia; and
  - (b) the ship ceases to be registered in Australia.

*Ship registered in foreign country that is not a Convention country*

- (2) A certificate issued under section 18 for a ship immediately ceases to be in force if:
- (a) when the certificate was issued, the ship was registered in a foreign country that was not a country to which the Bunker Oil Convention applied; and
  - (b) the ship ceases to be registered in that country or that country becomes a country to which that Convention applies.

## **Subdivision E—Review of decisions**

### **24 Review of decisions**

Applications may be made to the Administrative Review Tribunal for review of the following decisions of the Authority:

- (a) a decision under subsection 18(7) to refuse to issue a certificate;
- (b) a decision under subsection 22(1) to cancel a certificate.

## Part 4—Other matters

### 24A Responder immunity

- (1) Subject to this section, no civil action, suit or proceeding lies against a person in relation to anything done, or omitted to be done, reasonably and in good faith by the person in relation to preventing or minimising pollution damage occurring in Australia or the exclusive economic zone of Australia.

Note: This section also applies in relation to the coastal sea of Australia and an external Territory: see section 15B of the *Acts Interpretation Act 1901*.

#### *Exceptions*

- (2) Subsection (1) does not prevent an action, suit or proceeding from being brought against the shipowner or shipowners concerned (including on the basis of vicarious liability).
- (3) Subsection (1) does not apply in relation to anything done, or omitted to be done:
- (a) with intent to cause damage; or
  - (b) recklessly and with knowledge that damage would probably result.

#### *Scope of section*

- (4) Subsection (1) has effect:
- (a) in relation to anything done, or omitted to be done, by:
    - (i) a constitutional corporation; or
    - (ii) a director, officer, employee or agent of a constitutional corporation in the capacity of such a director, officer, employee or agent; and
  - (b) in relation to anything done, or omitted to be done, outside Australia; and



- (c) in relation to anything done, or omitted to be done, in the course of, or in relation to, any of the following:
    - (i) trade or commerce between Australia and places outside Australia;
    - (ii) trade or commerce among the States;
    - (iii) trade or commerce within a Territory, between a State and a Territory or between 2 Territories; and
  - (d) in relation to anything done, or omitted to be done, by the Commonwealth or an authority of the Commonwealth.
- (5) For the purposes of paragraph (4)(b), *outside Australia* means outside the baseline from which the breadth of the territorial sea (within the meaning of the *Seas and Submerged Lands Act 1973*) is measured under section 7 of that Act.

## **25 No time limit for prosecution**

A prosecution for an offence against this Act may be brought at any time.

## **26 Submission to jurisdiction**

- (1) In any proceedings brought in a court in Australia to enforce a claim in respect of a liability incurred under the applied provisions, each foreign country to which the Bunker Oil Convention applies is taken to:
  - (a) have submitted to the jurisdiction of that court; and
  - (b) have waived any defence based on its status as a sovereign country.
- (2) Nothing in this section permits the levy of execution against the property of such a country.

## **27 Regulations to give effect to Article 10 of the Bunker Oil Convention**

- (1) The regulations may make provision for and in relation to giving effect to Article 10 of the Bunker Oil Convention.

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### *Conferral of jurisdiction*

- (2) Regulations made for the purposes of this section may confer jurisdiction on the Federal Court of Australia with respect to matters arising under regulations made for the purposes of this section.
- (3) Regulations made for the purposes of this section may confer jurisdiction on the Supreme Courts of the States and Territories with respect to matters arising under regulations made for the purposes of this section.
- (4) Any jurisdiction conferred on the Supreme Courts of the Territories is conferred to the extent that the Constitution permits.
- (5) This section does not limit the power of a judge or judges of a court to make rules of court with respect to a matter that is not provided for in regulations made for the purposes of this section.

### *Fees*

- (6) Regulations made for the purposes of this section may make provision for and in relation to fees payable in respect of matters arising under regulations made for the purposes of this section.
- (7) A fee must not be such as to amount to taxation.

### *Interpretation*

- (8) Subsections (2), (3) and (6) do not limit subsection (1).

## **28 Treatment of partnerships**

- (1) This Act applies to a partnership as if it were a person, but with the changes set out in this section.
- (2) An obligation that would otherwise be imposed on the partnership by this Act is imposed on each partner instead, but may be discharged by any of the partners.

- (3) An offence against this Act that would otherwise be committed by the partnership is taken to have been committed by each partner who knows or ought reasonably to know that the partnership is the registered owner of the ship concerned.
- (4) For the purposes of this Act, a change in the composition of a partnership does not affect the continuity of the partnership.

