



Western Australia

Pollution of Waters by Oil and Noxious Substances Act 1987

**Pollution of Waters by Oil and Noxious
Substances Regulations 1993**

As at 07 May 2004

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7 May 2004

Western Australia

Pollution of Waters by Oil and Noxious Substances Regulations 1993

CONTENTS

1.	Citation	1
2.	Commencement	1
3.	Interpretation	1
4.	Prescribed offices	2
5.	Prescribed manner of notifying incidents etc.	3
6.	Prescribed time for report	3
7.	Prescribed form for report	3
8.	Oil record book	4
9.	Prescribed operations or occurrences (oil record book)	4
10.	Cargo record book	4
11.	Prescribed operations and occurrences (cargo record book)	4
12.	Regulation 8 of Annex II to have the force of law	5
13.	Exemptions	5
	Notes	
	Compilation table	6



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

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 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 Harbours² 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 and Harbours², 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 and Harbours², 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 Harbours² is prescribed.

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 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 Harbours²; 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).

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 for the purposes of the corresponding sections of the Commonwealth Act is prescribed.

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- (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.

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

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 for the purposes of the corresponding section of the Commonwealth Act is a prescribed operation or occurrence, as the case may be.

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

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 for the purposes of the corresponding section of the Commonwealth Act is a prescribed operation or occurrence, as the case may be.

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.

13. Exemptions

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.

Notes

- ¹ This is a reprint as at 7 May 2004 of the *Pollution of Waters by Oil and Noxious Substances Regulations 1993*. The following table 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 *Marine and Harbours Act 1981* 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.