

1967.]

*Prevention of Pollution of
Waters by Oil.*

[No. 16.

PREVENTION OF POLLUTION OF WATERS BY OIL.

No. 16 of 1967.

**AN ACT to amend the Prevention of Pollution of
Waters by Oil Act, 1960.**

[Assented to 20th October, 1967.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the *Prevention of Pollution of Waters by Oil Act Amendment Act, 1967.*

Short title
and citation

(2) In this Act the Prevention of Pollution of Waters by Oil Act, 1960, is referred to as the principal Act.

Act No. 33 of
1960.

(3) The principal Act as amended by this Act may be cited as the Prevention of Pollution of Waters by Oil Act, 1960-1967.

S. 7
amended.

2. Section seven of the principal Act is amended by adding after the word, "five" in line two of subsection (1) the words, "or section seven A".

S. 7A
added.

3. The principal Act is amended by adding after section seven a section as follows —

Discharge of
oil or
mixture
containing
oil during
transfer
operations.

7A. (1) In this section the expression "transfer operation" means any operation that is involved in the preparation for, or in the commencement, carrying on or termination of, a transfer of oil or of a mixture containing oil to or from a ship or a place on land.

(2) Where a discharge of oil or of a mixture containing oil, into any waters within the jurisdiction occurs by reason of a wrongful or negligent act or omission in a transfer operation, if that act or omission—

- (a) occurred in a ship, both the owner of the ship and the Master thereof;
- (b) occurred in a place on land, the occupier of that place; or
- (c) related to any apparatus used for transferring oil or a mixture containing oil to or from a ship, the person in charge of the apparatus,

commits an offence.

Penalty: Two thousand dollars.

(3) Nothing in this section affects the operation of section five of this Act. .

S. 8
amended.

4. Section eight of the principal Act is amended—

- (a) by adding after the word, "comply" in line four of subsection (1), the passage, "in its equipment, maintenance, operation, management and otherwise"; and

- (b) by adding after subsection (2) a subsection as follows—

(2a) The regulations may prohibit or restrict the carriage of water in any tank that has contained oil, by ships generally or by any prescribed class of ships or by ships generally other than any prescribed class of ships. .

5. Section nine of the principal Act is amended— S. 9
amended.

- (a) by adding after the word, “therein” being the last word in paragraph (a) of subsection (5), the passage, “and prescribe that any entry in relation to any act, matter or thing required by the regulations to be recorded in a record shall be made therein forthwith after the occurrence of the act, matter or thing”;
- (b) by adding after the word, “period” being the last word in paragraph (b) of subsection (5) the words, “in a prescribed place”; and
- (c) by repealing paragraph (a) of subsection (6) and re-enacting it as follows—

(a) If any record required by the regulations to be kept is not made, kept, retained or transmitted in accordance with the requirements of the regulations, then—

- (i) in the case of a record required to be kept under a regulation made pursuant to subsection (2) or subsection (3) of this section, the owner and the Master of the ship concerned; or
- (ii) in the case of a record required to be kept under any regulation made pursuant to subsection (4) of this section, the occupier of the place on land concerned,

commits an offence.

Penalty: One thousand dollars.