## **29 Treatment of unincorporated associations**

- (1) This Act applies to an unincorporated association as if it were a person, but with the changes set out in this section.
- (2) An obligation that would otherwise be imposed on the association by this Act is imposed on each member of the association's committee of management instead, but may be discharged by any of the members.
- (3) An offence against this Act that would otherwise be committed by the association is taken to have been committed by each member of the association's committee of management who knows or ought reasonably to know that the association is the registered owner of the ship concerned.

## **30 Regulations**

The Governor-General may make regulations prescribing matters:

- (a) required or permitted by this Act to be prescribed; or
- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.

## Endnotes

### Endnote 1—About the endnotes

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## Endnotes

### Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

### Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

### Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

### Editorial changes

The *Legislation Act 2003* authorises First Parliamentary Counsel to make editorial and presentational changes to a compiled law in preparing a compilation of the law for registration. The changes must not change the effect of the law. Editorial changes take effect from the compilation registration date.

If the compilation includes editorial changes, the endnotes include a brief outline of the changes in general terms. Full details of any changes can be obtained from the Office of Parliamentary Counsel.

### Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe how an amendment is to be made. If, despite the misdescription, the amendment

Endnote 1—About the endnotes

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can be given effect as intended, then the misdescribed amendment can be incorporated through an editorial change made under section 15V of the *Legislation Act 2003*.

If a misdescribed amendment cannot be given effect as intended, the amendment is not incorporated and “(md not incorp)” is added to the amendment history.

## Endnotes

### Endnote 2—Abbreviation key

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#### Endnote 2—Abbreviation key

ad = added or inserted	o = order(s)
am = amended	Ord = Ordinance
amdt = amendment	orig = original
c = clause(s)	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
C[x] = Compilation No. x	pres = present
Ch = Chapter(s)	prev = previous
def = definition(s)	(prev...) = previously
Dict = Dictionary	Pt = Part(s)
disallowed = disallowed by Parliament	r = regulation(s)/rule(s)
Div = Division(s)	reloc = relocated
ed = editorial change	renum = renumbered
exp = expires/expired or ceases/ceased to have effect	rep = repealed
F = Federal Register of Legislation	rs = repealed and substituted
gaz = gazette	s = section(s)/subsection(s)
LA = <i>Legislation Act 2003</i>	Sch = Schedule(s)
LIA = <i>Legislative Instruments Act 2003</i>	Sdiv = Subdivision(s)
(md) = misdescribed amendment can be given effect	SLI = Select Legislative Instrument
(md not incorp) = misdescribed amendment cannot be given effect	SR = Statutory Rules
mod = modified/modification	Sub-Ch = Sub-Chapter(s)
No. = Number(s)	SubPt = Subpart(s)
	<u>underlining</u> = whole or part not commenced or to be commenced

## Endnote 3—Legislation history

## Endnote 3—Legislation history

Act	Number and year	Assent	Commencement	Application, saving and transitional provisions
Protection of the Sea (Civil Liability for Bunker Oil Pollution Damage) Act 2008	76, 2008	12 July 2008	s 3–30: 16 June 2009 (s 2(1) item 2 and gaz 2009, No GN20) Remainder: 12 July 2008 (s 2(1) item 1)	
Statute Law Revision Act 2010	8, 2010	1 Mar 2010	Sch 5 (item 79): 1 Mar 2010 (s 2(1) item 35)	—
Protection of the Sea Legislation Amendment Act 2010	116, 2010	9 Nov 2010	Sch 2: 10 Nov 2010 (s 2)	Sch 2 (item 4)
Acts Interpretation Amendment Act 2011	46, 2011	27 June 2011	Sch 2 (item 939) and Sch 3 (items 10, 11): 27 Dec 2011 (s 2(1) items 7, 12)	Sch 3 (items 10, 11)
Navigation (Consequential Amendments) Act 2012	129, 2012	13 Sept 2012	Sch 2 (items 50–52): 1 July 2013 (s 2(1) item 2)	—
Maritime Legislation Amendment Act 2015	176, 2015	11 Dec 2015	Sch 1 (items 7–9, 12): 8 Jan 2016 (s 2(1) item 2)	Sch 1 (item 12)
Administrative Review Tribunal (Consequential and Transitional Provisions No. 1) Act 2024	38, 2024	31 May 2024	Sch 14 (item 16): 14 Oct 2024 (s 2(1) item 2)	—

Endnotes

Endnote 4—Amendment history

Endnote 4—Amendment history

Provision affected	How affected
Part 1	
s 3 .....	am No 8, 2010; No 116, 2010; No 46, 2011; No 129, 2012; No 176, 2015
Part 2	
Division 1	
s 10.....	rs No 129, 2012
Part 3	
Division 1	
s 14.....	am No 176, 2015
s 15.....	am No 176, 2015
Division 3	
Subdivision E	
s 24.....	am No 38, 2024
Part 4	
s 24A.....	ad No 116, 2010