

## MARINE AND HARBOURS

MH301

POLLUTION OF WATERS BY OIL  
AND NOXIOUS SUBSTANCES ACT 1987POLLUTION OF WATERS BY OIL AND NOXIOUS SUBSTANCES  
REGULATIONS 1993

Made by His Excellency the Governor in Executive Council.

**Citation**

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

**Commencement**

2. 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.

**Interpretation**

3. 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;

“Commonwealth regulations” means the *Protection of the Sea (Prevention of Pollution from Ships) Regulations* (Cwlth) as in force at the commencement of these regulations.

**Prescribed offices**

4. (1) For the purposes of sections 8 and 20 of the Act —

(a) each of the offices prescribed by the Commonwealth regulations for the purposes of the corresponding sections of the Commonwealth Act is prescribed; and

- (b) each of the offices of Chief Executive Officer, Executive Marine Officer, and Senior Marine Officer — Pollution, in the Department of Marine and Harbours is prescribed.
- (2) For the purposes of sections 11 and 22 of the Act —
- (a) each of the offices prescribed by the Commonwealth regulations for the purposes of the corresponding sections of the Commonwealth Act is prescribed; and
  - (b) the office of Chief Executive Officer, Department of Marine Harbours, is prescribed; and
  - (c) if a prescribed incident (as defined in each of those sections) occurs within the boundaries of a port (as defined in the *Western Australian Marine Act 1982*) — the office of Harbour Master of that port (if any) is prescribed.
- (3) For the purposes of section 12 of the Act —
- (a) the office of Chief Executive Officer, Department of Marine Harbours, is prescribed; and
  - (b) if a discharge occurs within the boundaries of a port (as defined in the *Western Australian Marine Act 1982*) — the office of Harbour Master of that port (if any) is prescribed.
- (4) For the purposes of sections 15 and 25 of the Act each of the offices prescribed by the Commonwealth regulations 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, Executive Marine Officer, and Senior Marine Officer — Pollution, in the Department of Marine and Harbours is prescribed.

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

5. (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 Commonwealth regulations made for the purposes of the corresponding sections of the Commonwealth Act; or
  - (b) in the manner prescribed by the Commonwealth regulations made for the purposes of the corresponding sections of the Commonwealth Act but conveyed through —
    - (i) the Marine Emergency Operations Centre, Department of Marine and Harbours; 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).

#### **Prescribed time for report**

6. 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.

#### **Prescribed form for report**

7. (1) For the purposes of sections 11 (6) and (7) and 22 (6) and (7) of the Act, the form prescribed by the Commonwealth regulations 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 and telex, 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.

#### **Oil record book**

8. 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 Commonwealth regulations for the purposes of the corresponding section of the Commonwealth Act.

#### **Prescribed operations or occurrences (oil record book)**

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

#### **Cargo record book**

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

#### **Prescribed operations and occurrences (cargo record book)**

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

#### **Annex II, Regulation 8 to have the force of law**

12. Regulation 8 of Annex II to the Convention applies to ships in the manner and to the extent prescribed by the Commonwealth regulations.

#### **Exemptions**

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

By His Excellency's Command,

D. G. BLIGHT, Clerk of the Council.

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