

# PREVENTION OF POLLUTION OF WATERS BY OIL.

No. 82 of 1973.

AN ACT to amend the Prevention of Pollution of  
Waters by Oil Act, 1960-1967.

[Assented to 21st December, 1973.]

**B**E 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, 1973.*

Short title  
and citation.

(2) In this Act the Prevention of Pollution of Waters by Oil Act, 1960-1967, is referred to as the principal Act.

Act No. 33  
of 1960 as  
amended by  
Act No. 16  
of 1967.

(3) The principal Act as amended by this Act may be cited as the Prevention of Pollution of Waters by Oil Act, 1960-1973.

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Commence-  
ment.

2. This Act shall come into operation on a date to be fixed by proclamation.

Section 3  
amended.

3. Subsection (1) of section 3 of the principal Act is amended—

(a) by inserting after the word “moves” in the final line of the definition “occupier”, the words “and where used in relation to a place on land being a pipeline means the person who undertakes the carriage of oil or a mixture containing oil by means thereof”;

(b) by inserting after the definition “oil residues” the following definition—

“owner” means the person or persons registered as the owner of the ship or, in the absence of registration, the person or persons owning the ship. However, in the case of a ship owned by a State and operated by a company which in that State is registered as the ship’s operator, “owner” shall mean such company. ;  
and

(c) by substituting for the definition “place on land” the following definition—

“place on land” includes any structure or apparatus on land and any thing or vehicle resting on or moving over land and anything resting on or lying under the bed or shores of any navigable waters in the jurisdiction and also includes anything afloat (other than a ship) if it is anchored or attached to the bed or shore of any navigable waters in the jurisdiction or is used in any operation for the exploration of the sea-bed or subsoil beneath any

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navigable waters within the jurisdiction or for the exploitation of the natural resources of that sea-bed or subsoil; .

4. Section 5 of the principal Act is repealed and the section is re-enacted as follows—

Section 5  
repealed and  
re-enacted.

5. Subject to the provisions of this Act, where a discharge of oil, or of any mixture containing oil, into any waters within the jurisdiction occurs from a ship, or from a place on land, or from any apparatus used for transferring oil or a mixture containing oil from or to any ship, whether to or from a place on land or to or from another ship, if the discharge is—

Discharge of  
oil into  
waters.

- (a) from a ship, the owner and the master of the ship each commits an offence; or
- (b) from a place on land, the occupier of that place commits an offence; or
- (c) from apparatus used for transferring oil or a mixture containing oil from or to a ship, the person in charge of the apparatus commits an offence.

Penalty: Fifty thousand dollars. .

5. Subsection (2) of section 7A of the principal Act is amended by deleting the passage commencing with the word "omission" in line five and ending with the word "dollars" in the final line and substituting the following passage—

Section 7A  
amended.

omission—

- (a) occurred in a ship, the owner and the master of the ship each commits an offence; or

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- (b) occurred in a place on land, the occupier of that place commits an offence; 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: Fifty thousand dollars. .

Section 8  
amended.

6. Section 8 of the principal Act is amended by substituting for the words "Five hundred pounds" in the final line of subsection (4), the words "Ten thousand dollars".

Section 9  
amended.

7. Section 9 of the principal Act is amended—

- (a) by deleting the passage commencing with the word "then" in line five of paragraph (a) of subsection (6) and ending with the word "dollars" in the final line of that paragraph, and substituting the following passage—

then—

- (i) in the case of a record required to be kept under any regulation made pursuant to subsection (2) or subsection (3) of this section, the owner and the master of the ship concerned each commits an offence; 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: Five thousand dollars ; and

- (b) by substituting for the words "Five hundred pounds" in the final line of paragraph (b) of subsection (6), the words "Five thousand dollars".

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8. Section 10 of the principal Act is amended— Section 10  
amended.

- (a) by substituting for the words “Two hundred pounds” in the final line of subsection (1), the words “Ten thousand dollars”; and
- (b) by substituting for the words “Two hundred pounds” in the final line of subsection (6), the words “Two thousand dollars”.

9. Subsection (3) of section 12 of the principal Act is amended by deleting the passage commencing with the word “master” in line four and ending with the word “pounds” in the final line, and substituting the following passage— Section 12  
amended.

owner and the master of the ship, and, if the oil is transferred from or to a place on land, the occupier of that place, each commits an offence.

Penalty: Two thousand dollars .

10. Section 13 of the principal Act is amended by substituting for the words “five hundred pounds” in line six, the words “two thousand dollars”. Section 13  
amended.

11. Section 14 of the principal Act is amended by substituting for the words “One hundred pounds” in the final line of subsection (2) the words “Two thousand dollars”. Section 14  
amended.

12. The principal Act is amended by adding after section 16 the following section— Section 16A  
added.

16A. (1) Notwithstanding section fifty-six of the Justices Act, 1902, any summons to be served on the owner or master of a ship in Service of  
summons.  
Cf. s. 4, No.  
20 of 1918,  
“This Act”.

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respect of an offence against this Act may be served by serving it on the agent of the ship in any manner in which it might have been served on the owner or master under that section.

(2) A summons served on an agent of a ship pursuant to subsection (1) of this section shall be deemed to have been served on the owner or master of the ship.

(3) Any summons in respect of an offence against this Act may be issued and served on a Sunday as on any other day. .

Section 19A  
added.

13. The principal Act is amended by adding after section 19 the following section—

Defence  
where  
another  
person  
has been  
convicted of  
a related  
offence.  
Cf. s. 4,  
No. 20 of  
1918,  
"This Act".

19A. In any proceedings brought against a person for an offence against a provision of this Act it is a defence if the person proves that another person has been convicted of an offence against the same provision arising out of the same occurrence, act, or omission, and that any penalty imposed in respect of the conviction has been paid. .

Section 20  
amended.

14. Subsection (2) of section 20 of the principal Act is amended by substituting for the words "one hundred pounds" in the final line, the words "two thousand dollars".

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