



Western Australia

Pollution of Waters by Oil and Noxious Substances Regulations 1993

Compare between:

[07 May 2004, 01-a0-02] and [06 Oct 2006, 01-b0-10]



Western Australia

Reprinted under the
Reprints Act 1984 as at
7 May 2004

Pollution of Waters by Oil and Noxious Substances Act 1987

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*¹.

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 operation¹.

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;

~~“Commonwealth regulations”~~ ~~Department~~ means the ~~Protection~~department of the ~~Sea (Prevention~~Public Service principally assisting in the administration of ~~Pollution from Ships) Regulations (Cwlth)~~the Act;

r. 4

Marine Orders means orders, made under section 34 of the Commonwealth Act, as in force ~~at the commencement of these regulations~~ from time to time.

[Regulation 3 amended: 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 ~~Commonwealth regulations~~ 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, ~~Executive and General Manager Marine Officer, and Senior Marine Officer — Pollution Safety~~, in the Department ~~of Marine and Harbours~~², is prescribed.
- (2) For the purposes of sections 11 and 22 of the Act —
 - (a) each of the offices prescribed by the ~~Commonwealth regulations~~ Marine Orders for the purposes of the corresponding sections of the Commonwealth Act is prescribed; and
 - (b) ~~each of the office offices~~ of Chief Executive Officer, ~~and General Manager Marine Safety, in the~~ Department ~~of Marine and Harbours~~², 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) 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 ~~of Marine and Harbours~~², is prescribed; and

- (b) if a discharge occurs within the boundaries of a port ~~(as defined in~~ [for which a harbour master is appointed](#) — the ~~Western Australian Marine Act 1982)~~ — ~~the office of Harbour Master of that port (if any)~~ [harbour master](#) is prescribed.
- (4) For the purposes of sections 15 and 25 of the Act each of the offices prescribed by the ~~Commonwealth regulations~~ [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, ~~Executive~~ [and General Manager](#) ~~Marine Officer, and Senior Marine Officer~~ — ~~Pollution~~ [Safety](#), in the Department ~~of Marine and Harbours~~², is prescribed.

[Regulation 4 amended: 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 ~~Commonwealth regulations~~ [Marine Orders](#) made for the purposes of the corresponding sections of the Commonwealth Act; or
- (b) in the manner prescribed by the ~~Commonwealth regulations~~ [Marine Orders](#) 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~~²; 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: 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 ~~Commonwealth regulations~~ [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 ~~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.

[Regulation 7 amended: 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 ~~Commonwealth regulations~~ [Marine Orders](#) for the purposes of the corresponding section of the Commonwealth Act.

[Regulation 8 amended: 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 ~~Commonwealth regulations~~ [Marine Orders](#) for the purposes of the corresponding section of the Commonwealth Act is a prescribed operation or occurrence, as the case may be.

[\[Regulation 9 amended: Gazette 6 Oct 2006 p. 4363.\]](#)

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 ~~Commonwealth regulations~~ [Marine Orders](#) for the purposes of the corresponding section of the Commonwealth Act.

[\[Regulation 10 amended: Gazette 6 Oct 2006 p. 4363.\]](#)

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 ~~Commonwealth regulations~~ [Marine Orders](#) for the purposes of the corresponding section of the Commonwealth Act is a prescribed operation or occurrence, as the case may be.

[\[Regulation 11 amended: Gazette 6 Oct 2006 p. 4363.\]](#)

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 ~~Commonwealth regulations~~ [Marine Orders](#).

[\[Regulation 12 amended: Gazette 6 Oct 2006 p. 4363.\]](#)

13. Exemptions

The ships exempted by the ~~Commonwealth regulations~~ [Marine Orders](#) from the provisions of the Commonwealth Act and the Commonwealth regulations are exempted from the Act and these regulations.

[\[Regulation 13 amended: Gazette 6 Oct 2006 p. 4363.\]](#)

Notes

¹ This is a ~~reprint as at 7 May 2004~~ [compilation](#) of the *Pollution of Waters by Oil and Noxious Substances Regulations 1993*. ~~The~~ [and includes the amendments made by the other written laws referred to in the following table.](#) [The table also](#) contains information about ~~those regulations and~~ any reprint.

Compilation table

Citation	Gazettal	Commencement
<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)
Reprint 1: The <i>Pollution of Waters by Oil and Noxious Substances Regulations 1993</i> as at 7 May 2004		
² Under the <i>Marine and Harbours Act 1981</i> s. 20(2), in any written law, unless the contrary intention appears, a reference to the Department of Marine and Harbours is to be read and construed as a reference to the department of the Public Service principally assisting the Minister in the administration of that Act.		
Pollution of Waters by Oil and Noxious Substances Amendment Regulations 2006	6 Oct 2006 p. 4361-3	6 Oct 2006